

individuals that share a common interest find it in their individual interest to bear the costs of the organizational effort. The theory shows that most organizations produce what the economist calls "public goods"—goods or services that are available to every member, whether or not he has borne any of the costs of providing them. Economists have long understood that defense, law and order were public goods that could not be marketed to individuals, and that taxation was necessary. They have not, however, taken account of the fact that private as well as governmental organizations produce public goods. The services the labor union provides for the worker it represents, or the benefits a lobby obtains for the group it represents, are public goods: they automatically go to every individual in the group, whether or not he helped bear the costs. It follows that, just as governments require compulsory taxation, many large private organizations require special (and sometimes coercive) devices to obtain the resources they need."

How Special-Interest Groups Got Legitimacy

Once the Constitution was ratified and the Bill of Rights was added, the First Amendment seemed to give legitimacy to the formation of special-interest groups. Their right of free assembly, free speech, and free press and the right to petition justified group formation. Groups could associate with each other, free from government interference, disseminate the issues they believe in to their membership and to government officials, and attempt to influence the course of public policy.

Mode of Operation of Special-Interest Groups

As interest groups have grown in number and size, they have also become specialized, representing narrow concerns. The following represents a cross section of the different kinds of interest groups that have organizations:

- Economic and occupational including business and labor groups, trade associations, agricultural groups, and professional associations
 - National Association of Manufacturers
 - Airline Pilots Association
 - AFL-CIO
 - American Farm Bureau
 - United States Chamber of Commerce
- Energy and environmental
 - American Petroleum Institute
 - Sierra Club
- Religious, racial, gender, and ethnic
 - National Organization for Women
 - National Association for the Advancement of Colored People
 - National Urban League
- Political, professional, and ideological
 - Common Cause
 - American Medical Association
 - Veterans of Foreign Wars
 - National Rifle Association

The majority of these groups have headquarters in Washington, D.C., and all have operating budgets and staffs. Most have hired lobbyists who make contacts with senators and representatives

as well as the executive branch. Many have separate political-action committees with well-financed budgets. They place their views on the political agenda by

- testifying at congressional hearings,
- contacting government officials directly,
- providing officials with research information,
- sending letters to their own membership,
- trying to influence the press to present their point of view,
- suggesting and supporting legislation,
- hiring lobbyists,
- giving senators and representatives feedback from their constituents,
- making contributions through PACs to campaign committees,
- taking congresspersons on trips or to dinner,
- endorsing candidates, and
- working on political campaigns.

All these groups and techniques have the potential of cooperating with the legislative process because they do help inform office holders. They also provide elected officials with a viable strategy and a base of support. These groups also have the expertise to give elected officials an additional slant to a problem. Unlike constituents who have hidden agendas, special-interest groups place their goals on the table, up front.

Lobbyists

Lobbyists are the primary instruments for boosting a special-interest group's goals with policy makers. The term *lobbyist* describes people who literally wait in the lobbies of legislative bodies to meet senators and representatives as they go to and from the halls of Congress. Manuals have been published for lobbyists outlining the best ways for them to be successful. Some of the techniques include

- knowing as much as you can about the political situation and the people involved,
- understanding the goals of the group and determining who you want to see,
- being truthful in the way you deal with people,
- working closely with the interest group that hired you,
- keeping the people you are trying to convince in your corner by telling them of the support they will receive if they agree to the position of the group, and
- following up on all meetings, making sure the results you want do not change.

Recently, the image of lobbyists has taken a blow because they often have attracted negative publicity. Former government officials who become lobbyists have been criticized because they can take unfair advantage of contacts they developed when they were in office. An additional accusation has been made against government appointees who were former lobbyists but still maintain a relationship with the special-interest group they worked for before getting the position. In 2006, lobbyist Jack Abramoff was convicted of illegal lobbying practices. As a result, Congress became embroiled in a scandal that revealed what many called a "culture of corruption."

On the other hand, lobbyists also play a positive role as specialists. When tax reform was being considered in the 1990s, lobbyists provided expertise to the congressional committees considering the bills. Sometimes lobbyist coalitions are formed when extremely important and far-reaching legislation, such as health-care reform, is under consideration. Lobbyists may also take legal action on behalf of an interest group.

Lobbyists may also provide ratings of officials. Groups such as Americans for Democratic Action and the American Conservative Union give annual ratings based on their political ideologies. Lobbyists and special-interest groups also use the media to push their viewpoint. During the 1970s energy crisis, lobbyists for Mobil Oil Corporation ran ads that resembled editorial opinion columns, explaining the company's point of view.

Political Action Committees (PACs)

When an interest group gets involved directly in the political process, it forms separate political action committees. PACs raise money from the special-interest group's constituents and make contributions to political campaigns on behalf of the special interest. The amount of money contributed over the last few elections has been staggering. PACs such as the National Rifle Association, labor's "Vote Cope," the American Bankers Association (BANKPAC), the PAC of the National Automobile Dealers Association, Black Political Action Committees (BlackPAC), and Council for a Strong National Defense have made major contributions to political campaigns and have had a tremendous impact on local and national elections.

The amount of PAC contributions to congressional campaigns skyrocketed from 1981 to 2016. From 1981 to 1982, \$83.7 million was contributed to candidates for the House and Senate, as compared with over \$285 million contributed to congressional candidates in 2011–2016.

Top 10 PAC Contributors to Candidates, 2015–2016						
Rank	Organization	Total Contributions	To Democrats & Liberals	To Republicans & Conservatives	Percent to Democrats & Liberals	Percent to Republicans & Conservatives
1	Fahr LLC	\$66,860,491	\$66,610,491	\$0	100%	0%
2	Renaissance Technologies	\$50,368,646	\$26,150,646	\$22,972,000	53%	47%
3	Paloma Partners	\$38,693,300	\$38,620,000	\$3,300	100%	0%
4	Newsweb Corp	\$34,303,441	\$34,298,041	\$0	100%	0%
5	Las Vegas Sands	\$26,323,571	\$43,341	\$25,799,530	0%	100%
6	Elliott Management	\$24,580,672	\$37,700	\$24,541,972	0%	100%
7	Carpenters & Joiners Union	\$23,720,563	\$23,278,997	\$436,816	98%	2%
8	National Education Assn	\$23,299,929	\$21,185,259	\$366,570	98%	2%
9	Soros Fund Management	\$23,251,198	\$21,670,483	\$1,037,215	95%	5%
10	Priorities USA/Priorities USA Action	\$23,233,239	\$21,060,341	\$0	100%	0%

Source: Open Secret

The Difference Between Lobbyists, PACs, Super PACs (Independent Expenditure Committees), 527 Super PACs, and Social Welfare Organizations: 501(c)4 Groups

There is confusion regarding the differences between lobbyists, political action committees (PACs), Super PACs (Independent Expenditure Committees), and Social Welfare organizations also known as 501(c)4 groups:

- **Lobbyists:** As previously described, lobbyists represent special-interest groups. They provide information to legislators and advocate their group's positions. Lobbyists do not contribute money to candidates or office holders. Congressional law dictates how much money a lobbyist can spend when meeting with a legislator.
- **Political Action Committees** can be formed by special-interest groups, elected officials, and candidates running for office. PACs formed by special-interest groups can raise money, contribute money to candidates, and spend money advocating their positions. PACs formed by elected officials and candidates running for office can raise money and spend money on advancing their own campaigns, or they can contribute money to other candidates. An example of this type of PAC was "Ready for Hillary," the political action committee that was formed to encourage Hillary Clinton to run for president in 2016.
- **Super PACs, also known as Independent Expenditure Committees,** are regulated by the Federal Election Commission and are supposed to act independently from any candidate or campaign. Independent Expenditure Committees cannot contribute directly to any campaign. They raise money for the purpose of supporting a position on specific issues through political advertisements. The Club for Growth is an independent committee that supports candidates who pledge that they would not vote to raise taxes.
- **527 Super PACs:** Also, independent expenditure committees, these PACs can create independent expenditure accounts that can accept donations without limits from individuals, corporations, labor unions, and other political action committees (thanks to the decision made by the U.S. Supreme Court in the *Citizens United* case); 527 groups have proliferated and play a significant role in congressional and presidential elections. Examples of 527 groups are Priorities USA (supporting Democratic candidates), American Crossroads, and Americans for Prosperity (supporting Republican candidates). By law, they cannot coordinate their spending with the candidates they support.
- **Social Welfare Organizations also known as 501(c)4 groups:** These Super PACs are recognized by the Internal Revenue Service as "Tax Exempt Social Welfare Organizations" formed for the purpose of improving the social welfare of society. There are no limits on how much money they can raise. They can spend money on political advertising that supports their goals, as long as that political activity is not the sole purpose of the group. They differ from 527 groups because they do not have to disclose publicly the names of their contributors. Crossroads GPS is an example of a 501(c)4 group. Such groups have been criticized because of the anonymity of their donors. They have also played a major role in congressional and presidential elections.

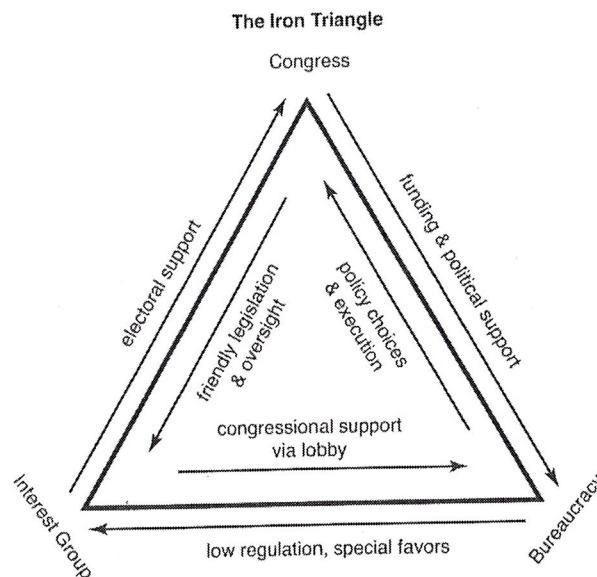
The Success or Failure of Special-Interest Groups Depends on Public Support

In order for an interest group to succeed, not only must there be public awareness of the group's position, but legislators must also accept the bill of goods presented to them. There is no doubt the National Rifle Association's membership consists of a small percentage of the American public.

Yet because of its image—for example, the “We are the NRA” commercials and its advocacy of the constitutional right to bear arms—the public is certainly aware of its stand, and polls indicate that many people support its position.

The National Rifle Association is a good example of how a special-interest group successfully influences public policy. From 1994 to 2012, the NRA’s political influence has been felt by both parties. In 1994, they successfully campaigned against Democrats who voted for the assault weapons ban, a key to the Republicans taking over Congress. After the tragic mass shooting of elementary school children and teachers at Sandy Hook Elementary school in 2012, public opinion shifted in favor of gun-control legislation. Universal background checks, penalties for gun trafficking, regulation of the number of magazine clips, and a new assault weapons ban were part of the legislative agenda. The NRA opposed these measures, citing Second Amendment concerns. Ultimately, Congress failed to approve any new gun-control measures.

There is a symbiotic relationship among special-interest groups, Congress, and bureaucracies—earlier referred to as the iron triangle, and also called issued networks. The iron-triangle network is a pattern of relationships between an agency in the executive branch, Congress, and special-interest groups lobbying that agency.



KEY CONCEPT 5.C: ELECTIONS AS LINKAGE

Election outcomes have been influenced by laws, campaigning, voter turnout, electoral rules, and the polarization of the electorate.

The **Big Idea, Civic Participation in a Representative Democracy**, is reflected by this concept.

Popular vs. Electoral votes

Once the candidate is nominated, the outcome of the election is generally determined by whoever receives the most electoral votes. The potential exists for a third-party candidate drawing enough votes to throw the election into the House of Representatives. When Ross Perot received almost 20 percent of the popular vote in 1992 and established his own political party, many political scientists predicted that in a future presidential election no candidate would receive a majority of the electoral votes. Two factors contribute to this prediction. First, in all but two states the rules of the

Electoral College system dictate that the winner takes all the electoral votes of a state even if one candidate wins 51 percent of the vote and the losing candidate gets 49 percent. Second, the allocation of electoral votes does not always reflect true population and voter patterns.

On five occasions in American history, presidential candidates have lost the election even though they received the most popular votes. In 1824 Andrew Jackson received a plurality of popular votes and electoral votes, over 40 percent of the popular votes to 31 percent of the vote obtained by John Quincy Adams. Yet, Jackson did not receive a majority of the electoral votes; Adams received a majority of the votes from the House and was elected president. In 1876 Republican Rutherford B. Hayes lost the popular vote by a little more than 275,000 votes. Called the "stolen election" by historians, Hayes received an electoral majority after an electoral commission was set up by Congress to investigate electoral irregularities in Florida, Louisiana, South Carolina, and Oregon. The commission voted on party lines, and Hayes was officially elected president. In 1888 Grover Cleveland won the popular vote but lost the electoral majority to Benjamin Harrison. In the 2000 election, Vice President Al Gore received more popular votes than George W. Bush. Bush, however, won the majority of the electoral votes and became our 43rd president. If third-party candidate Ralph Nader had not run, Gore would have won enough electoral votes to have won the election.

More Americans voted for Hillary Clinton than for any other losing presidential candidate in U.S. history. The Democrat received more votes than Republican presidential candidate Donald Trump—almost 2.9 million votes, with 65,844,954 (48.2 percent) to his 62,979,879 (46.1 percent), according to revised and certified final election results from all 50 states and the District of Columbia. Clinton's 2.1 percent margin ranks third among defeated candidates, according to statistics from the *U.S. Elections Atlas*. However, President Trump won the Electoral College vote 304–227, winning three key battleground states, Pennsylvania, Wisconsin, and Michigan by slim margins totaling fewer than 70,000 votes.

Even though this has occurred only five times, there have been extremely close elections, such as the 1960 election between Kennedy and Nixon and the 1976 election between Carter and Ford, where a small voting shift in one state could have changed the outcome of the election. There is also a potential constitutional problem if a designated presidential elector decides not to vote for the candidate he was committed to support—a faithless elector. This has happened on ten occasions without having an impact on the outcome. In 2016, there were seven faithless electors, two defecting from Trump and five defecting from Clinton, an all-time record. That is why the total number of electoral votes received by Trump and Clinton (531) does not add up to the maximum total of 538 electoral votes. The third anomaly of the system could take place if the House and Senate must determine the outcome of the election. The Twelfth Amendment to the Constitution outlines this procedure, and even though it has happened only once, strong third-party candidates make this a distinct possibility in the future.

Two proposed constitutional amendments have been offered to make the system fairer. The first would create a proportional system so that a candidate gets the proportional number of electoral votes based on the size of the popular vote received in the state. In 2011, individual states such as Pennsylvania considered passing legislation that would split their electoral votes proportionally in the 2012 election. A second plan offered would simply abolish the electoral college and allow the election to be determined by the popular vote with perhaps a 40 percent minimum margin established: any multiparty race resulting in a victor who receives less than 40 percent would require a run-off. Another way to bypass the constitutional amendment route is for state legislatures to pass laws that mandate their electors to vote for the winner of the countrywide popular vote even if the elector's state voted for a different candidate. The National Popular Vote Bill would guarantee the presidency to the candidate who receives the most popular votes in all 50 states and

the District of Columbia. It has been enacted into law in Washington, DC and 10 states (California, Hawaii, Illinois, Massachusetts, Maryland, New Jersey, New York, Rhode Island, Vermont, and Washington), with 165 electoral votes. It will take effect when enacted by states totaling with 105 more electoral votes.

The Invisible Primary

The time it takes between a candidate's announcement that he or she is running and the actual start of the party's convention, it could easily be two years from beginning to end. Add to that the campaign for president, and an additional three to four months are tacked on.

The "invisible primary," the period between a candidate's announcement that he or she is running for president and the day the first primary votes are cast, will heavily influence the outcome of the primary season. After the candidate declares, he or she starts building an organization, actively seeking funds—the current start-up fee for presidential races has been estimated at \$100 million—and developing an overall strategy to win the nomination. Before the first primary or caucus, the candidate vies for endorsements from party leaders and attempts to raise the public's interest by visiting key states with early primaries, such as Iowa and New Hampshire. Debates are held among the candidates, and political ads are shown in the early primary states. Since 1976, when little-known Georgia governor Jimmy Carter threw his hat in the ring, the invisible primary has created a perceived front-runner. Front-runner status during the invisible primary has been defined as the candidate who raised the most money. This pattern was broken in 2004, when Vermont governor Howard Dean raised more money than any other Democrat, establishing a record for the amount. Dean's candidacy also pioneered using the Internet to raise funds. However, after Dean lost the Iowa caucus, his candidacy imploded. In the election of 2008, Hillary Clinton narrowly led Barack Obama in fundraising prior to the Iowa caucus. Republican Rudy Giuliani led the Republican field, with the eventual nominee John McCain lagging behind in fourth place. The Iowa caucus and New Hampshire primary changed the dynamics of the race. Both Obama and McCain captured their party's nomination, increasing their fundraising as the campaign progressed. The Republican field in 2012 held a series of candidate debates prior to the Iowa caucus and the New Hampshire primary. Even though former Massachusetts governor Mitt Romney had a fund-raising advantage and was perceived as the best candidate to defeat President Obama, he suffered a series of setbacks as one candidate after another gained front-runner status. Romney ultimately surged ahead during the primaries.

The 2016 invisible primary broke past rules. Democratic candidate Hillary Clinton was expected to coast to the nomination with only minimal opposition. However, Senator Bernie Sanders, a Vermont independent, enrolled as a Democrat and waged a campaign that lasted until June 2016. He became the populist alternative to the establishment candidacy of Secretary Clinton and raised close to \$230 million.

The Republican contest was also unique. Seventeen candidates entered the race to compete against of the outsider Donald Trump. After a series of Republican debates prior to the Iowa caucus and New Hampshire primary, Trump emerged as the front-runner. After narrowly losing in Iowa and winning decisively in New Hampshire, Trump remained the front-runner throughout the Republican primaries.

Primaries and Caucuses

The second stage of the campaign is the primary season. By the time the first caucus in Iowa and the first primary in New Hampshire are held in January, the campaign for the party's nomination is well under way—some 10 months before election day. By the time these early primary votes

are completed, many candidates have dropped out of the race. Prior to 2004, there was a break between the Iowa and New Hampshire votes and other primaries. But in 2004, the Democrats created a primary calendar characterized as “front-loading,” because primaries are held each week. This is the third phase of the campaign. And in February and March several key primaries are held on what has been called “Super Tuesday.” After Super Tuesday, one candidate usually has enough pledged delegates that he or she becomes the presumptive nominee. This did not happen in 2008, as the Democratic candidates fought until the last primary was completed. In 2012, Governor Romney was able to defeat the rest of the Republican field during the primary season and wrapped up the nomination shortly after Super Tuesday. But his image was damaged during the primary campaign as he was attacked not only by his Republican opponents but also by the incumbent, President Obama.

In 2016, Trump became the presumptive nominee in May, after the Indiana primary, first by eliminating most of his opponents after Super Tuesday, capturing a majority of the delegates needed to give him a clear path to the nomination.

Hillary Clinton did not clinch the nomination until the last primary in June 2016. Even though she won a majority of the popular votes in the primary states, because the Democratic primary delegates were awarded proportionally, her opponent remained in the race until the end of the process. Sanders conceded when he saw that the combination of primary delegates and super delegates would guarantee Secretary Clinton the nomination.

Primaries

Without a doubt, the presidential primary has become the decisive way a candidate gains delegate support. It has taken on such importance that key primary states such as New York and California have moved their primary dates to be earlier so that their primaries take on much greater importance. Today, 30 states have presidential primaries. The others use caucuses or party conventions. Presidential primaries can be binding or nonbinding. They can ask the voter to express a preference for a presidential candidate or for delegates who are pledged to support a candidate at the convention. Primaries are used in many ways:

- Closed primary—only registered party voters can vote. Florida has a closed primary.
- Open primary—registered voters from either party can cross over and vote in the other party's primary. New Hampshire has an open primary.
- Proportional primary representation, where delegates are apportioned based on the percentage of the vote the candidate received in the primary election.
- Winner-takes-all primary, where, as in the general election, the candidate receiving a plurality receives all the delegates. The Republicans use this method in California. Democratic rules have banned the use of this system since 1976.
- Non-preferential primary, where voters choose delegates who are not bound to vote for the winner of the primary.
- A primary in which all the voters, including cross-over voters from other political parties, can express a preference but do not actually select delegates to the convention.
- A dual primary, where presidential candidates are selected, and a separate slate of delegates is also voted on. New Hampshire uses this type of primary.

Pre-Convention Strategy

The third stage of the campaign takes place between the time both parties have a presumptive candidate and the national conventions, where the candidates are officially nominated. In 2004,