



Do Voters Understand Super PACs?

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Introduction

Two years and two election cycles into the Super PAC era, the media firestorm against free speech and association has been palpable. A Google search of the term “Super PAC” reveals dozens of articles warning about the evils of such entities and their supposed negative impact on democracy.

Many news accounts mislead or confuse readers about a number of facts related to *Citizens United*, *SpeechNow.org*, and their relationship to Super PACs and political speech. *The New York Times* had published so many stories that came under harsh criticism that the paper’s Public Editor, Arthur S. Brisbane, had to write an essay addressing the “intense” controversy over the paper’s coverage;¹ He concluded that

Much reporting also incorrectly leaves readers with the impression that Super PACs do not disclose donors.

“Framing this [emergence of Super PACs] as a *Citizens United*-derived phenomenon without referring to *SpeechNow* has the effect of laying all blame for individual spending at the feet of *Citizens United*. That’s not accurate.”

The Atlantic’s Wendy Kaminer wrote that the paper “has repeatedly mischaracterized *Citizens United*,

explicitly or implicitly blaming it for allowing unlimited super PAC contributions from mega-rich individuals.”² Kaminer correctly points out that the ruling did not enable wealthy individuals to fund campaigns via Super PACs, as the *Times* had erroneously and repeatedly reported.

Much reporting also incorrectly leaves readers with the impression that Super PACs do not disclose donors. For example, a *USA Today* editorial bears the misleading title “Disclose donors on Super PAC ads” seemingly implying it wasn’t already happening.³

Given the confusion over the origins, functions and reporting obligations of Super PACs in the media, it may be a safe assumption that the public is likewise confused. CCP enlisted Pulse Opinion Research to conduct a poll in January 2012 to gauge public awareness of some of these issues.

Poll Highlights

68% of respondents had heard of Super PACs, but when asked whether Super PACs were required to disclose their donors, an astounding 76% of respondents either chose the incorrect answer (including 46% who said “no”), or indicated they were not sure; Super PACs in fact must disclose their donors, and must do so in election years either monthly or quarterly with additional reporting before elections where they are active.

Voters appear evenly split about whether the 2012 presidential campaign is more negative than previous campaigns, with 47% saying either the campaigns are “about the same” or “more positive” this year, while 48% saying the tone was “more negative.”

78% of respondents indicated that the media had either “very much” or “somewhat” of an influence on election outcomes. Over half of respondents cited television as their primary news source.

The poll gives us a look at beliefs held by likely voters. They clearly believe the media is influencing the vote, which is exactly what Super PACs do, but the media has essentially no limit on coordination or disclosure

1 Arthur S. Brisbane. “Big-Dollar Individual Campaign Giving and the Tie to *Citizens United*.” *The New York Times*. 3/2/12. Retrieved 3/13/12. <http://publiceditor.blogs.nytimes.com/2012/03/02/big-dollar-individual-campaign-giving-and-the-tie-to-citizens-united/#more-1855>

2 Wendy Kaminer. “The New York Times’ Disingenuous Campaign Against *Citizens United*.” *The Atlantic*. 2/24/12. Retrieved 3/13/12. <http://www.theatlantic.com/politics/archive/2012/02/the-new-york-times-disingenuous-campaign-against-citizens-united/253560/>

3 *USA Today*, 2/22/2012. Retrieved 3/16/2012. <http://www.usatoday.com/news/opinion/editorials/story/2012-02-22/Disclose-Act-Super-PACs/53213450/1>



requirements on their advocacy for or against candidates.

Nearly a majority of likely voters are wrong about current disclosure requirements for Super PACs, and this calls into question the significance of results of other public opinion polls on the *Citizens United* decision. Many voters may also believe incorrectly that corporations can donate directly to campaign committees.

Every election year it seems that claims are made that the current election cycle is more negative. It is therefore no surprise that 48% of our respondents believe that 2012 has been a “more negative” campaign year. According to 2000-2010 data from the Wisconsin Advertising Project and Wesleyan Media Project, a slight increase in negativity is empirically supportable in the case of 2010 election ads, even if the proportional change was not dramatic.⁴ This is good news, however, for those who wish campaigns were more focused on issues: according to University of Wisconsin political scientist Kenneth Goldstein, negative ads tend to be more policy-based, and thus more informative, than positive ads; they also tend to increase voter participation and spur political activity.⁵

The fact that over the past two election cycles little has changed, and as the Wesleyan Media Project acknowledged, “2010 did not live up to the flood of interest group activity many predicted,” it seems likely that 2012 will also fail to live up to the hysterics.

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Other Polls Show Strong Support for Free Speech and the First Amendment

Other polls have recently shown strong public support for free speech. CCP’s March 2010 poll on the *Citizens United* decision indicated that 63% of Americans do not think that the government should have the power to limit how much some people speak about politics in order to enhance the voices of others.⁶

A poll conducted every year since 1999 by the First Amendment Center indicates overwhelming support for the First Amendment among the public.⁷ The most recent poll found that “The majority of Americans believe that the First Amendment does not go too far in the rights it guarantees. The gap between those who believe it goes too far and it does not go too far has increased over time. In 2011, 79% state the First Amendment does not go too far and 18% think it does go too far,” the highest level of support recorded in the history of the poll. In light of the tremendous media criticism on the *Citizens United* decision, the record level of support for First Amendment freedoms is impressive.

4 Erika Franklin Fowler and Travis N. Ridout. Advertising Trends in 2010. *The Forum*, Volume 8, Issue 4, article 4. (2010). Pages 10-12.

5 Dennis Chaptman. “Negative campaign ads contribute to a healthy democracy, political scientist argues. University of Wisconsin-Madison News, 1/14/2008. Retrieved 1/30/12. <http://www.news.wisc.edu/14606>

6 Center for Competitive Politics, March 4, 2010. http://www.campaignfreedom.org/doclib/20100304_CCPpoll03042010.pdf

7 <http://www.firstamendmentcenter.org/madison/wp-content/uploads/2011/07/sofa-2011-report.pdf>

National Survey of 1,000 Likely Voters
Conducted January 18, 2012
By Pulse Opinion Research

1. How much influence does television media have on the outcome of elections?

42% Very much

36% Somewhat

16% Not very much

4% None at all

2% Not sure

2. Is the Presidential campaign of 2012 more negative or more positive than Presidential campaigns of the recent past? (Respondents were given an opportunity to select “About the same” and “not sure” in their responses.)

48% More negative

47% More positive or About the Same.

(15% More positive)

(32% About the same)

5% Not sure

3. Can corporations and unions lawfully make contributions directly to political campaigns?

37% Yes

43% No

20% Not sure

4. Have you ever heard of “Super PACs”?

68% Yes

30% No

2% Not sure



5. Are Super PACs required to disclose their donors?

24% Yes

46% No

30% Not sure

6. Are you a member of any group that advocates public policy change such as the Sierra Club, AARP, or National Rifle Association?

32% Yes

65% No

3% Not sure

7. Should public policy organizations be able to spend money on political campaigns?

34% Yes

51% No

15% Not sure

8. Where do you currently get most of your news... cable news networks, traditional TV network news, print newspapers, the Internet or radio?

32% Cable news networks

22% Traditional TV networks

17% Print newspapers

19% The internet

8% Radio

2% Not sure

Margin of Sampling Error, +/- 3 percentage points with a 95% level of confidence





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