

Senate Committee on Ethics and Elections

Wednesday, February 1, 2012

Testimony in Favor of SB 309 "Stand by your ad"

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I come before you today in support of Senate Bill 309, also called the "Stand by your ad" legislation. My name is Joseph A. Aistrup. I am a professor of political science at Kansas State University.

The original "stand by your ad" legislation was a component of the McCain-Feingold Bipartisan Campaign Reform Act (BRCA). Its intent was to stem the amount of negative campaign advertising by forcing candidates for federal office to stand by their ads. McCain-Feingold reasoned that if the candidate was forced at the beginning or end of the ad to state that he/she approved of the message, a candidate would be less likely make negative campaign advertisements.

Research suggests that "stand by your ad" component of BRAC has not had its desired impact. As the Tiahrt/Moran US Senate primary campaign from 2010 suggests, candidates are still just as likely to unleash negative barrages against one another. So, if this is the case, why is this legislation needed?

Election campaigns are becoming increasingly complex and this impacts voters. Prior to 1980, campaigns were the domain of candidates and their respective political parties. Political Action Committees (PACs) emerged as a result of the post-Watergate campaign reforms. By 1980, PACs not only contributed to candidates, they became active participants, running their own independent campaigns. If it were still just the candidates and their respective parties facing-off, then this legislation would be unnecessary. However, with so many PACs and now "super PACs" running independent campaigns, which in theory are not coordinated with the candidates or parties, and so much of this money coming from out-of-state interests; voters deserve and need to have clear and unambiguous indications as to who is underwriting campaign advertisements.

This point is even more salient because independent campaigns are notorious for hard-hitting negative campaigns that play loose with the facts. When these ads lack obvious identifying information, voters find it difficult to ascertain who is sponsoring the ad, and thus, the ad's validity. Research shows that the federal identification requirements in BRAC have helped voters to determine who is sponsoring the ad and thus how much creditability to give it. When voters know the information comes from the candidate, they give it greater creditability (See Gale et al, 2005 "Elections": Effects of the Stand by Your Ad Provision on Attitudes about Candidates and Campaigns" *Presidential Studies Quarterly* 35: 771-83). All legislators as candidates should want this because it means that you will have more control over the message of your campaign, rather than some PAC. The phrase, "with friends like these, who needs enemies" is commonplace for a reason.

In the wake of the Citizen's United US Supreme Court ruling, the wallets of individuals and organized interests have opened. Thus, PACs, most of which are out of state, are flush with cash and willing to spend it on campaigns that they deem important to their interests. In 2010, these independent groups spent \$500 million on races all over the country. Even though most independent expenditures were focused on federal level offices, state offices received more than their fair share. The Attorney General race in Kansas in 2012 is one such example. The 2012 election promises to be more of the same, only a lot more of it. My point is that this is unprecedented in US politics.

Given the complexity of elections with multiple players in addition to the candidates and the parties; given the tendency of independent groups to play hard and loose with the facts; and given the huge amount of money that will be expended by independent PACs to promote their values: Voters have a right to hear a clear and unambiguous statement about who is paying for the advertisement and which candidate is the beneficiary. This will help voters wade through all the campaign information and determine how much creditability to provide each source of information.

Chapman Rackaway, a political science professor at Fort Hays State University, eloquently outlined perhaps the most important benefit of Senate Bill 309. In an *Insight Kansas* editorial in 2011, he noted that one of his favorite expressions about politics is that "'sunshine is the best disinfectant' . . . Outside groups now have every incentive to run their shady ads: they are not accountable because they do not have to identify themselves in those ads. Anonymity is a dangerous thing in politics. Where anonymity is allowed, the sponsor is given the license to lie. Whether it's a candidate trying to undercut another's support or an outside group trying to sabotage, anonymity encourages negative campaigning. By requiring sponsorship for all political ads at all levels and letting the sunshine in, we can reduce – or even eliminate – the most unethical of political spots." So, even though negative campaigning will continue, unabated, the lies and innuendo often associated with negative campaigns should become less prevalent.

Simply put, this is the right thing to do. Voters deserve to have full disclosure and then do what they want to do with this information, including ignore it. However, voters cannot act on information if it is not available or if it is too difficult to find in the small print of an advertisement. Let's make it as easy as possible on voters. I encourage you to pass Senate Bill 309.

