

**Buying Time:
Television Advertising in the
1998 Congressional Elections**

**by
Jonathan S. Krasno and Daniel E. Seltz**

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Table of Contents

List of Figures and Tables	ii
Foreword —Buying Time: Television Advertising in the 1998 Congressional Elections	1
Chapter One —Types of Ads	13
Chapter Two —Types of Advertisers	31
Chapter Three —Types of Races	53
Chapter Four —Timing	87
Chapter Five —Region	111
Chapter Six —Interest Group Profiles	121
Chapter Seven —Top Races	141
Appendix A: Coding the Commercials	193
Appendix B: Measurement Issues	197

List of Figures and Tables

Defining Terms

Magnitude refers to the total amount of advertising, measured by number of ads, dollars spent, and sometimes, gross ratings points.

Category refers to four types of advertisements: candidate electioneering, party coordinated expenditures, independent expenditures, all of which are reported, plus “issue ads,” which belong to a disputed legal category and are currently not being reported. Although unreported (issue) ads are often more candidate-centered than issue-centered, we call this fourth type of ad “issue ads” because the term is the most familiar to readers. Chapter 1 (“Types of Ads”) focuses on these legal categories.

Advertisers is used to describe three types of sponsors: candidates, parties, and groups.

Election margin is used to divide competitive and noncompetitive races. A competitive race is defined as one in which the two candidates’ vote percentages were within ten points of each other.

Types of races refers to open and incumbent-contested races, further divided by their level of competition.

Chapter One: Types of Ads

- 1.1: Magnitude of Reported and Unreported (Issue) Advertising
- 1.2: Magnitude of Ads, by Legal Category
- 1.3: Proportion of Ads Using “Magic Words”
- 1.4: Proportion of Ads Urging Action
- 1.5: Proportion of Ads Mentioning a Candidate
- 1.6: Proportion of Ads Mentioning an Office
- 1.7: Proportion of Ads Promoting, Attacking, or Contrasting Candidates
- 1.8: Proportion of Ads Narrated by a Candidate
- 1.9: Proportion of Ads Mentioning Political Party
- 1.10: Proportion of Ads Promoting Candidates vs. Providing Information
- 1.11: Proportion of Ads Focused on Policy vs. Personal Issues
- 1.12: Most Frequent Themes
- 1.13: Proportion of Unreported (Issue) Ads Identifying a Candidate By Name
- 1.14: Proportion of Unreported (Issue) Ads Using Adjectives to Characterize a Candidate
- 1.15: Proportion of Unreported (Issue) Ads Mentioning an Office
- 1.16: Proportion of Unreported (Issue) Ads Focusing on Policy vs. Personal Issues
- 1.17: Proportion of Unreported (Issue) Ads Mentioning an Identifiable Bill
- 1.18: Proportion of Unreported (Issue) Ads Providing a Toll-Free Number
- 1.19: Magnitude of All Ads, by Length
- 1.20: Proportion of Ads of Different Lengths, by Legal Category

1.21: Proportion of Ads Focusing on Policy vs. Personal Issues, by Length

1.22: Proportion of Ads Narrated by Candidate, by Length

1.23: Proportion of Ads Generating Support for a Candidate, by Length

1.24: Proportion of Ads Attacking a Candidate, by Length

Chapter Two: Types of Advertisers

2.1: Magnitude of Ads by Candidates, Parties, and Interest Groups

2.2: Magnitude of Candidate and Party Organization Advertising, by Party Affiliation of Sponsor

2.3: Types of Ads by Candidates, Parties, and Interest Groups

2.4: Types of Ads by Democratic and Republican Candidates and Parties

2.5: Length of Ads by Candidates, Parties, and Interest Groups

2.6: Proportion of Ads Using “Magic Words,” by Advertiser

2.7: Proportion of Ads Urging Action, by Advertiser

2.8: Proportion of Ads Mentioning a Candidate, by Advertiser

2.9: Proportion of Ads Mentioning an Office, by Advertiser

2.10: Proportion of Ads Promoting, Attacking, or Contrasting Candidates, by Advertiser

2.11: Proportion of Ads Narrated by a Candidate, by Advertiser

2.12: Proportion of Ads Mentioning Political Party, by Advertiser

2.13: Proportion of Ads Generating Support for a Candidate, by Advertiser

2.14: Proportion of Ads Focusing on Policy vs. Personal Issues, by Advertiser

- 2.15: Most Frequent Themes, by Advertiser
- 2.16: Proportion of Ads Using “Magic Words,” by Party Affiliation of Sponsor
- 2.17: Proportion of Ads Urging Action, by Party Affiliation of Sponsor
- 2.18: Proportion of Ads Mentioning a Candidate, by Party Affiliation of Sponsor
- 2.19: Proportion of Ads Mentioning an Office, by Party Affiliation of Sponsor
- 2.20: Proportion of Ads Promoting, Attacking, or Contrasting Candidates, by Party Affiliation of Sponsor
- 2.21: Proportion of Ads Narrated by a Candidate, by Party Affiliation of Sponsor
- 2.22: Proportion of Ads Mentioning Political Party, by Party Affiliation of Sponsor
- 2.23: Most Frequent Themes, by Party Affiliation of Sponsor
- 2.24: Proportion of Ads Focusing on Policy vs. Personal Issues, by Party Affiliation of Sponsor

Chapter Three: Types of Races

- 3.1: Magnitude of Ads in All House and Senate Races, by Election Margin
- 3.2: Magnitude of Ads in Different Types of Races favoring Democratic and Republican Candidates
- 3.3a: Magnitude of Ads in Different Types of Races favoring Democratic and Republican Candidates, by Advertiser
- 3.3b: Magnitude of Ads in Different Types of Races favoring Democratic and Republican Candidates, by Advertiser
- 3.4a: Magnitude of Different Types of Ads in House and Senate Races, by Election Margin
- 3.4b: Magnitude of Different Types of Ads in House and Senate Races, by Election Margin
- 3.5a: Magnitude of Ads by Candidates, Parties, and Groups in House and Senate Races, by Election Margin
- 3.5b: Magnitude of Ads by Candidates, Parties, and Groups in House and Senate Races, by Election Margin
- 3.6a: Proportion of Ads of Different Lengths in House and Senate Races, by Election Margin
- 3.6b: Proportion of Ads of Different Lengths in House and Senate Races, by Election Margin
- 3.7: Proportion of Party-Sponsored Ads that are Reported and Unreported, by Election Margin
- 3.8: Comparing Open Seats to Competitive Incumbent-Contested Races
- 3.9a: Proportion of Ads Using “Magic Words” in House and Senate Races, by Election Margin
- 3.9b: Proportion of Different Types of Ads Using “Magic Words” in House and Senate Races, by Election Margin
- 3.9c: Proportion of Different Advertisers’ Ads Using “Magic Words” in House and Senate Races, by Election Margin
- 3.10a: Proportion of Ads Urging Action in House and Senate Races, by Election Margin
- 3.10b: Proportion of Different Types of Ads Urging Action in House and Senate Races, by Election Margin
- 3.10c: Proportion of Different Advertisers’ Ads Urging Action in House and Senate Races, by Election Margin
- 3.11a: Proportion of Ads Mentioning Candidates in House and Senate Races, by Election Margin
- 3.11b: Proportion of Different Types of Ads Mentioning Candidates, by Election Margin
- 3.11c: Proportion of Different Advertisers’ Ads Mentioning Candidates in House and Senate Races, by Election Margin
- 3.12a: Proportion of Ads Mentioning an Office in House and Senate Races, by Election Margin
- 3.12b: Proportion of Different Types of Ads Mentioning an Office, by Election Margin
- 3.12c: Proportion of Different Advertisers’ Ads Mentioning Candidates, by Election Margin
- 3.13a: Proportion of Ads Promoting, Attacking, and Contrasting Candidates in House and Senate Races, by Election Margin
- 3.13b: Proportion of Different Types of Ads Promoting, Attacking, and Contrasting Candidates in House and Senate Races, by Election Margin
- 3.13c: Proportion of Different Advertisers’ Ads Promoting, Attacking, and Contrasting Candidates in House and Senate Races, by Election Margin
- 3.14a: Proportion of Ads Narrated by Candidates in House and Senate Races, by Election Margin
- 3.14b: Proportion of Different Types of Ads Narrated by Candidates, by Election Margin
- 3.14c: Proportion of Different Advertisers’ Ads Narrated by Candidates, by Election Margin
- 3.15a: Proportion of Ads Mentioning Party in House and Senate Races, by Election Margin
- 3.15b: Proportion of Different Types of Ads Mentioning Party in House and Senate Races, by Election Margin

3.15c: Proportion of Different Advertisers' Ads Mentioning Party, by Election Margin

3.16a: Proportion of Ads Focusing on Policy vs. Personal Issues in House and Senate Races, by Election Margin

3.16b: Proportion of Different Types of Ads Focusing on Policy vs. Personal Issues in House and Senate Races, by Election Margin

3.16c: Proportion of Different Advertisers' Ads Focusing on Policy vs. Personal Issues in House and Senate Races, by Election Margin

3.17a: Proportion of Ads Generating Support for a Candidate in House and Senate Races, by Election Margin

3.17b: Proportion of Different Types of Ads Generating Support for a Candidate in House and Senate Races, by Election Margin

3.17c: Proportion of Different Advertisers' Ads Generating Support for a Candidate in House and Senate Races, by Election Margin

3.18a: Most Frequent Themes of Ads in House and Senate Races, By Election Margin

3.18b: Most Frequent Themes of Types of Ads in House and Senate Races, By Election Margin

3.18c: Most Frequent Themes of Different Advertisers' Ads in House and Senate Races, By Election Margin

Chapter Four: Timing

4.1: Types of Ads, by Week

4.2: Timing of Ads in House and Senate Elections

4.3: Timing of Different Types of Ads in Competitive House and Senate Elections

4.4: Timing of Different Types of Ads in Noncompetitive House and Senate Elections

4.5: Advertiser Activity, by Week

4.6: Timing of Ads by Different Advertisers in House and Senate Elections

4.7: Timing of Ads by Different Advertisers in Competitive House and Senate Elections

4.8: Timing of Ads by Different Advertisers in Noncompetitive House and Senate Elections

4.9: Timing of Ads by Different Advertisers in Open and Incumbent-Contested House Races

4.10: Timing of Ads by Different Advertisers in Open and Incumbent-Contested Senate Races

4.11: Timing of Ads in House and Senate Elections for Democratic or Republican Candidates

4.12: Timing of Ads for Democratic or Republican Candidates, by Advertiser

4.13: Proportion of Reported Ads and Unreported Ads Using "Magic Words" Over Time

4.14: Proportion of Reported Ads and Unreported Ads Urging Action, Over Time

4.15: Proportion of Reported Ads and Unreported Ads Mentioning Candidates, Over Time

4.16: Proportion of Reported and Unreported Ads Promoting, Attacking, or Contrasting Candidates, Over Time

4.17: Proportion of Reported Ads and Unreported Ads Mentioning Party, Over Time

4.18: Proportion of Reported Ads and Unreported Ads Focusing on Policy vs. Personal Issues, Over Time

4.19: Proportion of Reported Ads and Unreported Ads Generating Support for a Candidate, Over Time

4.20: Most Frequent Themes, Over Time

4.21: Length of Ads, Over Time

4.22: Exploring the Impact of the Bright Line Test Approach to Issue Advocacy

Chapter Five: Region

5.1: Magnitude of Advertising, by Media Market Size

5.2: Magnitude of Advertising in House and Senate Races, by Media Market Size

5.3: Average Number of Ads in House Races, by Media Market Size

5.4: Magnitude of Advertising, by Region

5.5: Advertiser Activity, by Region

5.6: Proportion of Ads Using "Magic Words," by Region

5.7: Proportion of Ads Attacking Candidates, by Region

5.8: Proportion of Ads Mentioning Political Party, by Region

5.9: Most Frequent Themes, by Region

Buying Time: Television Advertising in the 1998 Congressional Elections

The Rise of “Issue Advocacy”

In theory, political campaigns present citizens with alternate visions of what the candidates would do in office—cut taxes, save Social Security, protect the environment, support the military, etc. In practice, of course, campaigns rarely work exactly that way, laying out clean, clear plans of action. For each unequivocal promise like “no new taxes” that citizens can easily judge, there are other more ambiguous pledges like “grow the economy” and, much worse, mountains of seemingly irrelevant information. Nevertheless, campaigns, warts and all, have generally been contests between *candidates* competing for the public’s affections.

That is, until recently. Starting in 1996, the game changed dramatically. The world of political campaigns has gained numerous players beyond the candidates through the rise of something called “issue advocacy.” Corporations and labor unions, long legally barred from electioneering activities, are now active participants in political races through a variety of mechanisms, including as sponsors of their own television and radio advertising. Tax-exempt non-profits, such as the Sierra Club, are going beyond traditional grassroots organizing to sophisticated media productions. In fact, new interest groups with names like “Citizens for Reform” and the “Republic Education Fund” are springing up to weigh in on elections.¹ Often these new groups are funded by one or two big donors whose identities remain

secret. Last but not least, political parties now pour millions into local House and Senate races with their own thinly veiled “issue” advertising campaigns.

Candidates have certainly noticed the difference. Mark Mellman, a Democratic pollster, commented that “[c]andidates are losing control of their own campaigns.”² It is not clear whether we should sympathize with them. More importantly, it is not entirely clear whether citizens should welcome the new set of campaigners with open arms or join reformers in longing for a return to the less chaotic days before 1996. The reason for all of this uncertainty is that so much of the new campaigning is hidden from view. Campaign finance laws require candidates, national parties, and PACs to report every penny they receive and spend to the Federal Election Commission (FEC) for all to see. But what the new campaigners call issue advocacy falls outside these laws, allowing its practitioners to act in near secrecy. The result is that little is really known about its scope and content.

Nothing better illustrates the lack of information about issue advocacy than the controversy over its first big debut, the AFL-CIO’s brazen effort to restore a Democratic majority to the House of Representatives in 1996. Starting in the spring and summer of that year, the union began running televised campaign ads in up to 44 districts controlled by Republican freshmen and sophomores, criticizing the incumbents’ voting records. Republicans

¹ See Charles Babcock and Ruth Marcus, “For Their Targets, Mystery Groups’ Ads Hit Like Attacks From Nowhere.” *Washington Post*, March 9, 1997, A6.

² Ron Faucheux, “The Indirect Approach,” *Campaigns and Elections*, June 1998, 20.

AVENUES OF ELECTIONEERING

The *Buckley* Court's attempt to distinguish between election and non-election speech did not bar non-candidates from participating in federal elections. Citizens, parties, interest groups, corporations, and labor unions may all contribute money to the candidates they support, though groups, corporations and labor unions must act through political action committees (PACs). In addition, the Federal Election Campaign Act allows various actors to purchase their own advertisements in distinct but sometimes overlapping ways.

Candidates: All ads run by candidates are assumed to be election-related, and so the money used to pay for them is subject to restrictions in size and source, and must be disclosed to the FEC.

Parties: In cases where candidates and parties wish to share costs of advertising, both federal and state party organizations may make coordinated expenditures with their candidates. The size of these expenditures is limited by law, though these ceilings are currently under court challenge in the U.S. Court of Appeals for the Tenth Circuit. In 1998 the combined federal and state party limit in most House elections was \$65,000; the limits for Senate elections varied according to the size of the state, ranging from \$130,200 to \$3 million, depending on the state's voting age population. Following a 1996 Supreme Court decision, parties can also make independent expenditures on behalf of their candidates. These expenses must be disclosed and are also subject to source restrictions.

Groups: The *Buckley* Court held that interest groups or individuals can make unlimited independent expenditures on behalf of candidates, which are subject to disclosure and source restrictions, as long as a group's expenditures are truly independent and not coordinated with candidates' campaigns. Corporations and unions must set up political action committees if they wish to support or oppose a federal candidate, but cannot pay for ads using their treasuries.

cried foul immediately, accusing the AFL-CIO of underhanded tactics. More remarkably, they also accused the AFL-CIO of spending various amounts of money ranging from conservative estimates of less than \$20 million to well over \$100 million. While it was never realistic to imagine the union had the resources to devote \$100 million to defeating Republicans, the GOP's confusion was genuine, since no one outside the AFL-CIO's leadership knew the full extent of its efforts.

Four years later, the exact size of the AFL-CIO's campaign remains somewhat indefinite. Most observers now accept the union's own figure of \$35 million, but that is impossible to verify. So, too, is the extent of the business response to the AFL-CIO, and the cost of the efforts of groups that eventually became involved in the 1996 elections. In an exhaustive study, the Annenberg Public Policy Center estimated that businesses and unions, along with tax, term limits, and environmental groups spent \$135 million during the 1996 election cycle.³ While the AFL-CIO apparently cut back on its involvement in the 1998 elections, the pace of issue advocacy by groups and, increasingly by parties has continued in 1998 and 2000.

All of this activity has generated hand-wringing, political controversy and scores of questions, but very few answers—until now. *Buying Time* provides the first in-depth, comprehensive analysis and comparison of issue advocacy and more traditional campaigning. Rather than relying on self-reports, we use an exciting new data source—media tracking information generated with the help of recently developed computer technology—to examine television ads by candidates, parties and interest groups. Paid television advertising is hardly the full extent of the

³ This figure is an estimate. It relies on self-reporting by groups themselves, as well as on often unreliable local press estimates. It also includes all political activities by these groups, such as direct mail and grassroots organizing, production, as well as the cost of television time.

campaign in most states and congressional districts, but it remains the single most important and expensive component in most federal races. The facts and figures reported here go directly to many of the issues that activists and policy-makers have only been able to speculate on when discussing issue advocacy.

Issue Advocacy Versus Traditional Campaigning

How were corporations and unions, long barred from electioneering activities, able to spend millions of dollars on elections? How were shadowy groups, whose principals and funders are unknown, able to target congressional incumbents and challengers? How could parties spend unregulated “soft money” on election ads?

In *Buckley*, the Supreme Court had to address where to draw a line between electioneering and other political speech because the newly enacted Federal Election Campaign Act (FECA) had been too inexact in its language defining the type of activities subject to federal campaign finance laws. The Court was concerned that absent a precise definition, advocacy organizations might be “chilled” from acting out of fear that their speech would be covered by the vague language, and that the statute might regulate conduct that is not in fact electioneering. Confronted with an inadequate definition, the Court supplied its own language, limiting FECA’s regulatory reach to communications that “expressly advocate” the election or defeat of a candidate. In a footnote, the Court gave examples of “express

words of advocacy, “such as “vote for,” “elect,” “support,” and “defeat.” Several courts have subsequently taken this test at face value, creating a narrow, mechanistic test to separate campaign and issue speech based entirely on the use of these “magic words.”⁵ The new campaigners have aggressively claimed that without these words, their appeals fall completely outside campaign finance laws.

The consequences of this interpretation are highly significant. Consider the ads described on the next page. The first, a commercial sponsored by Democrat Scotty Baesler, who lost Kentucky’s open Senate race to Jim Bunning in 1998, ran 454 times between October 21 and October 29, 1998. It attacks Bunning for supporting a tax loophole for billionaires, allowing them to “renounce their U.S. citizenship to avoid paying taxes.” The second ad was sponsored by the Kentucky Democratic Party and aired 663 times between October 22 and November 3, 1998. It also attacks Bunning for voting for a tax loophole that lets “billionaires renounce their citizenship to avoid paying U.S. taxes.” The third ad is a spot run by the Business Roundtable eighteen times from September 19 to 23 in Washington, D.C. It mentions no candidate, names an identifiable bill, Fast Track, under consideration by Congress, and provides a toll-free number for viewers to call to register their opinions.

The vast majority of viewers would sense little difference between the message of the first two ads, and would see the third ad as an outlier. The first two ads raise many of the same

⁴ *Buckley v. Valeo*, 424 U.S. 1, 44 (1976). The Court limited restrictions on independent expenditures to “communications that in express terms advocate the election or defeat of a clearly identified candidate for federal office.” This restriction applied 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.’”

⁵ See Glenn Moramarco, “Regulating Electioneering: Distinguishing Between ‘Express Advocacy’ and ‘Issue Advocacy,’” (New York: Brennan Center for Justice, 1998) 5-8.

C A N D I D A T E

Title: Kentucky/Baesler Let Billionaires Down
Ad length: 30 seconds

Announcer: Who fights the hardest for America's billionaires? Jim Bunning voted to give billionaires a tax loophole.

Scotty Baesler? He let billionaires down and voted against the tax loophole.

Jim Bunning voted to let billionaires renounce their U.S. citizenship to avoid paying taxes.

Scotty Baesler voted against it.

Jim Bunning voted to allow billionaire business owners to raid their employee pension funds.

Scotty Baesler sided with working families and voted against it.

Jim Bunning, he fights harder for America's billionaires.

Scotty Baesler? He just fights for working people.

P A R T Y

Title: Kentucky/DSCC National Sales Tax
Length: 30 seconds

Announcer: If Congressman Bunning gets his way, everything from milk to medicine would cost 30% more. Last week Jim Bunning said quote, "We ought to have a national sales tax." That's right, Bunning would create a whole new federal tax. Bunning wants to raise our taxes, but voted for a tax loophole that has let billionaires renounce their citizenship to avoid paying U.S. taxes. Tell Bunning, no loophole for billionaires, no new sales tax for working people

I N T E R E S T G R O U P

Title: Business Roundtable Organization/Goat
Length: 30 seconds

Goat/Announcer: Some people think we should treat our competition with k-k-k id gloves. But when U.S. a-a-a-a-g products have to butt heads in the world market who's k-k-k-iding who? Washington needs to get off i-i-i-ts butts and open overseas markets so farmers and ranchers can get their h-o-o-orns into other countries. Call Congress at 888-522-1027. Tell them you don't want anybody to get your goat. B-a-a-a-h.

issues and lead to the identical conclusion that Bunning will, as the first ad puts it, "fight for billionaires," and not for working people. But since neither the party ad nor the Business Roundtable ads were sponsored by candidates, and since both failed to use magic words urging viewers to vote for or against a candidate, some argue that they should be considered legally identical. Interestingly, Baesler's own ad also fails to use magic words that "expressly advocate" his election or Bunning's defeat but it is treated as electioneering simply because it came from a candidate. It must, therefore, be electioneering.

In essence, there is a double standard at work here. When a candidate sponsors an ad, there is an irrefutable presumption that the ad is for the purpose of influencing the election. However, parties and interest groups, when they sponsor ads, claim that the question of purpose is off limits; all that matters is the presence or absence of "magic words." Unfortunately, the magic words test fails to distinguish between ads like the Democratic Party ad and the Business Roundtable ad, which have virtually nothing in common. The consequences of that failure are profound for candidates, parties, interest groups and perhaps the public.

The most obvious consequence, of course, is that the magic words test opens the door to advertising that supports or opposes the election of candidates but avoid certain words. In fact, the ease with which advertisers can pass this test practically invites them to call their candidate-focused commercials "issue advocacy," since virtually anything can be accomplished under its rubric. After all, if candidate ads like Baesler's do not use magic words, there would seem to be no reason that others need use them when advocating a candidate's election or defeat. Furthermore, these "issue ads" bypass campaign finance laws. Rather than face limitations on sources and sums of their funding, those calling themselves issue

advertisers can collect money from whomever or whatever they choose, an important advantage. Rather than disclose the identities of their donors to the FEC, they may remain secret.

Notably, this leaves candidates at something of a disadvantage to other actors when it comes to campaigns. Candidates remain saddled with the requirements of campaign finance law while others pretend that they are only advocating issues. The law forces candidates to raise money in amounts no greater than \$1,000 (from individuals) and \$5,000 (from PACs), declaring corporate and union treasuries off limits. Candidates must file regular disclosure forms with the FEC, detailing their receipts and expenditures and identifying all who donated more than \$200 to their campaigns. These rules have been a part of federal campaigns since 1974 and candidates have shown an impressive ability to live with them—among other things, receipts have increased much faster than inflation—but they remain a nuisance that many, if not most, candidates would rather do without. Issue advertisers suffer none of these hindrances.

Since 1996, the result has been, as near as experts are able to tell, a predictable explosion of campaign advertising dubbed issue advocacy.⁶ Not only have interest groups followed the AFL-CIO's lead by sponsoring their own ad campaigns, but so have political parties and some political candidates. FECA allows parties to make coordinated expenditures with their candidates, but these expenditures are subject to limits based on the type of race in which they are made, and are also subject to source restrictions. Parties have also used limited issue advocacy before 1996, particularly for presidential candidates,

but these expenditures skyrocketed in that year and their appeals became much more candidate-centered. Subsequently, these tactics have come into use in congressional elections, too. The parties have concluded that, as long as they avoid the use of the magic words of advocacy, they can fund candidate-centered political advertisements with “soft money”—funds raised outside of the strictures of the Federal Election Campaign Act—to pay for these ads, helping fuel the explosive growth of these funds.⁷ Even candidates have gotten into this game in a strange way. Four presidential contenders—Gary Bauer, Steve Forbes, Lamar Alexander, and John Ashcroft—raised money through interest groups they founded to purchase ads that featured them speaking to citizens in key primary states in 1998, two full years before the 2000 election.

This explosion of electioneering under the name of issue advocacy has led to a predictable call to fit these types of ads within the confines of existing campaign finance laws. Reformers cite a variety of reasons why issue advocacy should be addressed: to avoid corruption or the appearance of corruption, strengthen existing campaign finance laws, reduce unequal influence over election outcomes, lessen voter confusion, encourage candidates, and so on. Various proposals in Congress, including earlier versions of a bill sponsored by Senators John McCain (R-AZ) and Russell Feingold (D-WI), would define any communication that names a candidate within sixty days of the general election or thirty days of a primary and is broadcast to the electorate that would be electing the named candidate as electioneering subject to federal campaign finance laws. Critics contend that this formulation is overly broad and would subject legitimate issue advertising,

⁶ The Annenberg Public Policy Center continues to track and profile issue advertisers and the national parties, publishing content analyses and cost estimates of issue advocacy. Their web site, <http://appcpenn.org/issueads>, is an extremely useful resource.

⁷ Parties currently allocate a certain amount of hard money and soft money to pay for their issue ads. The FEC has not approved the parties' use of any soft money to fund their “issue ads.”

Each time an ad runs, CMAG records the date, time, television station and length of the ad. Later this information is supplemented with estimates of the cost and gross ratings points of each time slot. The end result is three separate measures of the scope of advertising, each with various strengths and weaknesses.

Number of ads: The most basic way to gauge the amount of advertising is simply to count the ads. The resulting figures are easy to understand and accurate, but they blur the distinctions between expensive ads and cheap ones, ads that might have been seen by millions of viewers and ads that were witnessed by far fewer people. However, number of ads is the most precise and straightforward of the measures, so we rely on it most often in the figures in this report.

Dollars: CMAG reports the average cost of the time slot for each ad aired. It is important to note that this figure represents only the estimated cost of the media buy, not the amount spent on production or placement; thus our figures are lower than most estimates of spending on television commercials.

Furthermore, these figures are just averages. Anecdotal evidence suggests that the result is that at least some political advertisers end up paying a premium for time in the last days of the campaign; the data do not capture this last-minute inflation. These caveats aside, the dollar figures reported here are roughly in line with other estimates of television spending in congressional elections (see Appendix B) and we make a point to calculate costs in most of the figures.

Gross Ratings Points: The data also include the average gross ratings points (GRPs), the standard industry measurement of viewership, for the time slot in which an ad ran. The percentage of people with televisions tuned to a particular show is that show's rating. Gross ratings points are the sum of ratings for a particular time: if the local news is watched by ten percent of viewers with televisions, an ad run during the program represents ten gross ratings points. While GRPs are common parlance among advertisers, they are much less familiar among the public. Accordingly, we refer to them only occasionally in the following chapters.

which seeks to educate the public and build awareness on critical issues, to regulation. That debate has raged on since 1997 in the House and Senate, where versions of McCain-Feingold have fallen victim to filibusters by a minority of senators.

Strikingly, all of these arguments over “issue advocacy” and its regulation have been conducted with relatively little empirical evidence about its scope and content. Despite the immense amount of attention that issue advertising has garnered, and the dramatic ways in which it has altered the shape of campaigns, observers of campaigns have had to rely on groups’ self-

reporting of spending to estimate the actual magnitude of interest group activity, and on anecdotes for content of these ads. *Buying Time* fills that gap, providing the first systematic analysis and comparison of both the scope and the content of television advertising by candidates, parties and outside groups.

Methods

The foundation of this report is a remarkable new source of data on television advertising: media tracking data from the Campaign Media Analysis Group (CMAG), a commercial firm

that advises advertisers and reporters. Using these data, we have analyzed political advertising in the top 75 media markets (containing more than 80 percent of U.S. residents), including ads by candidates, parties, and interest groups, totaling over 2,100 separate commercials aired over 300,000 times. While previous researchers have necessarily used a limited number of case studies to illuminate the strategies and effects of political advertising, our data give us a much broader perspective on television advertising throughout most of the nation.⁸ This overview includes many ads in state and local elections, but for the sake of economy we chose to limit our analysis to federal elections only. Thus we set aside candidate, party, and interest group ads that make reference to any non-federal elections.

CMAG and its parent company, Competitive Media Reports, collect information about television advertising using technology that monitors political advertising by the major national broadcast television networks and 25 leading cable networks in the top 75 (of 216) media markets. This technology recognizes each separate commercial run, sending the storyboard (full audio and every four seconds of video) of every commercial to CMAG headquarters, along with information about the date, time, and television station on which it appeared. Later, CMAG adds data about the estimated cost of broadcast time and gross ratings points.

The final data set includes ads from 194 House and Senate races,

along with an array of public service announcements and other nonpartisan appeals. Included within the 75 media markets tracked by CMAG are far more than 194 states and congressional districts, but many House candidates choose not to advertise on network television because of the expense involved.⁹ Candidates combined to spend over \$140 million on air time alone, a figure that is basically in line with other estimates of media spending in congressional elections.¹⁰

The data from CMAG provide two extraordinary pieces of information about political commercials. The first is the precise broadcast data for each ad. The second, the storyboards, gave us the opportunity to examine the content of each ad. We began by developing a coding instrument in concert with a group of scholars and lawyers, then worked with Professor Kenneth Goldstein of Arizona State University and a group of talented students under his instruction to evaluate each storyboard.¹¹ Among other things, coders rated the tone (positive/negative/contrast) of each ad, its issue content, use of party labels, whether an ad urged a viewer to undertake a specific action, and many other questions (see coding protocol, Appendix A).

The other piece of information that the storyboards also provided—usually—was the sponsor of each ad. As we have seen, many ads that appear similar, like the two ads promoting Scotty Baesler, may have different sponsors and fit into

⁸ Two informative studies are David Magleby's *Outside Money: Soft Money and Issue Ads in Competitive 1998 Congressional Elections* (A Report to the Pew Charitable Trusts, 1998), which provides in-depth case studies of various races in 1998, looking at all forms of communication by candidates, parties and groups, and Darrell West's *Air Wars* (Washington, D.C.: CQ Press, 1995), which includes case studies of four communities in the 1992 presidential election, tracking ad buy data at local stations.

⁹ One reason for this is that the boundaries of media markets frequently do not match the boundaries of congressional districts, forcing candidates to waste money reaching viewers who are not their constituents. See Chapter 5 for more information.

¹⁰ For further discussion of measurement issues, see Appendix B.

¹¹ Professor Kenneth Goldstein of Arizona State University, Thomas E. Mann of the Brookings Institution, Darrell West of Brown University, and Glenn Moramarco, Marta Nelson, and E. Joshua Rosenkranz of the Brennan Center, assisted in the development of the coding protocol.

different legal categories. The disclaimers, the portion of the ad that reads “Paid for by...”, are needed to differentiate between them. This is true both for ad type (e.g. an independent expenditure or issue ad) and for ad sponsor (candidate, party or interest group). Unfortunately many of the disclaimers were either illegible or may have been missing entirely, although we cannot be sure about the latter because the storyboards capture frames 4–5 seconds apart. Ads missing an identifiable sponsor constituted a little more than a quarter of the broadcast data. We were able to group them to our own satisfaction by using CMAG’s original coding (which accurately provides the sponsor of the ad in well over 95 percent of cases), examining the content of the ad, and, in a few cases, by phoning television stations.

Major Findings

Taken together, information from the storyboards and broadcast data constitute the most detailed and comprehensive data set about political advertising yet compiled. *Buying Time* provides a careful analysis of these data, in the form of hundreds of figures and tables arranged in seven chapters. In some cases, the results by themselves tell an interesting story. In others, the data presented here may help researchers with inquiries that go beyond the scope of our study. Our hope is that *Buying Time* will be an important resource for citizens, journalists, and scholars interested in how campaigns work, the interplay among candidates, parties and interest groups, and the effect that campaign finance laws

have had on the political system.

We point to the following as among the most interesting and important results. For ease of communication we use “ads” to refer to the number of times a commercial or set of commercials was aired.¹²

Scope of advertising:

Magnitude: The top 75 media markets, covering 194 races, saw 236,177 candidate ads, 7,391 coordinated expenditures, 1,152 independent expenditures, and 57,037 “issue ads” in 1998. This is an average of 1,261 ads per race, though New York and North Carolina account for 61,871 of the cases, New York 40,166 of these. Thirteen of the top 15 races were Senate races. Total spending on these commercials came to \$177,453,577. All of these ads appeared on broadcast stations (ABC, CBS, NBC, and, to a lesser extent, FOX and other networks) and not on the national cable networks tracked by CMAG.¹³

“Issue ads”: Interest groups like the AFL-CIO may have backed away from television-centered campaigns in 1998, but parties picked up the slack.¹⁴ Our data show that 65 percent of all “issue ads” were run by political parties. Coders were asked, “[i]n your opinion, is the purpose of this ad to provide information about or urge action on a bill or issue, or is it to generate support or opposition for a particular candidate?” (Appendix A, question 6) All of the party ads were found by our coders to be aimed at generating support for or opposition

¹² For coding decisions, see Appendix A.

¹³ The national networks could be used by presidential candidates and their allies, but they are inefficient for congressional candidates. It is more surprising that several national issue campaigns opted against airing commercials on cable.

¹⁴ See Magleby, *Supra* and Ruth Marcus, “The Advocates Pare Down the Ads,” *Washington Post*, October 23, 1998, A1, calling issue advocacy “the dog that didn’t bark” in the 1998 elections.

to a candidate. Among issue ads by interest groups, 30 percent were seen as electioneering and the remaining 69 percent were regarded as primarily providing information.

Candidates: Candidates remain the major players nationwide with five times more ads than parties and ten times more ads than interest groups. This pattern, of course, was not found in every state and district, though candidates were almost uniformly dominant: we found only two races with more than 1,000 total ads where the candidates were responsible for less than half of the ads.

Party differences: Democratic and Republican candidates ran approximately the same number of ads, 118,192 (D) to 117,421 (R), but GOP party organizations enjoyed a marked advantage over their counterparts (28,338 to 15,850). Virtually all of the Republican Party advantage came in House elections. Groups were marginally pro-Democratic (6,982 to 6,130), but were less active than candidates or parties. The remaining group ads were unconnected to a particular race. Virtually all of the commercials by groups came in House elections.

Content of advertising:

Use of “magic words”: Just 4 percent of ads by candidates used the Supreme Court’s “magic words” of express advocacy. Magic words did, however, become more prominent in the final week of the campaign when 9 percent of candidate ads, party coordinated expenditures, and independent expenditures (legally defined electioneering) used them.

The lack of magic words in campaign ads might seem less surprising when one considers that only 62 percent of candidate ads mentioned the office that was at stake. In this respect, ads by all sponsors were often remarkably opaque. It

was often difficult even to decipher what election (as opposed to candidate) an ad referred to without prior knowledge of the candidates.

Urging action: In striking contrast to other types of ads, 87 percent of issue ads did urge viewers to take some sort of action, almost always to call an elected official or candidate. At closer inspection, however, this figure is not necessarily a sign of a genuine grassroots lobbying effort since viewers were rarely given toll-free numbers or information about specific bills to discuss. In fact, there is a marked distinction between issue ads that coders saw as genuine issue advocacy and those seen as electioneering, as the first are much more likely than the second to provide toll-free numbers (61 percent vs. 7 percent) and bill information (25 percent vs. 4 percent).

These pieces of information suggest that reasonable people are—with relative ease—able to discern between ads whose primary purpose is to support a candidate and those intended to provide information about a policy issue. Indeed, our coders, undergraduate honors students at Arizona State University, routinely made this judgement with little uncertainty (rating the purpose of 99 percent of the ads) and, given the findings about toll-free phone numbers and bill mentions, with a high degree of accuracy. Ironically, this is precisely the sort of exercise that some courts have ruled out for more experienced election officials, invalidating the FEC’s attempt to define speech as electioneering if “[r]easonable minds could not differ as to whether it encourages the election or defeat [of a candidate].”

References to political parties: Political parties were rarely mentioned by any advertisers. Surprisingly, groups were most likely to bring up party labels (21 percent of group ads) while

only 15 percent of ads by parties themselves mentioned either political party in the text or graphics. By contrast, 99 percent of party ads identified one or more candidates by name.

Tone: There was a significant distinction between the tone of advertisements by candidates and political parties: 56 percent of candidate ads promote and just 21 percent attack a candidate while 60 percent of party ads attack and 28 percent promote. The greater negativity of party ads persisted in House and Senate races, competitive and noncompetitive elections, incumbent-contested and open seats.

Themes: Do issue advertisers introduce issues that the candidates and parties may be reluctant to raise, expanding the range of political discourse? There is no sign that issue ads cover any ground potentially neglected by others; in fact, issue ads look remarkably like other campaign ads. The same themes most prominent among candidates and parties—taxes, education, social security, and health care—are most prominent among issue advertisers. This remains true when we looked separately at issue ads by groups and political parties.

Party differences: There are points of both convergence and divergence in ads run by Democratic and Republican parties and candidates. Candidates ran about the same proportion of ads promoting, attacking, and contrasting candidates (57, 16, and 25 percent, respectively, for Democratic candidates and 54, 23, and 22 for Republicans), while the Democratic Party was more likely to run attack ads (76 percent) than the Republican Party (51 percent). Few stark partisan differences emerge in the format of campaign ads; similar percentages of Democratic and Republican ads urge an action, are narrated by candidates, mention political party, etc.

Both parties also focused on nearly the same set of issues. The Democratic Party and its candidates' top five themes were identical: education, Social Security, taxes, health care, and Medicare. The list of top five Republican Party and Republican candidate themes both included taxes, Social Security, and education.

The Impact of the Bright Line Test: We examined the likely effect of federal legislative proposals that have used a delimited time approach to regulating sham issue advocacy by first separating issue ads into two groups, those that the coders believed generate support or opposition to a candidate and those which they saw as providing information or urging action on an issue. We then looked to see how many of each group appeared within 60 days of the general election and mentioned or pictured a federal candidate. Just 7 percent of ads the coders saw as genuine issue advocacy would have been affected by this approach, versus 82 percent of ads that coders thought were electioneering.

A Look Ahead

The following chapters move from the general to the specific, slicing the data in a variety of ways. Chapter One details the magnitude of the four categories of political advertising: candidate electioneering, party coordinated expenditures, independent expenditures, and “issue” ads. It analyzes the frequency with which certain characteristics appear in each type of ad, and focuses on the characteristics of issue ads that were seen as electioneering and those that were not.

Chapter Two takes a slightly different tack, focusing on different advertisers—candidates, parties, and interest groups—rather than different types of ads. This chapter analyzes the characteris-

tics of ads run by these three groups and provides the first glimpse at partisan differences in ad magnitude and content.

Chapter Three places these ads in the context of the races in which they aired. Observers of campaigns know that a host of factors affect how they are conducted. Chapter Three considers some of the most basic distinctions among elections, looking separately at House and Senate elections, incumbent-contested and open races, and competitive and less competitive elections. We also examine partisan divisions, while continuing to explore the same set of ad characteristics introduced in the first two chapters.

Chapter Four examines the timing of these ads. It details the rising magnitude of advertising as the election draws nearer, and shows how the content of ads by different advertisers may or may not change over time. It also includes a “test” of the ways in which various legislative proposals may have affected issue ads.

Chapter Five examines the geographic placement of ads, exploring two issues: the impact of media market size on advertising and the differences in ad content in various regions. The first is particularly a concern in House elections where many districts are located in media markets that serve

millions of voters represented by other members of Congress. The second refers to some of the well-known differences in ideology and political organization in various regions. To address it we examine selected characteristics of advertising in six regions.

Chapters Six and Seven move away from aggregate, national figures and look at specific actors. Chapter 6 profiles top interest group advertisers, looking at the amount of ad spending by each group, when and where it appeared, and whether it was to support issues or support candidates. Chapter 7 profiles fifty top races, including eleven notable Senate races and 39 House races that saw at least 1,000 ads run in the general election. Each race profile includes a breakdown of ad spending by the candidates, parties, and groups, and looks at the themes, tone, and timing of each of these groups’ commercials.

