

**SUPER PACS AND THE 2012 PRESIDENTIAL ELECTION:
WHAT HAPPENED? WHAT'S IN STORE?**

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WHAT IS A SUPER PAC?

The term originated in 2010, when a new breed of political animal arose on the campaign finance landscape in the aftermath of the U.S. Supreme Court decision in *Citizens United v. FEC*. Super PACs are able to raise unlimited amounts of money from individuals, corporations, unions, and other organizations.

What really makes these new committees special is that they can raise unlimited amounts of money from individuals, corporations, unions, and other organizations.

Martha Coakley, who eventually lost to Republican Scott Brown by five percentage points.

Ultimately, the top dog in the super PAC game in 2010 was American Crossroads, the conservative group that was co-founded by GOP strategists Karl Rove and Ed Gillespie. Its approximately \$28 million in revenue accounted for about one-third of all super PAC receipts.

Women Vote!, by contrast, raised \$6.5 million.

Fast-forward two years and American Crossroads ranked as the number two super PAC in terms of both fundraising and expenditures during the 2012 election cycle, being eclipsed only by Restore Our Future, the main super PAC that supported Republican Mitt Romney's unsuccessful presidential bid. According to the Sunlight Foundation, both groups spent more than 90 percent of their money on negative ads ahead of the November 2012 election. During that same period of time, American isroads, -1.135 Td [(num)-3.2(be)-4(i)-35(e)-019(s)3.6(.6(T(0p11

negative ads, not less. He wrote:

Elections present a mutually exclusive choice. It is legal to buy a can of Coke and a can of Pepsi on the same day, but you can't vote for Obama and Romney in the same election. That mutual exclusivity pushes campaigns to frame the choice more sharply. Imagine if we had Cola Day once every four years—and you were stuck with your choice for those four years. Coke would say Pepsi makes you fat; Pepsi would counterattack that Coke makes you impotent. And they'd go downhill from there.

law that Senators John McCain, R-Ariz. and Russ Feingold, D-Wis.

According to the Wesleyan Media Project's analysis of data from Kantar Media/CMAG, the Obama campaign aired some 503,255 ads between April 11, 2012, and October 29, 2012. Romney's campaign aired 190,784 ads during the same period. In fact, according to the Wesleyan Media Project, Obama's advertising barrage in the presidential race exceeded that of the Romney campaign, the Republican National Committee, and four of the biggest Romney-aligned groups combined. The challenger needed the outside help from the likes of Restore Our Future, American Crossroads, Crossroads GPS, and Americans for Prosperity, the conservative nonprofit that is the main political outlet of billionaire industrialists Charles and David Koch.

FEC records show Obama's campaign raised more than \$717 million ahead of his re-election, 60 percent more than Romney's \$448 million. Even when including money the Democratic and Republican National Committees raised that could be used to get out each party's rank-and-file voters, Team Obama still enjoyed a cash advantage of more than \$180 million over Team Romney: just over \$1 billion versus just under \$850 million.

Super PAC operatives say their organizations helped keep Romney in the game until the bitter end. "In the month of August, we were one of the key factors keeping Governor Romney afloat," Charlie Spies, one of the founders of Restore Our Future, told *Mother Jones* in October. "That's the time period that traditionally the underfunded candidate gets knocked out." Meanwhile, after the election, Jonathan Collegio, the spokesman for the two Crossroads organizations, told the Center for Public Integrity that, "by leveling the financial playing field, conservative super PACs kept this race close and winnable all the way until the end."

Even before the November general election—ahead of which Restore Our Future spent nearly \$100 million only to see Romney's path to victory fall out of reach—the group played a dominant role in helping Romney secure the GOP's nomination in the first place. While wealthy super PAC backers kept the cash-strapped campaigns of former Senator Rick Santorum and former House Speaker Newt Gingrich afloat longer than many anticipated, Romney's donor network also helped the former Massachusetts governor stay on track to win the nomination.

According to the Sunlight Foundation, Restore Our Future spent more than \$42 million during the Republican presidential primaries, out-spending Romney's primary rivals and their allies in key states

nonprofit to become flush with the funds necessary to launch an
 advertising blitz. This worries many incumbent politicians, who were
 at the time of the 1996 election.

STEALTH SUPER PAC ACTIVITY

Some have posited that fans of political transparency should be big fans of super PACs because they are required to disclose their funders. But under the existing campaign finance reporting regime, there are still ways for super PACs to be active in races without revealing their donors before people head to the polls. This is particularly true for super PACs that are created late in the game—or that surge to life during the final stretch of a campaign. Current campaign finance rules require near-immediate disclosure of expenditures, via 48-hour or 24-hour notices filed with the FEC. But real-time reporting of super PAC funders is not required.

During the 2012 Republican presidential primaries, several major super PACs changed the frequency at which they filed reports with the FEC. In practice, this meant that they were allotted a few more weeks before information about their funders was required to be disclosed—a time during which people were casting their votes or attending caucuses in Iowa, New Hampshire, Nevada, South Carolina, and Florida. A similar situation could play out again in early 2016, assuming states continue to hold nomination contests in January. Depending on the weight of these early contests, voters could essentially determine the nominees of both major parties before the general public knows who funded the super PAC cavalries of each candidate that are all-but-certain to exist.

Already amid multiple contests in 2013, we have seen super PACs pop up ahead of elections and make last-minute expenditures to help get out the vote for their preferred candidates—all while keeping their funders' identities secret until after votes are cast.

Even though railing against those who are trying to “buy” an election makes for good talking points on either side of the partisan divide, neither side, as operatives on both sides often say, wants to “unilaterally disarm” or “fight with one hand tied behind their backs.”

At this juncture, one thing appears certain: Super PACs of all stripes are unlikely to go away any time soon.