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SUPER PACS AND AGENDA SETTING

A thesis submitted to
the Graduate College of
Marshall University
In partial fulfillment of
the requirements for the degree of
Master of Arts
In
Political Science

by

Logan Bush

Approved by

Dr. George Davis, Committee Chairperson



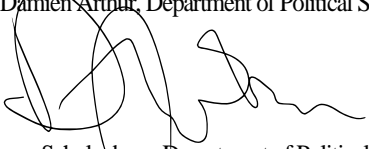
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December 2021

APPROVAL OF THESIS

We, the faculty supervising the work of Logan Bush, affirm that the thesis, *Super PACs and Agenda Setting* meets the high academic standards for original scholarship and creative work established by the Department of Political Science and the College of Liberal Arts. This work also conforms to the editorial standards of our discipline and the Graduate College of Marshall University. With our signatures, we approve the manuscript for publication.

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I would like to thank everyone that has supported me in my academic endeavors. My parents, who have had my back from the beginning. My committee, whose guidance was crucial. Most of all, my wife, whose enduring belief in my abilities pushed me over the finish line.

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ABSTRACT

Several Supreme Court rulings, starting with *Buckley v. Valeo* and culminating with *Citizens United v. Federal Election Commission*, have created two unequal campaign finance systems: One where party and candidate committees must follow strict fundraising regulations from the Federal Election Commission, and another populated with Super PACs and similar organizations which are allowed to take in unlimited donations. This paper sets out to see if Super PACs, which are freer to operate under the law, have challenged the party and candidate committees' agenda-setting ability in an election.

CHAPTER 1

INTRODUCTION

In *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), the Supreme Court ruled in favor of independent expenditure-only groups, now known as Super PACs. Super PACs are independent political action committees that may raise unlimited amounts of cash from individuals, corporations, or unions but are prohibited from coordinating with an official party or candidate organizations (U.S. Federal Election Commission) This coordination is what sets Super PACs apart from traditional political action committees in the past (Gulati 2012). The *Citizens United* ruling was immediately polarizing. Those who supported the ruling saw it as an extension of the Founding Fathers' initial goal of prohibiting the government from controlling political speech and defending citizens' Constitutional rights (DeGenaro 2014) (Gora 2013). Kentucky Senator Mitch McConnell would defend the ruling by arguing that it would allow for more political speech than would otherwise not exist. Those opposed to the ruling argue that *Citizens United* would create more opportunities for the wealthy to influence politicians (Lamparello 2014) and that the Court's narrow definition of quid pro quo, where an independent expenditure from a Super PAC does not "give rise to corruption or the appearance of corruption" (*Citizens United v. Federal Election Commission* 2010), is disconnected from political reality (Kang 2010) (Gaughan 2012).

The goal of this paper is to take an exploratory look into Super PACs in the decade since *Citizens United* to see if their advertisements play an agenda-setting role in the campaigns they enter. The agenda-setting theory argues that the mass media can influence the nature of political campaigns through their commentary of the campaigns (McCombs and Shaw 1972). "In choosing and displaying news, editors, newsroom staff, and broadcasters play an important role

in shaping our political reality” (McCombs and Shaw 1972). The agenda-setting theory has been updated over time as new forms of media and new ways to conduct campaigns were developed. A second level of the theory was crafted by Maxwell McCombs, Juan Pablo Llamas, Esteban Lopez-Escobar, and Federico Rey (1997) where they state that “the news media select attributes of candidates to construct images appropriate to news stories about the election while the political parties select attributes for the candidates to construct images in their political advertising.” Few articles, to my knowledge, directly address the role that Super PACs play in campaign agenda setting, however, John A. Fortunato and Shannon E. Martin (2016) recognized that the campaign finance world had changed since *Citizens United* and acknowledged the need for further research. The role of campaigns and parties in the context of the agenda-setting theory has been transformed by “the campaign finance structure created by the *Citizens United* ruling with money that provides for greater message exposure through advertising serving as an agenda-setter” (Fortunato and Martin 2016). Since Super PACs are going to remain major players in electoral politics for the foreseeable future, and there is no evidence to suggest otherwise, it seems wise to analyze not just their financial impact, but also their impact on our political reality.

This paper argues that Super PACs have outgrown and surpassed the party committees of the two major parties within the agenda-setting context of campaigns. That is not to say that party committees have surrendered their influence, they still spend millions of dollars in high-profile elections, but the sheer number of Super PACs have diminished their ability to agenda set. Party committees are now part of a school of fish instead of the sharks that they were in the 70s, 80s, and 90s. The jurisprudence of modern campaign finance law has effectively left political parties and official candidate campaigns with one hand tied behind their backs while

Citizens United freed Super PACs to spend what they wish (La Raja 2014) (Gaughan 2012) giving them a greater influence in setting the agenda of a campaign.

The next section of this paper is a literature review of the Supreme Court campaign finance jurisprudence that would eventually lead to *Citizens United*. It will show that through several Supreme Court rulings that Super PACs are in a more favorable position to continue to exert their influence and why parties cannot keep up. Next, it will focus on the trends and spending habits of Super PACs. This will illustrate how Super PACs are created and how they have become more sophisticated campaigning organizations with each new election cycle to the point where their activities often imitate those of party committees and candidate campaigns. A review of agenda-setting theory literature will follow. It will include an introduction to the concept and its evolution as political messaging and the news media have changed in the 50 years since it was first introduced. Then a summary and analysis of three United States Senate races within the context of the agenda-setting theory. The purpose here is to put a spotlight on real-world examples of Super PACs and other outside groups playing agenda-setting roles that were once reserved for political parties.

CHAPTER 2

CAMPAIGN FINANCE JURISPRUDENCE

Congress passed the Federal Election Campaign Act (FECA) in 1971 to crack down on political corruption in the aftermath of the Watergate scandal by creating a limit on how much money can be given to a political campaign. The constitutionality of the Act was put to the test five years later in *Buckley v. Valeo*, 424 U.S. 1 (1976). The question at hand was whether or not the limits of electoral expenditures put in place by FECA violated the First Amendment's freedom of speech and association clauses ("Buckley v. Valeo" 2021). In its ruling, the Court made an important distinction between political contributions from individuals and so-called independent expenditures from political action committees. The Court found that the government had an interest in limiting political donations to a political campaign to diminish quid pro quo corruption in politics. However, in the Court's opinion, restricting independent expenditures, in the same way, did not serve the government's interest in preventing corruption and violated the First Amendment. The Court found that expenditure limits (spending from third-party groups like political action committees) are unconstitutional while contribution limits (money donated directly to a political campaign) are constitutional, because a "contribution can resemble a gift or gratuity to a candidate (or his party) that might be a bribe, extortion payment, or might at least appear corruptive" (Hayward 2010). However, the Court did not precisely define "corruption" in its ruling (Elias and Berkon 2013).

Buckley is seen as the origin of modern campaign finance jurisprudence in the United States (Hasen 2011) and has been remarkably stable for such an unpopular decision (Issacharoff 2014). Some have taken issue with the Court equating political spending with political speech.

Jessica A Levinson (2013) argues that this conflation of the two concepts will create barriers to smaller donors when they attempt to join the political arena. The ability to have one's voice heard should not be dependent on their financial backing. Levinson goes on to say that more voices would be heard in our political discourse if the Court focused on controlling the "volume" of political speech instead of the "speech" itself. (Levinson 2013). Another point of contention with *Buckley* was the Court claiming that money in the form of independent expenditures does not give rise to corruption or the appearance of corruption, but political contributions to campaigns can give rise to corruption or the appearance of corruption. This theory in *Buckley* has been criticized as being too narrow (Hasen 2011). The Court in *Buckley* believed "that the contribution limitations imposed by FECA would have an adverse effect on the funding of campaign and political associations (*Buckley*, 1976). Anthony J. Gaughan (2012) suggests that it makes little sense to cap a direct contribution to a candidate at \$2,500, while the same donor may write a million-dollar check the same candidate's political action committee.

The Michigan Legislature passed the Michigan Campaign Finance Act the same year as the *Buckley* decision. The law prohibited corporations from spending money from their treasury on independent expenditures to either support or oppose a candidate. In *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990), The Michigan Chamber of Commerce argued that it should be excluded from the restrictions of the Act since the Chamber was a nonprofit corporation instead of a more traditional business firm. The Court upheld the law arguing that the Chamber of Commerce was similar to a business group, and therefore should not be excluded from the law. Justice Thurgood Marshall found that the law was narrowly crafted and worked towards the goal of protecting election integrity ("Austin v. Michigan Chamber of Commerce 2021).

The Bipartisan Campaign Reform Act (BCRA), also referred to as the McCain-Feingold bill after Senators John McCain and Russ Feingold, reformed the way money is raised and spent on political campaigns. It prohibited unrestricted donations, or “soft money,” from wealthy donors, corporations, and unions to political parties and candidates; limited the advertising from these groups engage in up to 60 days before an election, and put restrictions on the funds of political parties advertising spent on behalf of a candidate (“*McConnell v. Federal Election Commission* 2021). In *McConnell v. Federal Election Commission*, 540 U.S. 93 (2003) the Court found that Congress did not exceed its authority to regulate elections under Article 1 Section 4 of the U.S. Constitution nor did it violate the First Amendment. The Court also found that the regulation of the timing, source, and content of political advertising did not violate the First Amendment (“*McConnell v Federal Election Commission* 2021). The BCRA is seen as an important trigger in the rise of independent expenditures from special interest groups not affiliated with the national or state political parties or candidates (Samuel Issacharoff, 2014). One of the goals of the BCRA was to decrease the flow of cash going to political parties and political campaigns, but that does not mean special interests will stop advocating for their positions. Money moved away from the regulated organizations, like parties and campaigns, and into unregulated groups in the form of 501(c) (4) organizations and Super PACs (Issacharoff 2014).

The Court in *Buckley v. Valeo* claimed that restrictions on direct contribution to campaigns do not violate the First Amendment and that limits on independent expenditures did violate the First Amendment (*Buckley v. Valeo* 1976). That ruling would be upheld by the Roberts Court in *Randall v. Sorrell*, 548 U.S. 230 (2006) when it found Vermont’s expenditure limits violated the First Amendment and that the state’s contribution limit of \$400 was too low

for candidates to properly campaign. The case involved a Vermont state legislator, Neil Randall, arguing that the 1997 Vermont campaign finance law, Act 64, violated his First Amendment right to freedom of speech. William Sorrell, Vermont's attorney general at the time, argued that the ruling in *Buckley* did not apply to the Vermont law because the Court had not considered one of Vermont's justifications for Act 64, specifically, that expenditure limits prevent candidates from spending too much time raising money from donors ("Randall v. Sorrell" 2021). Justice Stephen Breyer wrote in the opinion that limitations in the Vermont law "violate the First Amendment, for they burden First Amendment interests in a manner that is disproportionate to the public purposes they were enacted to advance" (*Randall v. Sorrell* 2006). The *Randall* case is important because it was the first time where the Court was presented with an opportunity to evaluate expenditure limits (Levitt 2010), and "a majority of the Court expressed a readiness to abandon *Buckley*'s contribution-expenditure dichotomy" (Hayward 2010).

The Court would then overrule *Austin* and portions of *McConnell* when it found that it was unconstitutional to limit corporate funding of independent political broadcasts in elections in *Citizens United v. FEC* 558 U.S. _ (2010). Citizens United sought an injunction to prevent the BCRA from applying to its film *Hillary: The Movie*. Citizens United argued that the BCRA Section 203, which prohibited corporations or labor unions from funding electioneering communications from their general treasury, violated the First Amendment. The United States District Court denied the injunction and argued the Supreme Court had already determined it was Constitutional in the *McConnell* ruling. The Court, in a 5-4 ruling, disagreed with the District Court. The majority held that *The Movie* is political speech, and should be protected regardless of the message coming from a corporation or a person. It was not a total repeal of the BCRA as

the Court did uphold the disclosure requirements for *The Movie* and other political advertisements (*Citizens United v. Federal Election Commission*, 2021).

The Constitutionality of the BCRA would be put to the test again four years later. The BCRA included a base limit and a two-year aggregate limit on what a donor could give to a candidate or political committee in a two-year election cycle. Shaun McCutcheon, a registered voter in Alabama, wished to donate an amount of money under the base limit but over the aggregate limit. In *McCutcheon v. Federal Election Commission* 572 U.S. 185 (2014) the Court found that the two-year aggregate limit for campaign contributions was unconstitutional under the First Amendment (“*McCutcheon v. Federal Election Commission*”, 2021). Many thought that the Court was ready to overturn the *Buckley* ruling by doing away with the base contribution limits when the Court announced it was going to take up the *McCutcheon* case but instead of an all-out repeal of *Buckley*, the Court decided to narrow its impact significantly (Elias and Berkon, 2013) (DeGanero, 2014). One of the consequences of *McCutcheon* was the increase in popularity of joint fundraising committees (JFC) (Kelner 2013). JFCs are a way for parties to share event costs and fundraise in coordination with candidate committees (La Raja 2014). JFCs have been around since the enactment of the FECA (Kelner 2013), but have seen a steep rise in their activity since *McCutcheon*. The number of active JFCs has increased from 530 in 2014 to 879 in 2020 (“Joint Fundraising Committees” 2021).

After *Citizens United*, legal scholars observed a divorce between the intent of *Buckley* and the political reality that exists in modern politics (Kang 2010). The initial goal of the FECA was to limit the influence of wealthy donors on the political process, and capping political donations was a viable way to accomplish that goal, “but today, Super PACs and independent expenditure committees have become more important to a candidate’s political success or failure

than the candidate's campaign committee" (Gaughan 2012). *Citizens United* seemed to cement what many legal observers had already known about campaign finance in the United States: there are two, unequal campaign finance systems. The first with regulated money donated directly to candidates and parties by individuals and traditional PACs, and the second with unregulated money raised and spent by individuals, Super PACs, and 501(c) organizations (Heberlig and Larson 2014).

Citizens United is not without its supporters. Joel M. Gora views the Super PACs as an ally of democracy because "the Framers' goal was to disable the government from controlling the political speech and association indispensable to choosing and controlling the government" (2013). The overturning of *Austin* and portions of *McConnell* was the correct move in Gora's opinion because Congress is not justified in banning or limiting corporations just because a group or organization might use its resources to engage in free speech (2013). Gora points out that most of the Super PAC spending was coming from very wealthy individuals and not corporations or unions. Kathleen Sullivan (2010) suggests that *Citizens United* is unfairly maligned as a radical departure from the settled free speech jurisprudence when the "clashing opinions in the case simply illustrate that free speech tradition has different strands" where the majority opinion represents the libertarian strand and the minority represents the egalitarian strand. Robert K. Kelner (2013) points out that *Citizens United* is often misidentified as the central point where Super PACs and other outside groups sprang forth. Advocacy groups such as the Sierra Club, League of Conservation Voters, and the NAACP spent significant amounts through their own 501(c)(4) affiliates six years before *Citizens United* in the 2004 presidential election (Kelner 2013). Those groups and their affiliates, as this paper will show, play important roles in the history of campaign finance since *Citizens United*.

Supreme Court cases such as *Buckley*, *Randall*, *McConnell*, *Citizens United*, and *McCutcheon* suggest that the Court will protect the political spending of organizations so long as they are not coordinated with a candidate's campaign committee. In other words, the very groups (campaigns and political parties) that are designed to engage in political activities are the ones that are most regulated and disadvantaged. It is suggested that the very restrictions on parties have led to well-funded Super PACs. "Super PACs exist primarily because partisans have the motive and means to create party-like structures to offset constraints on party committees" (La Raja 2013). Political parties created and embraced the use of Super PACs in response to tight restrictions on their raising and spending abilities. (La Raja 2014). While official party organizations and campaigns are handicapped by federal regulation, Super PACs are free to take in and spend as much cash as they wish. This is an incredible amount of influence left at the feet of outside groups. The next section will be an overview of how Super PACs conduct business, from how they are created to who is likely to give to them.

CHAPTER 3

SUPER PAC HISTORY, EVOLUTION, AND IMPACT

Super PAC History

Super PACs were ancillary organizations within the larger political campaign ecosystem before *Citizens United*. In the first few elections cycles since *Citizens United*, 2010 and 2012, Super PACs would spend money on advertisements that would mirror the candidate's campaign messages. They were seen as extensions of a candidate's campaign, but the most important aspect of the campaign remained the candidate (Farrar-Meyers, Gulati, and Skinner 2013). However, with each new election cycle, Super PACs would evolve and grow into important organizations that could tip the scales of an election by expanding the amount they spend, and would also learn to focus their expenditures on close contests (Fowler and Ridout 2014). Within just four elections cycles, these organizations provided many different services (campaign events, get-out-the-vote efforts, voter registration) that were typically reserved for the candidate campaign or party committees (Magleby 2017). By the 2016 Presidential Election, the parties were heavily dependent on outside groups, like Super PACs and 501(c) organizations, that were operated by the former top staff of the political parties. They act like as arms of their parties but can accept unlimited amounts of donations and sometimes can keep their donors secret (Vandenwalker 2016).

Setting up a Super PAC is just a matter of filling out some documents. First the "State of Organization" needs to be filed, and it only requires the organization's name, mailing, email address, and website along with the organization's treasurer, custodian of records, and bank. Then the founder fills out a PDF template provided by the Federal Election Commission (Coroneos 2015). Many of these Super PACs, especially the candidate-specific ones, are formed

with the assumption that they will not continue past the election at hand (Boatright, Malbin, and Glavin 2016). An example of this kind of specificity would be best exemplified by the Correct the Record Super PAC that was set up by former Hilary Clinton campaign staffers with the intent to serve as a rapid response team to combat attacks from opposing campaigns (Magleby 2017).

Super PAC ads can be divided into different classifications based on their fundraising goals and the targets of their expenditures. David Magleby (2017) grouped them into three categories: candidate-specific, party-centered, and interest (or issue) group-centered. The last group was further divided into groups whose primary interest was the economy (labor unions and chambers of commerce) and all other organizations which are motivated by one issue or an ideology (Magleby 2017). Unlike most traditional political action committees that have an affiliated parent organization that manages the PAC, the Super PAC is the entirety of the organization (Herrnson 2017). Candidate and party-centered groups tend to spend money as a response to official candidate campaigns while interest group centered are not as sensitive to candidate spending. Interest group Super PACs “can be best described as allies but not full partners (Miller 2017).

Super PACs can form quickly and can start churning out advertisements for television, radio, and social media just as quickly (Magleby 2017). However, this quickness should not be thought of as chaotic or disorganized. There is a strategy to this spending that goes beyond seat-maximization and focus on close races. “It includes an inverse response to candidate media spending withing similarly competitive Senate campaigns” (Miller 2017). A result of being able to form and create ads quickly is that Super PACs can dominate advertising early in the election cycle. Nearly 60 percent of all House, Senate, and gubernatorial races in January 2014 were from Super PACs and similar groups, and this can result in greater ability to control the message in

primary races (Fowler and Ridout 2014). This is rather important because it has been suggested that political advertisements are more effective early on in a campaign and their effectiveness tends to fade and the campaign moves forward (Durante and Gutierrez 2004). This is especially impactful considering that primary voters reward candidates that take stronger, more partisan positions (Cox 2021). However, their ad shares drop to about 20 percent in September through Election Day. Spending money early on in the cycle is another good way to avoid the mandatory reporting requirements that the FEC requires 30 days before a primary election and 60 days before the general election (Fowler and Ridout 2014). The tone of these advertisements is mostly negative. Super PACs must specialize in oppositional research if they are to create effective negative ads (Magleby 2017). This can leave positive messaging to the candidate's official campaign. Negative ads are effective but there is the risk that they will backfire and make tarnish the candidate's public persona. Super PACs, often in the form of implied requests, can create these negative pieces without the same risk (Dowling and Wichowsky 2015) (Adams 2020) (Magleby 2017).

Much of the initial fear surrounding Super PACs would be that powerful corporations would flood the political advertisement landscape with cash to get favorable politicians into office. Individuals have been the major source of financial support. Independent expenditures rose 426% between 2008 and 2012 and the main source of the increase was individuals (Rocca, Hansen, and Ortiz 2013). Over 60% of all Super PAC donations came from individuals in 2012. That is not to say that corporations did not give to traditional PACs, but the average *Fortune* 500+ company did not have spending increases on par with other major PACs (Rocca, Hansen, and Ortiz 2013). Individuals donated over \$1 billion to Super PACs in the 2016 election cycle,

which was more than double what they had given in the previous presidential election cycle (Magleby 2017).

The term “outside group” may be a bit of a misnomer when referring to Super PACs. Their organizational charts, if they had any, would be filled with former officials of party committees and party leaders (Adams 2020). Elected officials can direct their donors to give to these groups led by former party officials, and as a result, they can bypass the contribution limits on donations directly to party committees (Vandewalker 2016). There is a significantly high standard to prove whether a Super PAC coordinates their campaign with the candidate’s campaign, and several safe harbor exceptions (Adams 2020). Super PACs can use candidate speeches in their advertisements, because, according to the FEC, that information is publicly available. They can also sidestep the employee “firewall” between the Super PAC and candidate campaign by simply pointing out that one exists. Two top Trump campaign staffers formed the Rebuilding America Super PAC almost immediately after leaving the official campaign (Adams 2020).

Super PAC Evolution

Republicans were the early converts to the use of Super PACs and benefited from this conversion. Republican Super PACs are more willing to spend money in races where they are more likely to lose. Democrats, on the other hand, are more risk-averse (Cox 2021). Conservative groups outspent liberal ones in 2012 (Coroneos 2015). *Citizens United* had strengthened the Republican incumbency advantage but had done little for Democratic incumbents. This has “induced Republican office holders to seek reelection more often” than Democrats (Klumpp, Mialon, and Williams 2016). *Citizens United* also had a significant and

positive effect of up to three percentage points on the probability of Republicans winning state congressional elections (Klumpp, Mialon, and Williams 2016).

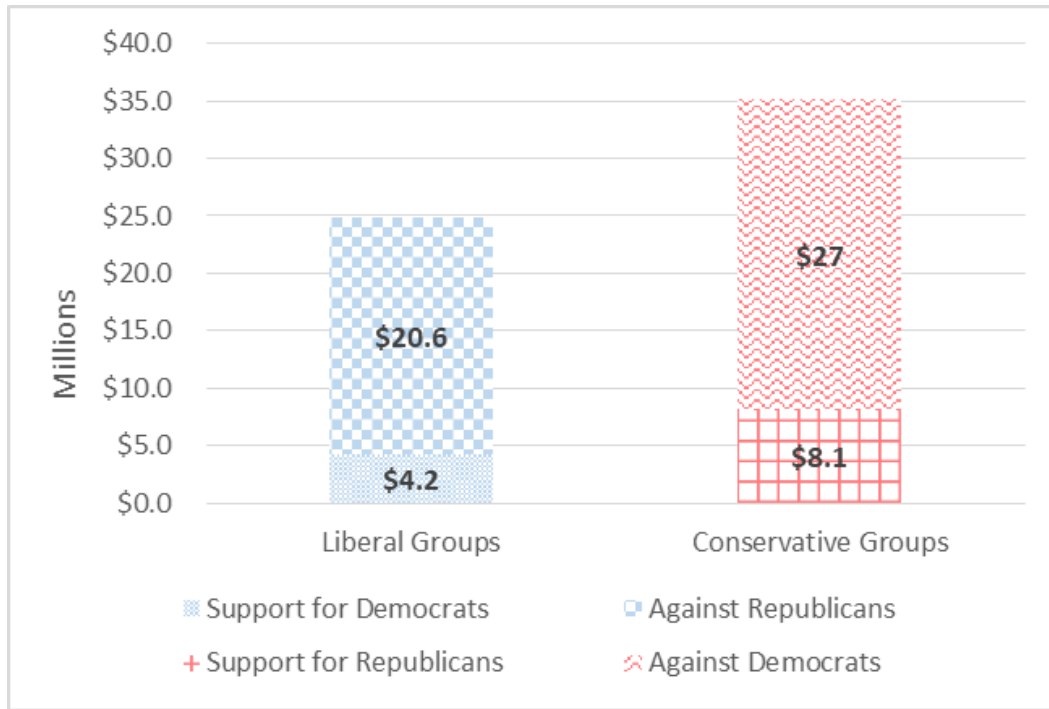


Figure 1. Targets of Outside Spending in 2010

This graph shows the targets of Super PAC advertisements in 2010 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2010&chrt=P&disp=O&type=S>

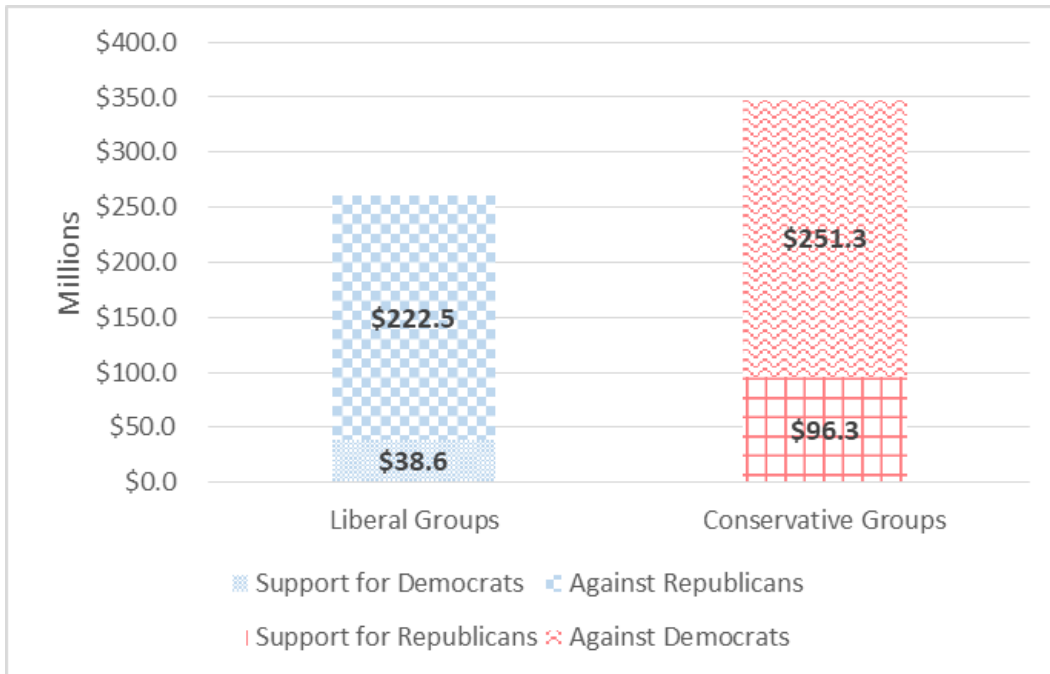


Figure 2. Targets of Outside Spending in 2012

This graph shows the targets of Super PAC advertisements in 2012 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2012&chrt=P&disp=O&type=S>

Unlike political party fundraising organizations, Super PACs are under no obligation to spread out their expenditures to all candidates of a party. You can see this in how Super PACs and similar organizations adjusted to new political realities in different elections. While party spending on Senate and House races remained relatively flat between 2012 and 2014 despite more competitive races in the Senate than in the House. Thirty-six percent of all Senate ads were from Super PACs and outside groups, up from the 27.5 percent they spent on Senate races in 2012. These groups paid for 16.2 percent of all House ads, down 18 percent from the previous election. These changes were likely due to the less competitive nature of House races in that cycle (Fowler and Ridout 2014). Super PAC spending effectiveness dropped from 2012 to 2016. An explanation for this seemingly counterintuitive result is that parties, candidates, and other Super PACs learned how to counter Super PACs, and offset their impact (Cox 2021).

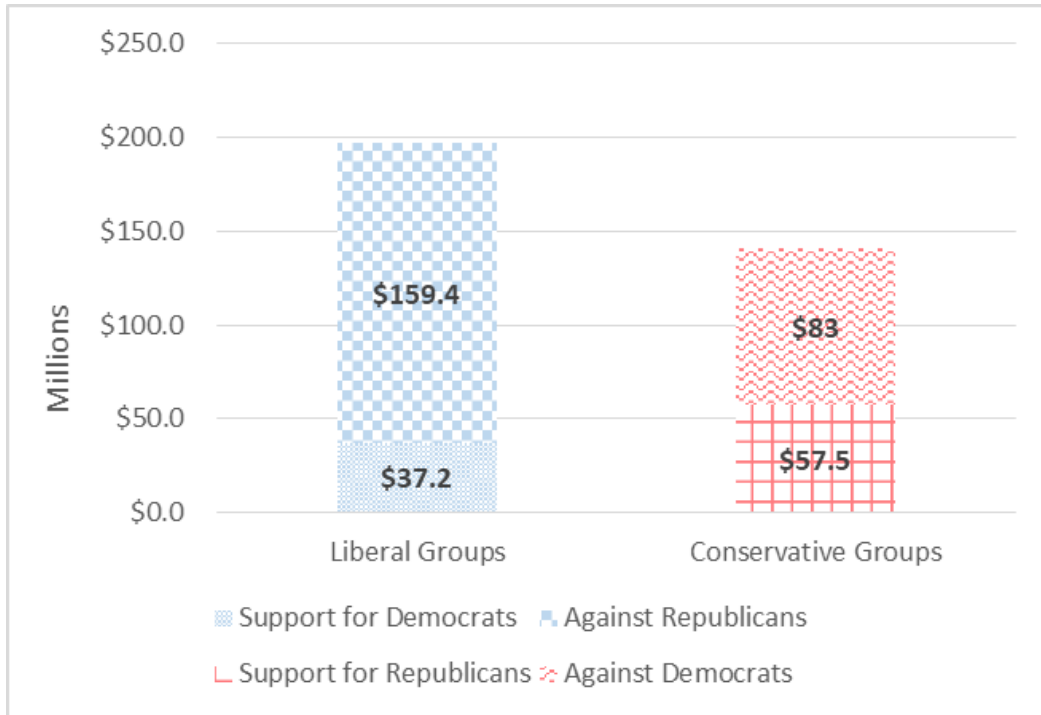


Figure 3. Targets of Outside Spending in 2014

This graph shows the targets of Super PAC advertisements in 2014 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2014&chrt=P&disp=O&type=S>

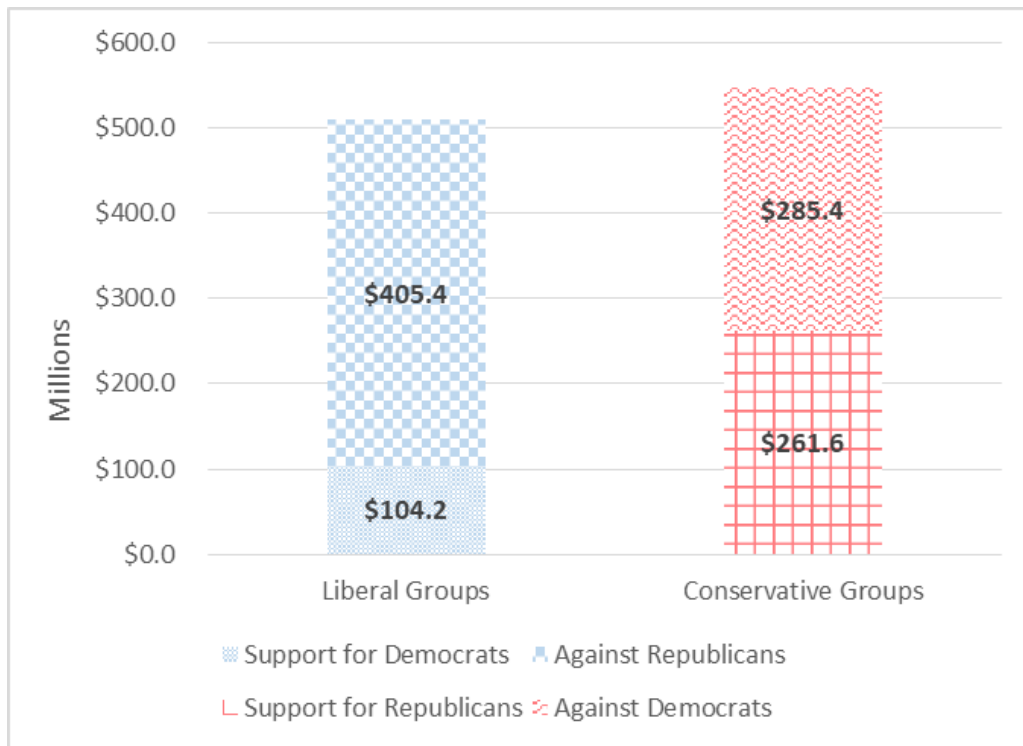


Figure 4. Targets of Outside Spending in 2016

This graph shows the targets of Super PAC advertisements in 2016 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2016&chrt=P&disp=O&type=S>

Democrats began to catch up in the lead-up to the 2016 election cycle to ensure that they would remain competitive (Coroneos 2015). Democrats would push the boundaries on Super PACs. Correct the Record would claim that they would be working in coordination with the official Clinton Campaign, despite such groups being prohibited by law from coordinating. They would argue that since most of their work was through social media platforms that they were not subject to such regulations (Magleby 2017). However, Republicans still benefitted more from Super PACs and other dark-money organizations through 2016 (Fowler, Franz, and Ridout 2020). Three organizations, One Nation, the U.S. Chamber of Commerce, and the Koch’s Americans for Prosperity accounted for 67 percent of all dark money spending in 2016. All three

groups had strong ties to the Republican Party establishment (Vandewalker 2016). Almost 60 percent of spending from outside groups was in support of a Republican or attacking a Democrat (Vandewalker 2016). The results were clear, by 2016, the post-*Citizens United* world had been associated with Republican advantages in federal congressional races as well as state congressional races. Republicans saw their election probabilities in state races increase by approximately 4 percentage points and over 10 percentage points in a few states. *Citizens United* also influenced more Republican incumbents to seek reelection compared to Democratic incumbents (Klumpp, Mialon, and Williams 2016).

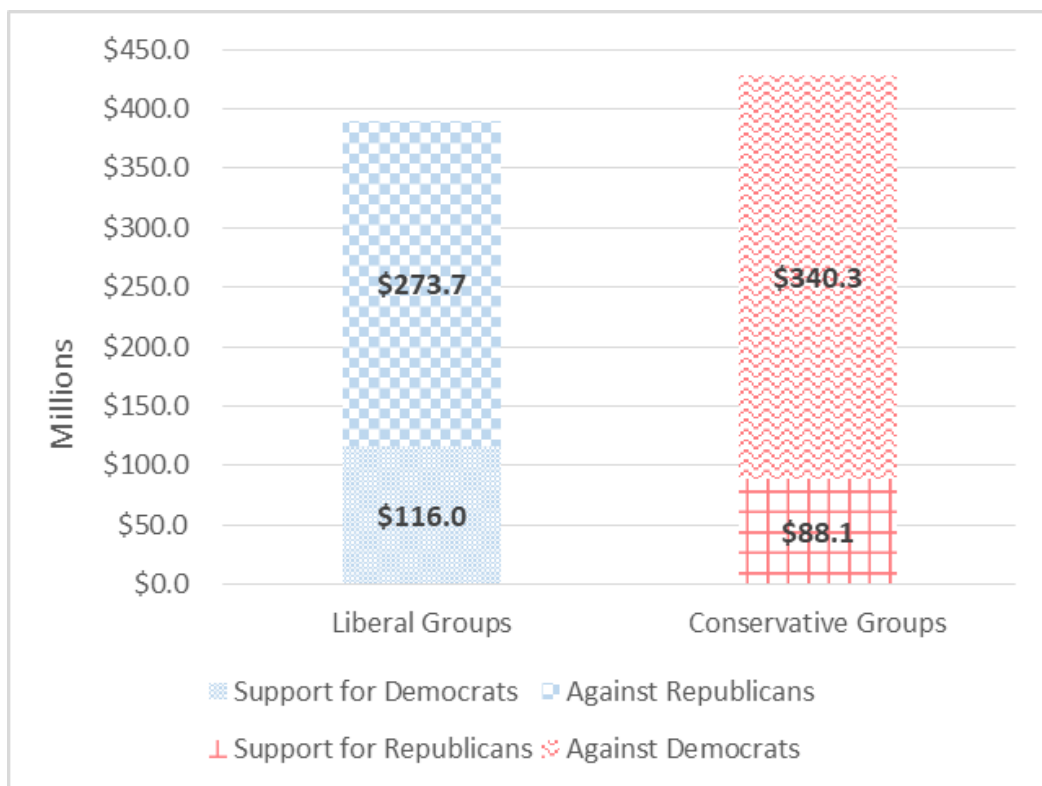


Figure 5. Targets of Outside Spending in 2018

This graph shows the targets of Super PAC advertisements in 2018 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2018&chrt=P&disp=O&type=S>

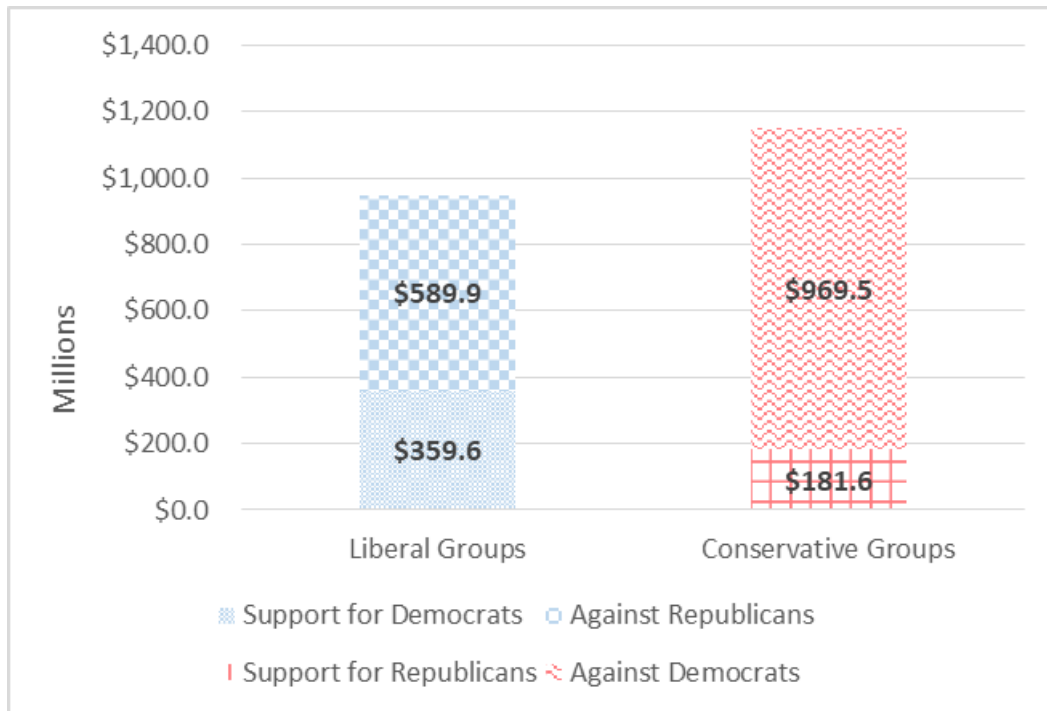


Figure 6. Targets of Outside Spending in 2020

This graph shows the targets of Super PAC advertisements in 2020 separated by party and whether they were in support or against a candidate from one of the two parties. Source: <https://www.opensecrets.org/outsidespending/summ.php?cycle=2020&chrt=P&disp=O&type=S>

The 2018 midterms saw Super PACs and similar organizations fill in the gaps left by a lack of spending from formal party organizations. Only 10 percent of advertisements aired were from formal party organizations (Fowler, Franz, and Ridout 2020). Official party ads made up nearly one-third of all broadcast television ads in 2000 and between 20 and 30 percent in the election cycles leading up to the 2018 midterms. More dark-money ads, in share and volume, aired on behalf of Democratic candidates in 2018. Almost 40 percent of the ads aired by Super PACs and 501(c)s were on behalf of Senate Democrats, three times the amount those candidates saw in 2014 (Fowler, Franz, and Ridout 2020).

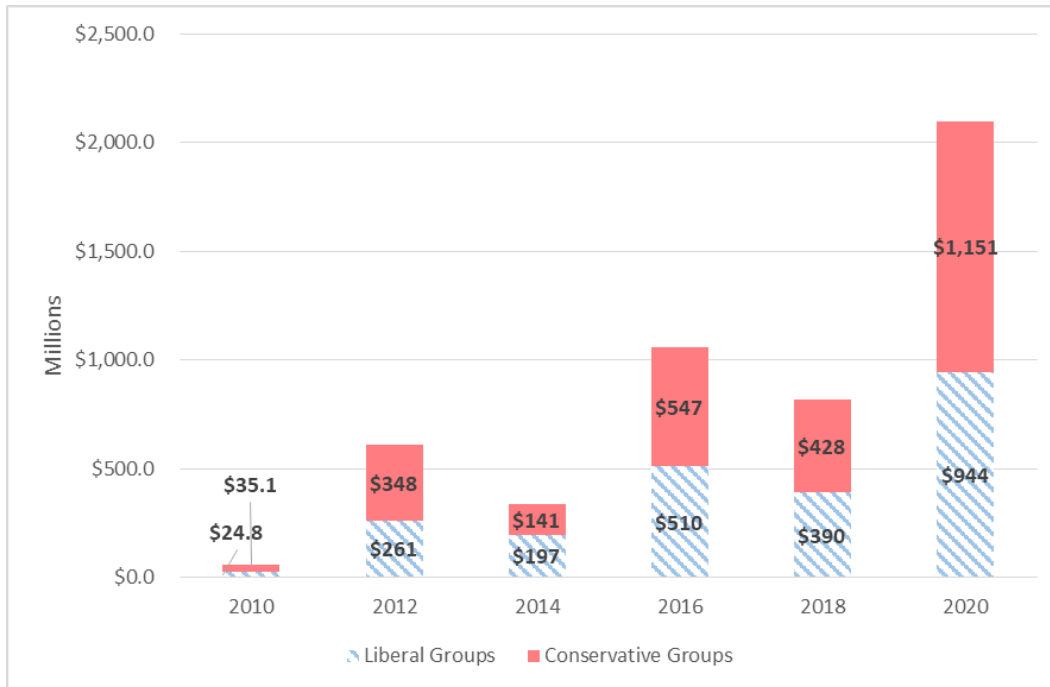


Figure 7. Outside Spending by Ideology from 2010 to 2020

This graph shows the total spending by outside groups separated by ideology

<https://www.opensecrets.org/outsidespending/summ.php?cycle=2020&chrt=P&disp=O&type=S>

Super PAC Impact

Super PACs not only control their activities, but their mere presence can influence many things from the attitudes of voters, how well the state governs and easing the fundraising burden on candidates. House incumbents started to reserve more of their principal campaign committee funds to fight these powerful Super PACs instead of sharing those funds with their leadership PACs (Heberlig and Larson 2014). Incumbents can ease fellow incumbents’ fears by “devoting a greater percentage of their contributions to electorally safe fellow incumbents, leaving fewer resources for competitive non-incumbents” (Heberlig and Larson 2013). In addition, incumbents can save more money for their reelection campaign with the help of independent expenditures from super PACs.

Super PAC spending is generally more effective when the advertisements are spent for a candidate than when they are spent against a candidate. Supportive advertisements were found to have a positive impact on both incumbents and challengers while negative ads harmed just the challenger (Chaturvedi and Holloway 2017). Although, when Super PACs are absent from a race, Republican challengers see their chances at election decrease by 1.9 points, compared to 0.3 increase by Republican incumbents. All challengers have a more difficult time winning a primary election without Super PACs (Cox 2021).

The introduction of Super PACs also influenced the mood of the electorate. The Supreme Court defended the use of independent expenditures from Super PACs because, in the Court's view, those types of expenditures could not be perceived as quid pro quo corruption. However, when asked if Super PACs can lead to corruption, small donors tend to disagree with the Court (Magleby, Goodliffe, and Olsen 2014). The presence of super PACs had discouraged some small donors in 2008 from giving at all in the 2012 presidential election. Super PACs seem to add to a feeling of disillusionment surrounding American politics.

Political parties have also had a more difficult time governing as a result of these influential Super PACs. As noted earlier, formal party advertisements accounted for nearly one-third of all political ads on broadcast television in 2000, but by 2018 that share had dropped to just 10 percent. Super PACs were picking up the slack (Fowler, Franz, and Ridout 2020). And while this can free up the political parties to organize various get-out-the-vote and registration events it also makes candidates less reliant on their money. Party leadership now lacks disciplinary power over their members, allowing them more freedom to vote against the leadership's wishes. Party leaders are more effective and caucuses are more unified when they are less reliant on outside groups (Norton and Pildes 2020). Political parties have much stricter

constraints on their fundraising abilities, and these constraints have pushed much of their money to an organization that they have little to no control over. “Super PACs exist primarily because partisans have the motive and the means to create party-like structure to offset constraints on party committees” (La Raja 2013). The following section will be a review of the literature surrounding the agenda-setting theory.

CHAPTER 4

Literature Review

The primary role of the news media in agenda-setting theory is to emphasize a small number of important issues (McCombs and Guo 2014). Maxwell McCombs and Donald Shaw developed the theory of agenda setting in a study (1972) that found that the media may set the agenda of political campaigns. Through a survey of voters, they were able to find that the mass media had a substantial impact on what the voters considered to be the major issues of the campaign (McCombs and Shaw 1972). In the survey, they observed that most voters agreed with news stories they were exposed to, regardless of their candidate preferences. They also saw that a considerable amount of the mass media coverage of the campaign was about the campaign itself, instead of the issues.

McCombs, Llamas, Lopez-Escobar, and Rey would reassess the agenda-setting theory, and build upon the foundational 1972 study. A study (1997) of Spanish regional and municipal elections suggests a second level of agenda setting. This second-level hypothesis argues that the “news media select attributes of candidates to construct images appropriate to news stories about the election while the political parties select attributes of the candidates to construct images in their political advertising aimed at winning votes” (McCombs, et al. 1997). Voters then use these images to learn about the candidates. The media can influence the pictures in our heads when we think or discuss the important issues of the day (McCombs and Guo 2014). The impact of the media is not limited to setting the parameters of a campaign but extends to the selection of attributes of the candidates.

However, these candidate attributes are not static and can change throughout a long campaign. It has been shown that when changes in the news agenda occurred so did a change in

the public agenda, and that the primary mover of the agenda was the news media and not the public (Balmas and Sheafer 2010). These changes can occur when the news media paints a candidate as corrupt. Spiro Kiouisis, Philemon Bantimoroudis, and Hyun Ban observed that a candidate's qualifications were not altered amongst the public when a candidate's corruption and education levels were altered. They did, however, note that the opinion of the candidate's personality did change (1999). When a candidate was described as ethical in a news article the participants of the study mirrored that opinion. These findings show that there is indeed a second level of agenda setting because "subject opinions about a candidate's corruption level matched the media's portrayal of that politician" (Kiouisis, Bantimoroudis, and Ban 1999).

The behaviors of those receiving these messages from the media can also be shown to impact the effectiveness of the media's ability to set the agenda. Frequent readers of newspapers were found to "echo the saliency of candidate attributes in the newspaper" (Balmas and Sheafer 2010) more than infrequent newspaper readers. Media skepticism can reduce the ability of the media to set the agenda. A study found that media skeptics were less likely to identify the "most important problem" as it was reported by the media. This media skepticism crossed ideology lines, various levels of knowledge of the issues, demographics, political extremity, and political involvement. Media skeptics were 22 percent less likely to agree with the most important issues of the media (Tsfati 2003). The media's agenda setting can also be limited if a politician is already well-known to the public. H. Denis Wu and Renita Coleman (2009) found in a study of voters in the 2004 presidential election that the second level agenda-setting effect was strong for only John Kerry, and not George W. Bush. Public familiarity could be a contributing factor. George W. Bush had already been president for a term and had mass media exposure in the aftermath of the 9/11 attacks. The participants of this study were from southern cities where

Kerry was just one of many Democratic candidates meaning that there was a stronger need for orientation (NFO) when it came to John Kerry. A study of Israeli elections (Balmas and Sheaffer 2010) found something similar. The public was familiar with then Prime Minister Benjamin Netanyahu, and “throughout the campaign, there were no changes in the news and public in terms of attribute saliency” (Balmas and Sheaffer 2010). It has also been suggested that individuals with high levels of media exposure experience greater levels of opinion fluctuation than those with lower levels (Wirth et al. 2010)

The NFO is one of the key concepts of the agenda-setting theory. A person’s NFO is dependent on two ideas: relevance and uncertainty (Chernov, Valenzuela, and McCombs 2011). The NFO is low if an individual does not view the issue as relevant to them. Uncertainty comes into play when the issue is relevant. The NFO is low if the individual has all the information they feel is necessary. It has been put forth that there are three dimensions to the NFO (Matthes 2005). The first is an NFO to the issue in general. This describes the need for individuals to stay informed and updated on developments regarding the issue. The next dimension deals with the background information and the selection of facts surrounding the issue. A person with a high NFO wants to know the different sides of an issue to more fully understand it. The NFO towards journalists is the third dimension. People with a high NFO will evaluate and assess the statements from a journalist when considering an issue (Matthes 2005).

Within the last decade or so, research has suggested the existence of the third level of agenda setting. This third level, or Network Agenda Setting Model, argues that individuals “relate to the agenda in a pattern of network thinking” (Guo and McCombs 2011). The media not only transfers the saliency of individual issues but has the potential ability to affect a person’s cognitive map by transferring the connections among various agenda elements (McCombs and

Guo 2014). Instead of transferring separate pictures in our heads, the media can relay these issues as complex networks. Think of a cat's cradle with each finger being an issue or attribute with the strings connecting them representing their relationships.

Media agenda setting can also have an effect on smaller actors in the larger media environment, a phenomenon known as intermedia agenda setting (Sweetser, Golan, Wanta 2008) (Su and Borah 2019) (Nygaard 2020). A study by Kaye Sweetser, Guy Golan, and Wayne Wanta (2008) on the impact of blogs and political advertisements in the 2004 Presidential Election found evidence of an intermedia agenda-setting process. Their research suggests that “the news agendas of several leading broadcast news organizations were somewhat shaped by modern campaign tools” like political advertisements and blogs. They do point out that the broadcast news portion of the media continues to set the agenda. The same study also looked at the impact of campaign advertisements and their ability to set the agenda. They found that the advertisements in this particular election did not impact the “issue saliency of the newscasts” (Sweetser, Golan, Wanta 2008). This is counter to a previous study (McCombs et al 1997) that did find correspondence between news and political advertising agendas. This inconsistency could be possibly be explained because Kerry tried to change the campaign by discussing topics that were outside of the media agenda (Sweetser, Golan, Wanta 2008).

Presently, the online political landscape has replaced candidate blogs with a vast array of politicians and their surrogates attempting to set the agenda through various social media platforms, primarily Twitter. Politicians of both parties have no real differences in the number of tweets, but Democratic governors tended to use more diverse language camped to their Republican counterparts (Yang et al. 2016). Republican governors were more strongly aligned on their agenda than Democrats. A study (Su and Borah 2019) on the intermedia agenda-setting

influence between Twitter and newspapers found that agendas of the newspapers and Twitter were highly correlated and that it was the newspaper initially setting the agenda. The newspapers were the ones setting the agenda after former President Trump announced the United States was leaving the Paris Climate Agreement. The newspapers would lose their intermedia influence within five days of the announcement, and start following Twitter's agenda (Su and Borah 2019).

Agenda-Setting Impact of Political Advertisements

Since their inception, political advertisements have served the purpose of persuading and educating voters on issues and candidates. In what capacity, if any, do political advertisements play in agenda setting? Before we look into that question, we need to know if political advertisements can persuade voters. There has been ample evidence to suggest that political advertising does impact vote choice and influence attitudes towards candidates (Durante and Guterrez 2004) (Franz and Ridout 2010). The impact of political advertising is so strong that even some strong partisans yielded to their appeals. This influence can be weakened if the audience has high political knowledge (Franz and Ridout 2007). Campaigns can use political advertisements to persuade voters and to alter the partisan makeup of an electorate, but whether or not they increase voter turnout is not as obvious (Spenkuch and Toniatti 2018).

A study (Johnston and Kaid 2002) categorized most presidential campaign ads from 1952 to 2000 as either an issue ad or an image ad. Image ads feature the candidate making an emotional appeal and speaking directly to the home audience. Issue ads have an anonymous narrator making specific points on an issue. They found the majority of both types run more positive than negative ads, but negative ads were more commonly an issue ad. Also, attacks on a candidate's issue stance are more popular than attacks on their character (Johnston and Kaid 2002).

Warner et al. (2018) found that negative campaign advertisements were only effective when the individuals viewing the ads were in high in NFO. In the study, individuals had a lower perception of Donald Trump after viewing critical political comedy and attack ads, but that political comedy was more effective on its own. They do go on to say that, when paired together, political advertisements can “undermine the persuasive potential of comedy” (Warner et al. 2018). Exposure to well-financed and well-designed political advertisements increase knowledge about a candidate in the electorate, raise certain issues and attributes higher on the agenda of the electorate, stimulate the interest in the campaign, created a positive opinion of the candidate as a person, and polarize the electorate’s judgment of the candidate (Atkin and Heald 1976). It has also been suggested that less informed voters were more impressionable to political advertisements than those highly informed (Franz and Ridout 2007) (Balmas and Sheafer 2008) (Wu and Coleman 2009). It is these indecisive portions of the population that are the main targets of political advertisements. Politicians “plan, design, develop, and conduct their propaganda campaigns targeting” (Alp 2016) this population.

William Benoit, Glenn Leshner, and Sumana Chattopadhyay (2007) observed that political advertisements can have significant effects on viewers’ perception of candidate character, issue learning, interest in the campaign, vote choice, and the likelihood of voting. The same study found that “students tend to show larger effects on learning and smaller effects on attitude change” when exposed to political advertisements. Television ads had significant effects on attitude and learning from both students and non-students alike (2007). The electorate can, however, reach a point where they have been oversaturated with advertisements that the advertisements have diminished returns. In a study of political advertising in the 2016 Iowa Caucuses, Jay Newell (2018) found that increased levels of political advertising did not lead to

higher levels of political engagement. It was also suggested that the advertising saturation only led to candidate preference changes amongst the larger Republican field of candidates. The Democratic candidates saw few differences in preference change. The study did find that “more media money was associated with more votes” (Newell 2018).

Campaigns use social media, especially Facebook and Twitter when attempting to get their messages across to the public. The ability to quickly create ads at a lower cost has led much of this move of political advertisements to social media. A study from Erika Fowler et. al. (2021) suggests that voters are exposed to a broader array of political advertisements on Facebook when compared to television ads. Facebook can also increase awareness of local races in areas with an incongruent television market. Social media use has also been found to make potential voters more active in campaigns offline (Dimitrova et al. 2011). Voters also see more challenger ads on Facebook. The ads themselves are less negative than television ads, have less discussion of the issues than television ads, and increase partisanship more than television ads. These characteristics suggest that Facebook advertisements are less concerned with persuading voters than they are in mobilizing existing supporters of a candidate (Fowler et al. 2021). It was, however, found that frequently visiting news Websites has a strong impact on political knowledge than frequenting social media sites (Dimitrova et al. 2011)

Guy Golan, Spiro Kiouisis, and McDaniel (2007) conducted one of the first studies to test the effects of political advertising on the second level of the agenda-setting model. In it, they found that the Bush and Kerry campaign ads of the 2004 Presidential Election played a role at the first level of agenda setting. However, their findings were more mixed when they examined these political ads at the second level of agenda setting. While they did not find a significant association between the candidate’s ads and the public’s agenda, they did find “the salience of

affective attributes in political advertising can impact perceived object salience as Kerry's negative ads were significantly correlated with public opinion of issues" (Golan, Kiouisis, and McDaniel 2007). This indicates that political ads have some second-level agenda-setting ability. Research (Wirth et al. 2010) on referendum campaigns in Switzerland found that there was a significant connection between the campaign in support of the referendum and argument salience in the media. They did not find the same connection on the opposing campaign's side. However, a campaign's argument must be persuasive or deceptive, depending on which side you are on. Ideas cannot be argued without connecting to the emotions of a populace. For example, those in favor of the referendum supported stricter asylum laws, but at the same time would tout the nation's long humanitarian history. The pro-referendum side presented an argument that was not overtly anti-asylum thus giving their side a larger array of arguments (Wirth et al. 2010).

When Maxwell McCombs and Donald Shaw laid the groundwork for the agenda-setting model (1972) they found that a considerable amount, 28 percent, of election coverage was about the campaigns instead of the issues. This would suggest that the media dedicates part of their election coverage to dissecting the messages from the campaigns. How do these advertisements impact the agenda that the media set? Do campaign surrogates in newspapers and online spaces like Twitter repeat the messages that these advertisements put forward? Yeojin Kim, et al (2016) found in a study of the intermedia agenda-setting impact of political advertising, newspapers, and Twitter that the political advertisements of the 2012 Presidential Election positively influenced the attribute and issue agendas of newspapers and accounts on Twitter. They also saw an inter-candidate agenda-setting effect where the Obama "attribute agendas of newspapers were more influenced by political advertisements than the issue agendas of newspapers, whereas for

Romney the issue agendas of newspapers were more influenced by political advertisements than the attribute agendas of newspapers were” (Kim et al. 2016).

The next section of this paper will look at the role the Super PACs and their ads play in recent senatorial elections. This section will apply what is known about agenda-setting theory and apply it to the functions of Super PACs. Specifically, it will be looking at whether or not Super PACs have inherited the agenda-setting roles of political parties. Does their ability to quickly churn out advertisements create opportunities for Super PACs to change campaign narratives? Does the dominance of Super PAC campaign ads airing early in a campaign (Fowler and Ridout 2014) set the tone of that campaign? Are advertisements enough on their own to set the agenda, or are more tools needed?

CHAPTER 5

ANALYSIS OF THE CAMPAIGNS

Race Selection, Rationale, and Data Sources

This section of the paper is dedicated to an in-depth look at three competitive senatorial campaigns in each of the presidential elections cycles from 2012 to 2020 to see if or how Super PACs have replaced the traditional political party in campaign agenda setting. The following races have been selected: the 2012 race in Montana between Sen. Jon Tester and former U.S. Congressman Denny Rehberg, the 2016 race in North Carolina between Senator Richard Burr and former State Representative Deborah Ross, and the 2020 race in Georgia between former Senator David Perdue and current Senator Jon Ossoff. Each of these races was categorized as tossups by Real Clear Politics and also was amongst the most expensive races in their respective years. The Montana race in 2012 saw the sixth-highest total dollar amount, with over \$25 million spent by outside groups (2012 outside spending, by race 2012). The North Carolina Senate race in 2016 had the fourth-highest amount spent by outside groups with over \$60 million spent (2016 outside spending, by race 2016). The Georgia Senate race between Jon Ossoff and David Perdue had the highest total spent by outside groups in 2020 (2020 outside spending, by race 2020). These three contests, due to their high level of Super PAC activity and competitiveness, can give us many different styles of campaigning from outside groups ranging from ubiquitous direct mail and television ads to the more personal canvassing and phone banks. Three races each from different presidential election cycles were chosen for two main reasons: the first being that only presidential election cycles were chosen because they have similar voter turnout rates compared to midterm election cycles, and secondly races from different election cycles may shed light on the changing tactics of Super PACs. Presidential politics is difficult to escape in presidential

election cycles. The Georgia Senate race, especially, was closely connected to the Presidential race, but that can be said about the other two races as well (Barker 2012) (Husser 2016).

The data that the Federal Election Commission has made available to the public will be utilized in the section. The FEC has compiled the Super PAC independent expenditures which includes the names of the organizations, the intended target of the expenditure, whether the expenditure was in support or opposition of the target, the expenditure amounts, the purpose of the expenditure (digital ads, canvassing, payroll, phone banking, etc.), etc. The FEC also has some organizational information on these Super PACs like a mailing address and the treasurer, but it does not include a donor list for the groups. Reporting from local and national media were used to fill in the donor list gaps, however many donors remain unknown.

Montana 2012

In 2012, many of the policies of then-President Obama were very unpopular in rural and conservative corners of the country, and Montana was no different. Obama had only a 32 percent approval rating from Montanan voters in a poll held a year out from the 2012 election (Sanders 2011). Republicans saw an opportunity to pick off one of the most vulnerable Democratic senators, Jon Tester. Campaign ads started to hit the airwaves almost immediately after former Congressman Denny Rehberg entered the race. In March 2011, a group known as the Environmental Defense Action Fund released an attack ad against Rehberg claiming that he sided with lobbyists that wanted to block mercury limits in drinking water. The election was 604 days away (Parker 2014). Most of the money spent on ads in 2011 did not have to report with the FEC because they did not explicitly tell voters who to support or oppose in the coming election. Instead, they would use phrases like “Call John Tester. Tell him to stop supporting President Barack Obama” (Barker 2012). Outside groups of all persuasions used this early period of a

campaign to define the candidates and the major issues of the campaign (Flower and Ridout 2014). Major conservative groups like the Karl Rove-operated Crossroads GPS, the U.S. Chamber of Commerce, and Concerned Women for America Legislative Action would use the summer of 2011 to paint Senator Tester as a big-spending, Obama-clone.

Sixty percent of the money spent on ads during this early period of the campaign were negative ads attacking Senator Tester. These pro-Rehberg groups would continue to dominate the airwaves into early 2012 (Parker 2014). However, such an overwhelming wave of negative ads can backfire. Sen. Tester would respond to several of these groups, specifically Karl Rove and his Crossroads GPS organization. Tester would use the influx of outside organizations as a way to fundraise. He would accuse Wall Street and Big Oil of uniting against him, but that those tactics were not going to work because Montana was different. (Parker 2014). These groups also had a couple of unforced errors in their campaigns. The National Republican Senatorial Committee added Tester's missing three fingers to an ad, and the U.S. Chamber of Commerce misspelled Sen. Tester's first name (Barker 2012).

The liberal groups took a slightly different approach. Instead of having the cookie-cutter ads of Crossroads GPS that could be edited to fit a particular race, these groups would have names with "Montana" in them and pictures of ranches in their ads to make them feel more authentic. They would also spend money directly interacting with voters by going door-to-door, phone banking, and sending direct mail to voters (Barker 2012). These groups would also coordinate advertisements to make them more impactful. The liberal group The League of Conservation Voters gave the Montana Hunters and Anglers super PAC \$410,000 (Barker 2012). The idea was that ads from a group supposedly made up of Montana Hunters would have more credibility than if they came from a consulting firm from D.C. However, several liberal groups,

including Montana Hunters and Anglers, were connected to a Beltway consulting firm called Hilltop Public Solution (Barker 2012).

Groups in support of Rep. Rehberg dominated the early months of the campaign, outspending pro-Tester groups in July 2011, December 2011, and February 2012 (Parker 2014). The polls reflected this as well. A June poll from Public Policy Polling had Rehberg with a two-percentage-point lead over Tester. A November poll from the same polling group had the same result. A poll from Colorado College in early January had Rehberg up three-percentage point advantage (2012 – Montana Senate – Rehberg vs. Tester 2012) Rehberg would continue to lead in a majority of polls throughout the winter and spring. However, Tester would lead in half of the eight major polls compiled by Real Clear Politics from September to Election Day. So, what changed? Pro-Tester groups spent more than pro-Rehberg groups in March, May, June, September, and October (Parker 2014). The Tester campaign was able to show voters Tester’s best attribute, his personality, in his ads, while the liberal groups attacked Rehberg over his record and personal wealth in their ads. “If the campaign became about personalities, Tester, would have the edge,” said Montana State University professor David Parker (2014).

Montanans were inundated with campaign ads in the summer and fall. Overall, there were over 44,000 ad airings in Montana between June 1st and September 8th of 2012, the most of any state in that period. Over 28% of them were from groups other than either the Tester or Rehberg campaigns (Obama’s “convention bounce” may actually be an ad bounce 2012). In all, 49 different groups that reported with the FEC spent money on the 2012 Montana Senate Race. Liberal groups outspent conservative groups \$13.5 million to \$12.8 million (Federal Election Commission n.d.).

PAC	Ideology	Total Spent	Purpose of Expenditures
Democratic Senatorial Campaign Committee	Liberal	\$4,093,117.56	Media buy
National Republican Senatorial Committee	Conservative	\$3,825,269.81	Media
Crossroads Grassroots Policy Strategies	Conservative	\$3,200,067.06	TV, radio, Web ads
Majority PAC	Liberal	\$3,002,260.13	Mailers and media buys
American Crossroads	Conservative	\$2,650,751.64	TV and Radio ads
American Federation of State, County, and Municipal Employees AFL-CIO	Liberal	\$1,550,094.50	TV ads
League of Conservation Voters, INC	Liberal	\$1,420,880.00	Misc.
US Chamber of Commerce	Conservative	\$1,361,294.00	TV, radio, Web ads
Montana Hunters and Anglers Leadership Fund	Liberal	\$1,261,694.04	TV and Web ads
Patriot Majority USA	Liberal	\$931,132.79	TV ads

Table 1. Ten Highest Spending Super PACs in the 2012 Senate Election in Montana

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Most of the big spenders listed in Table 1 are well-known political actors ranging from the political parties themselves (Democratic Senatorial Campaign Committee, National Republican Senatorial Committee, Senate Majority PAC (formerly Majority PAC)), labor unions, The U.S. Chamber of Commerce, and political operatives (Karl Rove’s American Crossroads and its spinoff Crossroads Grassroots Policy Strategies). The D.C.-funded Montana Hunters and Anglers Leadership Fund and League of Conservation Voters also make the top ten. The top donors for Patriot Majority USA are labor unions, including United Steelworkers, AFL-CIO, American Federation of State, County, and Municipal Employees, and Service Employees International Union (“Patriot Majority USA” 2012).

Single-issue PACs, like those in Table 2, populate the list of PACs as you move down the list of spenders.

PAC	Ideology	Total Spent	Purpose of Expenditures
Planned Parenthood Votes	Liberal	\$379,906.36	Online, tv ads, phone calls
Gun Owners of America INC	Conservative	\$41,426.02	Mailers
Planned Parenthood Advocates of Montana	Liberal	\$22,098.42	Travel for canvassing, web ads
National Right to Life Victory Fund	Conservative	\$8,964.10	Radio ads
Planned Parenthood Action Fund Inc	Liberal	\$7,466.11	web ads
NARAL Pro-Choice America	Liberal	\$6,811.42	Misc. Newspaper ads, radio ads, mailer
National Right to Life PAC	Conservative	\$5,949.63	mailer
Gun Owners of American Inc	Conservative	\$3,400.00	Radio ads
Political Victory Fund	Conservative	\$3,400.00	Radio ads

Table 2. Top Spending Single-Issue Super PAC in the 2012 Senate Election in Montana

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

The PACs in Table 3 have names that seem to be purposefully opaque. Examples include America Is Not Stupid, Now or Never PAC, FreedomWorks, Fair Share Action, Faith Family Freedom Fund, and Americans for Responsible Leadership. America is Not Stupid spent over \$52,000 on televisions ads, and documents for organizations that lead to a law firm in Florida (Barker 2012). Now or Never PAC spent over \$400,000 on the Montana race, and received a \$1.7 million donation in 2012 from the American Conservative Union. However, that organization was thought to have been merely a conduit for the actual donor, and in 2019 the Supreme Court ordered the group to disclose the name of the donor (Torres-Spelliscy 2019). The donor remains unknown. FreedomWorks is a nonprofit that was partly responsible for the Tea Party protests early in the Obama presidency and was aligned closely with the causes of former president Donald Trump (Stanley-Becker 2020). It was originally founded as Citizens for a Sound Economy in the 1980s by the Koch Foundation (Zernike 2010). Software entrepreneur Tim Gill founded Fair Share Action to elect Democrats and to fight for LGBTQ causes (Crummy

2012), and its donors include billionaire and one-time presidential candidate Tom Steyer (Olsen-Phillips 2014). The Faith Family Freedom Fund is a conservative Christian organization that only lists Paul Tripodi as their treasurer with the FEC. Americans for Responsible Leadership is an Arizona-based group that was led in 2012 by Kirk Adams and Robert Graham. Adams would go on an unsuccessful bid for the Republican nomination in Arizona’s 5th Congressional District. Graham would go on to be the chair of the Arizona Republican Party in 2013.

PAC	Ideology	Total Spent	Purpose of Expenditures
Now or Never PAC	Conservative	\$410,180.00	TV ads
Fair Share Action	Liberal	\$134,560.55	Mailers, ad buy
Freedomworks for America	Conservative	\$73,024.27	TV and Web ads
America is Not Stupid Inc.	Conservative	\$52,079.70	TV ads
Faith Family Freedom Fund	Conservative	\$37,000.00	Cable TV ads
Americans for Responsible Leadership	Conservative	\$28,915.22	Phone calls
It’s Now or Never Inc	Conservative	\$485.00	E-letter delivery

Table 3. Miscellaneous Super PAC Spending in the 2012 Senate Election in Montana

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Throughout it, all, the millions of dollars and the thousands of ads, the race appeared tight. The Real Clear Politics poll average for the last week had Rehberg with a 0.4 percent lead (2012 – Montana Senate – Rehberg vs. Tester 2012). It was incumbent Senator Jon Tester that prevailed in the end by a 3.7% margin. How much of Tester’s win can be attributed to Super PACs and their tactics? Were these groups able to set the political agenda of the campaign? Liberals did outspend conservatives in the money that was reported to the FEC, but so many ads early on in the campaign could side-step FEC filing by using clever phrases in their ads (Barker 2012). Dr. David C.W. Parker, a political science professor at Montana State University, argued that messages of these outside groups mattered more than the sheer number of ads. He pointed out that Tester gave voters what they liked about him: his oversized and genuine personality. Liberal groups picked up on that message and painted Rehberg as someone who was not “warm

and cuddly” (Parker 2014). While conservative groups continued to repeat the same message (that Tester was in Obama’s pocket), liberal groups gave voters new information about Rehberg (voted to give himself a raise five times, sued a fire department, the size of his wealth, etc.) (Parker 2014). Some of Rehberg’s earliest campaign ads directly countered claims made by liberal outside groups that Rehberg was out of touch with Montanans (Baker 2012). It appears to be a strong indicator of the agenda-setting abilities of outside groups when the official campaigns have to respond to them in their ads.

North Carolina 2016

When asked about the most important issues surrounding the 2016 Senate race in North Carolina, Director of the Elon University Poll and Assistant Professor of Political Science Jason Husser, half-jokingly, said: “none” (2016). According to him, the gubernatorial and presidential races had sucked all of the air out of the room and overshadowed the race between Senator Richard Burr and former state representative Deborah Ross. “Overall, the U.S. Senate race in North Carolina is a low information race with relatively low levels of recognition for both major party candidates” (Husser 2016). Two candidates with low levels of name recognition are fertile ground for agenda setters. It suggests that many voters have a high need for orientation (NFO). It is important to remember that NFO is dependent on whether individual views an issue as relevant and if they have all the information they want on said issue. The NFO is low if the individuals have all of the information they think is needed. (Chernov, Valenzuela, and McCombs 2011). So, were Super PACs able to set the agenda for this race, and if they were which groups were most successful?

Polls conducted early in the race showed Burr with a substantial lead over his challenger Ross. Only one poll before August that was collected by either Nate Silver’s

FiveThirtyEight.com or Real Clear Politics had Ross with a lead. However, by the fall the race had appeared to tighten. FiveThirtyEight compiled 16 polls in September where Burr led in 7, Ross in 6, and they were tied in 3 (“North Carolina Senate - Burr vs. Ross” 2016) Pollster and Elon University professor Jason Husser, in a late October interview, said that he many of his colleagues thought that Sen. Burr would have a much larger lead at that stage in the race (Husser 2016). He did point out that the October polls had shown a slight uptick for Burr, but that candidates had difficulty moving the numbers on their own during the presidential election.

The race was characterized by the attack ads instead of the candidates’ positions on issues (Campbell, Bonner, and James 2016). The Senate Leadership Fund, which is connected to Senator Mitch McConnell, spent \$8.1 million for ads that were critical of a memo that Ross wrote where she voiced concern about the states sex offender registry and its ability to reintegrate offenders back into society (Campbell, Bonner, and James 2016). The ads began airing September 13th and would run until Election Day, and were in response to Burr being outraised in consecutive cycles (Alex Roarty 2016). According to the Wesleyan Media Project, the North Carolina race had the 5th highest percentage of negative ads amongst all senate races from September 16th and October 13th of that year. Nearly 30% of those ads were from outside groups (Wesleyan Media Project 2016).

In October, it did seem that Burr had a slight advantage. Sen. Burr had a lead in 13 of the 21 polls that Real Clear Politics (North Carolina Senate - Burr vs. Ross 2016) collected in October. Ross only led in 4 and the other 4 were ties. Perhaps the high volume of negative ads sent out by the Senate Leadership Fund was able to sway constituents. An Elon Poll found that there were more undecided voters, 8 percent when asking about the Senate race than when voters were asked about the presidential or gubernatorial races

Karl Rove made another appearance in this competitive race. His non-profit group, One Nation, created direct mail ads and also gave the Senate Leadership Fund \$11 million in October (Gordon 2016). The Senate Leadership Fund donor list also includes several billionaires including former Education Secretary Betsy DeVos, who gave the fund \$1 million, former U.S. Treasury Secretary Hank Paulson gave \$45,000, CEO and president of Little Rock bank Stephens Inc Warren Stephens gave \$2 million. The Super PAC Grow NC Strong got backing from major sugar producers from Florida and the Reynolds American tobacco maker from Winston-Salem, North Carolina (Gordon 2016). Democratic Senatorial Campaign Committee would end up spending over \$11 million on the race (FEC). The Senate Majority Fund, which was loosely related to the former Senate Democratic leader Harry Reid, spent over \$5 million. Liberal groups like these and others would use their money in an attempt to paint Sen. Burr as a politician held hostage to his major donors in the fossil fuel industries (Campbell, Bonner, James 2016).

PAC	Ideology	Total Spent	Purpose of Expenditures
Senate Leadership Fund	Conservative	\$13,688,789.92	TV ads, online ads, radio ads
DSCC	Liberal	\$11,062,494.84	Media buys
Senate Majority PAC	Liberal	\$5,079,751.97	Online ads
American Federation of State, County, and Municipal Employees	Liberal	\$3,798,689.08	TV ads, radio ads, mailers
National Rifle Association of America Political Victory Fund	Conservative	\$3,635,828.89	Phone calls, tv ads, mailers
Women Vote!	Liberal	\$3,352,176.32	TV ads
Americans for Prosperity	Conservative	\$3,191,712.94	Mailers, canvassers, phone banking, digital ads, mailers
National Rifle Association Institute for Legislative Action	Conservative	\$2,565,597.58	Phone calls, tv ads, mailers
Grow NC Strong Inc	Conservative	\$2,334,430.65	Digital ads, radio ads, radio ads
NRSC	Conservative	\$2,221,004.00	Ads

Table 4. Ten Highest Spending Super PACs in the 2016 Senate Election in North Carolina
Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Table 4 shows the ten highest-spending Super PACs in the 2016 North Carolina Senate race. Fifty-eight outside groups reported independent expenditures with the Federal Election Commission in this election, eight more than the Montana race in 2012. These groups spent over \$63.5 million on everything from ads for TV, radio, and the Internet to direct mail and more personal get-out-the-vote tactics. Liberal groups outspent conservative groups by around \$1 million, \$32.2 million to \$31.3 million. There are some familiar names in the top spenders that were also present in Montana in 2012: Senate Leadership Fund, Democratic Senatorial Campaign Committee, Senate Majority PAC, and the National Republican Senatorial Committee.

PAC	Ideology	Total Spent	Purpose of Expenditures
National Rifle Association of America Political Victory Fund	Conservative	\$3,635,828.89	Phone calls, tv ads, mailers
End Citizens United	Liberal	\$1,801,166.00	Online ads
Planned Parenthood Action Fund Inc.	Liberal	\$361,478.50	Mailers
NextGen Climate Action Committee	Liberal	\$176,021.88	Online ads, mailers
PLANNED PARENTHOOD ACTION PAC NORTH CAROLINA	Liberal	\$147,075.91	Canvassers
National Right to Life Political Action Committee	Conservative	\$70,000.00	Mailer
Planned Parenthood Action PAC North Carolina	Liberal	\$59,677.90	Canvassers
Environment America Action Fund	Liberal	\$50,370.00	Canvassing
National Right to Life Victory Fund	Conservative	\$5,497.52	Radio ad

Table 5. Top Spending Single-Issue Super PACs in the 2016 Senate Election in North Carolina

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Single-issue PACs, like those in Table 5, continued to give in 2016 Mostly gun, abortion rights, and environment, and rather ironically a group dedicated to reversing the Citizens United case. These groups also tended to spend more money than their Montana 2012 counterparts.

PAC	Ideology	Total Spent	Purpose of Expenditures
Americans for Prosperity	Conservative	\$3,191,712.94	Mailers, canvassers, phone banking, digital ads, mailers
Grow NC Strong Inc	Conservative	\$2,334,430.65	Digital ads, radio ads, radio ads
League of Conservation Voters Inc	Liberal	\$2,034,614.42	TV ads and online ads
LCV Victory Fund	Liberal	\$1,141,196.59	TV ads and phone calls
One Nation	Conservative	\$697,784.92	Mailers and production
New American Jobs Fund	Liberal	\$661,300.90	Mailers, canvassers
ClearPath Action Inc	Conservative	\$623,031.42	Media placement
Working America	Liberal	\$310,907.39	Staff salaries, etc
SecureAmericaNow.org	Conservative	\$201,274.00	Online ads
Our Revolution	Liberal	\$120,000.00	Online ads
People for the American Way	Liberal	\$49,302.50	Spanish radio and TV ads

Table 6. Miscellaneous Super PAC Spending in the 2016 Senate Election in North Carolina

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

In Table 6 we see some intentionally vague Super PACs continue their efforts in 2016. There are some familiar names here as well: The Koch family-run Americans for Prosperity, the League of Conservation Voters, and Karl Rove with One Nation. Grow NC Strong was a Raleigh-based organization that was founded to assist Republican Senator Thom Tillis to defeat Democrat Sen. Kay Hagan in 2014 (Gordon 2016). Republican businessman Jay Faison created ClearPath Action as a way for Republican lawmakers to address climate change without advocating for government involvement (Goode 2015). Secure America Now is a foreign policy-oriented group that is headed by Allen Roth, the political advisor to Ronald S. Lauder, heir to Estee Lauder fortune (Robert Maguire 2018). Near the end of the 2016 race in North Carolina, the group worked with Facebook and Google to create ads that depicted famous European locations like Paris and Berlin, but under the control of the Islamic State. The hedge fund investor Robert Mercer was a major donor to the group (Maguire 2018).

The League of Conservation Voters and United Steelworkers came together in 2016 and created New American Jobs Fund PAC (Stein 2016). Working America is a political organization wing of the AFL-CIO that is made up of non-union members (Sixel 2012). Our Revolution is made up of labor activists to continue the work of Senator Bernie Sander's 2016 presidential campaign. Its advertising is controlled by Revolution Messaging which did most of the work for Sander's presidential campaign. Its founding executive director was Shannon Jackson, Sander's driver, and Larry Cohen, the former president of the Communications Workers of America (D.D. Guttenplan 2016). People for the American Way was created in the 1980s by producer Norman Lear to combat the conservative agenda of the Moral Majority (Reeves 2009).

The Real Clear Politics average for the final days of the campaign (Oct. 26 – Nov. 6) had Burr with a 2-percentage point lead over Ross. Burr would end getting just over 51 percent of the vote and defeat Deborah Ross by 5.7 points. Meanwhile, Donald Trump would win North Carolina by a margin of 3.6 percent. Before the election, Elon Professor Jason Husser noted that split-ticket voting did not appear too high for that year (Husser 2016). Burr did outperform Trump by over 32,000 votes.

How much responsibility can Super PACs claim in controlling the narrative of the race? It is complicated. It would be difficult to claim that outside groups made a minimal impact when they made nearly 30 percent of the ads late in the race. FEC records show that liberal groups outspent conservative ones. Liberal groups also had 1,751 more ads on television than conservative groups between October 14 and October 30th. The race took a negative turn in the last weeks of the election, with only 8 percent of campaign ads between September 1st and October 30th being positive, the smallest percentage of a Senate race that year (Wesleyan Media Project 2016). Perhaps the ads from the Senate Leadership Fund that characterized Ross as soft on sex offenders, the larger group of undecided voters, and Trump outperforming his polls was the right combination to elect Burr to a third term.

Georgia 2020

Former Senator David Perdue spoke with a group of Republican Party activists in the spring of 2020 and bluntly told them that “the state of Georgia is in play.” The race between him and Jon Ossoff was a race between two men with very different visions for the country. David Perdue is a former CEO of Reebok and Dollar General with a close connection to Donald Trump. Jon Ossoff is a former investigative journalist who called Donald Trump a “wannabe tyrant” (Bluestein 2020). Perdue spent his campaign attempting to paint Ossoff as a socialist with

an extreme agenda that was not in line with Georgians. Ossoff responded by attacking Perdue for making profitable stock trades after receiving classified briefings that the Covid-19 pandemic would (Nilsen 2020). The contest between the two, and alongside the special election between Kelly Loeffler and Raphael Warnock, would end up deciding the fate of the Senate and the agenda of President Biden.

A Democrat had not won a U.S. Senate race in Georgia since Max Cleland in 1996, but shifting demographics in the Atlanta suburbs had changed the electoral math (Ella Nilsen 2020). There had been several close elections in the state that had hinted at a narrowing margin between the two parties in the state. Democrat Stacy Abrams lost the 2018 governor's race by less than 55,000 votes to Brian Kemp, who was the top election official in Georgia at the time. Jon Ossoff had campaigned in those very same suburbs in 2017 when he lost a close special election to represent Georgia's 6th Congressional district. The voters in that district would end up electing a Democrat the following year. Ossoff took advantage of these changing demographics and spent part of the summer creating a diverse coalition of voters by engaging with minorities groups during the racial equality protests after the murder of George Floyd (Nilsen 2020).

Real Clear Politics classified the race as a toss-up. However, Perdue led most all polls collected by Real Clear Politics from June to late September (Georgia Senate - Perdue vs. Ossoff 2020). Ossoff and Perdue would lead in the same number of polls from point forward (Georgia Senate Run-Off Election - Perdue vs. Ossoff 2020). David Perdue would end up with 49.7 percent of the vote in the general election but would have to face Ossoff, with no possible third-party spoiler, in a run-off election due to no candidate receiving 50 percent of the vote.

There were over 37,000 political advertisements that aired on television in Georgia between October 15th and October 25th (Baum 2020). The only state with more advertisements

in the same period was South Carolina. Over 27 percent of those ads came from outside groups like Super PACs. Spending and donations kicked into a higher gear after the general election when the control of the Senate came down to the two contests in Georgia. Republican groups like Senate Leadership Fund received around 400 percent more cash from donors than Democratic groups between the general election day and November 23rd. The Democrats, Ossoff and Raphael Warnock, did get more small donors in the same period (Allison and Kessler 2020). The Democratic Senate Majority PAC reported having \$2.1 million on hand by December 3rd, and the Republican Senate Leadership Fund had nearly \$61 million (Joyner 2020).

While the Republican groups dominated the Democrats in advertisements, the Democratic groups had shifted their focus on their ground game. The biggest Democratic donors were feeling fatigued, and they believed that money spent on a get-out-the-vote ground game would be more effective than non-stop television ads (Schneider and Arkin 2020). Stacy Abrams, and her group “Fair Fight” had been active in Georgia politics since her defeat in 2018. She had dedicated that time to registering the black population of Georgia to vote, and getting them to the polls on Election Day. That work seemed to pay off when Georgia reported its highest voter registration totals with 7.7 million people registered to vote (Nilsen 2020).

The race between Jon Ossoff and David Perdue saw more spending from outside groups than any other congressional race in 2020. Records from the FEC on independent expenditures show that such groups spent over \$286 million. That is about 4.5 times the amount spent in North Carolina in 2016, and over ten times what was spent in Montana in 2012. Many of the top spenders are Super PACs with close connections to Republican and Democratic Party leaders in Washington, D.C. In all, 205 Super PACs reported expenditures with the FEC, which is a

significant jump from the 58 that reported with the FEC in North Carolina in 2016, and the 49 that reported in the with FEC for Montana in 2012.

PAC	Ideology	Total Spent	Purpose of Expenditures
Senate Leadership Fund	Conservative	\$92,635,317.84	radio ad, online ad, tv ad, phone banking, texts, mailers
SMP	Liberal	\$31,515,714.08	phone banks, digital ads, media buy
PEACHTREE PAC	Conservative	\$23,737,268.52	Media placement
Americans for Prosperity Action, Inc.	Conservative	\$19,710,158.63	Mailers, digital ads, canvassing
The Georgia Way	Liberal	\$14,278,446.66	Billboards, digital ads, tv ads
NRSC	Conservative	\$13,867,064.71	media
DSCC	Liberal	\$7,764,812.50	media buy
Georgia United Victory	Conservative	\$4,654,392.00	Digital ads, mailers, canvassing, phone banks,
GEORGIA ACTION FUND	Conservative	\$4,609,093.87	Digital ads, robocalls, text messaging
Black PAC	Liberal	\$4,583,729.13	Digital ads, mailers, canvassing, phone banks,

Table 7. Ten Highest Spending Super PACs in the 2020 Senate Election in Georgia

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

We, again, see the Senate Leadership Fund, Senate Majority PAC (SMP), the Koch Family-backed Americans for Prosperity, the National Republican Senatorial Committee (NRSC), and the Democratic Senatorial Campaign Committee. Major donations to the Senate Leadership Fund include \$15 million from Blackstone Group Inc. co-founder Stephen Schwarzman and \$12 million from hedge fund manager Kenneth Griffin. Five million dollars each from businessman Timothy Mellon and Wynn Resorts founder Steve Wynn. One million dollars each from Home Depot co-founder Bernard Marcus, TD Ameritrade co-founder Joe Ricketts, and real estate developer Geoffrey Palmer (Allison and Kessler 2020). Big donors to the Democrats' Senate Majority PAC include Netflix CEO Reed Hastings, Eton Park Capital Management CEO Eric Medich, Renaissance Technologies founder James Simons, Bain Capital

co-chairperson Joshua Bekenstein, and Carlyle Group co-founder William Conway (Allison and Kessler 2020).

Newcomers also make up a substantial percentage of top spenders, but while their names may look unfamiliar, they are backed by seasoned political operatives. The Peachtree PAC was created by those affiliated with Sen. McConnell's Senate Leadership Fund (Schouten and Wright 2020). Peachtree PAC was only active between the general election and the date of the runoff election in early January. Likewise, the SMP created The Georgia Way to run attack ads against Republicans David Perdue and Kelly Loeffler and their controversial stock trades made during the COVID-19 pandemic and subsequent shutdown (Schneider and Arkin 2020).

Georgia United Victory is a Super PAC created to boost Kelly Loeffler's Senate campaign. Its top advisers include the former chief of staff for Georgia Governor Brian Kemp, Tim Fleming (Amy 2020), and former Kemp staffer Martha Zoller (Bluestein 2020). The Georgia Action Fund is a Super PAC dedicated to assisting the Perdue campaign and is headed by former Perdue strategist, Derrick Dickey (Bluestein 2020). Black PAC was created to help drive up political engagement amongst African-Americans and was headed by Adrienne Shropshire. Some of their largest donors include the Service Employees International Union, Senate Majority PAC, Priorities USA Action (a Super PAC focused on electing Hillary Clinton in 2016), and Women Vote! (Beachum 2018).

PAC	Ideology	Total Spent	Purpose of Expenditures
NRA Victory Fund Inc	Conservative	\$2,142,064.59	Digital ads canvassing, emails, media buys, texts
Women Speak Out PAC	Conservative	\$2,050,109.54	canvassing, text messaging, mailers, phone banks,
National Rifle Association of America Political Victory Fund	Conservative	\$1,190,205.54	Digital ads
Gun Owners Action Fund	Conservative	\$909,452.00	digital ads,
NARAL Freedom Fund	Liberal	\$576,042.66	text messaging, mailers
NARAL Pro-Choice America	Liberal	\$432,415.84	Staff, communications
Planned Parenthood Votes	Liberal	\$395,206.52	Texts, mailers, media buy
End Citizens United	Liberal	\$333,399.27	
National Right to Life Victory Fund	Conservative	\$146,943.31	Direct mail, phone banks Digital ads, texts, video ads
Gun Owners of America, Inc.	Conservative	\$101,847.90	Digital ads, emails
Hunter Nation Action Inc	Conservative	\$34,150.00	
National Right to Life Political Action Committee	Conservative	\$20,000.00	Direct mail
Gun Rights America	Conservative	\$11,470.00	Digital ads,

Table 8. Top Spending Single-Issue Super PACs in the 2020 Senate in Georgia

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Single-issue Super PACs, like those in Table 8, continue to spend millions of dollars on their respective issues. The overall number of single-issue Super PACs in Georgia 2020 was an increase of the 8 in Montana in 2012, and the 9 in North Carolina in 2016. These groups also spent more in 2020 than in the two previous elections profiled.

PAC	Ideology	Total Spent	Purpose of Expenditures
AB PAC	Liberal	\$3,572,045.03	Advertising, mailers Canvassing, phone banks, salary, texts
Take Back 2020	Liberal	\$2,191,610.45	
Majority Forward	Liberal	\$1,728,811.06	Digital ads, mailers Mailers, digital ads, canvassing, phone banks
ESAFund	Conservative	\$1,440,029.73	
Georgia Balance	Conservative	\$1,287,500.00	Digital ads
Protect Freedom Political Action Committee	Conservative	\$1,156,073.09	tv ads, digital ads, mailers canvassing, radio ads, text messaging
FreedomWorks for America	Conservative	\$1,124,125.48	
FF PAC	Liberal	\$1,121,254.76	Ad buys
Worker Power PAC	Liberal	\$1,024,370.85	Canvassing, direct mail, digital ads
SPLC Action Fund	Liberal	\$969,918.11	
Mijente PAC	Liberal	\$848,644.70	Digital ads, canvassing, radio ads Digital ads, mailers, canvassing, phone banks,
Opportunity Matters Fund, Inc	Conservative	\$796,275.59	
New South Super PAC	Liberal	\$769,687.50	digital ads
UNION 2020	Liberal	\$718,766.06	Mailers
The IMPACT Fund	Liberal	\$680,582.13	digital ads, mailers
314 Action Fund	Liberal	\$623,094.55	Digital ads
United We Can	Liberal	\$605,772.22	Phone banks, digital ads, texts
Save the US Senate PAC	Conservative	\$549,869.48	Digital ads, mailers Mailers, Production costs, media buys, digital ads
The Lincoln Project	Liberal	\$540,941.95	

Table 9. Miscellaneous Super PAC Spending in the 2020 Senate Election in Georgia

Source: <https://www.fec.gov/data/browse-data/?tab=spending>

Above in Table 6 are just a handful of top-spending Super PACs from the Perdue/Ossoff race that use unclear names to disguise either their donors, their ideology, or both. Majority Forward and FreedomWorks for America are both seasoned Super PACs that have been involved in multiple election cycles. ESA Fund, formerly known as End Spending Action Fund, is has been primarily funded by TD Ameritrade founder Joe Ricketts, and his wife Marlene (Fish 2020). Protect Freedom PAC is headed by New Hampshire Republican consultant Michael Biundo. Biundo was a senior advisor to the Trump campaign in 2015 and has worked on other

Republican senatorial campaigns (DiStaso 2019). Save the US Senate PAC is managed by advisors to Donald Trump Jr. with the focused goal of getting Republicans elected in the two Georgia runoff elections (Isenstadt 2020).

AB PAC, formerly American Bridge 21st Century, was founded in 2010 employs dozens of so-called “trackers” to follow Republican candidates on the campaign trail and record them in case they misspeak or say something controversial (Burns 2013). SPLC Fund is managed by the Southern Poverty Law Center (What is the SPLC Action Fund? n.d.). Mijente PAC is a progressive PAC aimed at getting the Latinos to vote for progressive politicians and ideas. It is managed by Tania Unzueta Carrasco (Gambo 2020). Several of these liberal groups like New South Super PAC, Union 2020, the IMPACT Fund, and 314 Action Fund have very little information available about their fundraising or their organization at the time this paper was written. The names were not the only aspect of these Super PACs that were misleading. The liberal Really American PAC paid for billboards urging Trump supporters to not back Perdue or Loeffler claiming that they “won’t fight for Trump.” The conservative Club for Growth sent out direct mail to voters telling them be “BE AWARE,” and that political scientists would be studying the turnout in their neighborhoods (Joyner 2020).

The Real Clear Politics average for the final days of the runoff election had Jon Ossoff with a 0.5 percentage point lead, and Ossoff would end up winning by 1 percentage point. A survey of voters taken by Associated Press found that 32 percent of the voters in the runoff election were black, an increase from the general election and that 94 percent of those voters backed Ossoff and Warnock. Groups that they found that broke for the Democrats included black voters (which made up 60 percent of those surveyed), suburbanites, women, low-income voters, and recent transplants to the state (Boak and Fingerhut 2020).

This is the second of the three races where liberal groups shifted their focus from advertising to a more personal touch, and the Democrat ends up winning the race. When interviewed by the Atlanta Journal-Constitution, Kennesaw State political science professor Kerwin Swint claimed that late in the runoff campaigning is more about voter mobilization. “It’s all about demonizing the other side. It’s trying to give your supporters all the more reason to cast that ballot or vote early.” Swint would go on to say that “there is a saturation point where people stop paying attention” (Joyner 2020). Based on these three races it would be safe to say that the most effective Super PACs do more than produce advertisements if they want to set the narrative. Setting the agenda is simply not enough anymore. Super PACs have to convince enough people to go out and vote. Research shows that successful contact with a registered voter raised their probability of voting by 7 percentage points. This translates to one additional vote for every 12 successful face-to-face interactions (Green, Gerber, and Nickerson 2012). That is something that the liberal groups understood. Conservative groups also had to combat the narrative given by former President Donald Trump. Trump, after his loss to Joe Biden, went on to support a series of unfounded claims that the presidential election was stolen in several close battleground states, including Georgia. Conservative groups not only had to paint Ossoff as an extremist, but they also had to convince voters loyal to Trump that their votes would be counted. The Associated Press found that three-quarters of Republicans that they surveyed believed that the presidential election was illegitimate (Boak and Fingerhut 2020). Having this kind of doubt in the electoral process could lead to potential voters sitting out entirely.

Super PACS Replacing Traditional Party Committee's Agenda-Setting Roles

Traditional political action committees such as the Democratic National Committee, the Republican National Committee, National Republican Congressional Committee, and the Democratic Congressional Campaign Committee are deeply involved in the creation of political advertisements and in campaign management where they form campaign strategies, hire consultants, and disperse the party's resources. The traditional PACs are tasked with keeping tabs on campaign managers, pollsters, campaign professionals, and media consultants (Herrnson 1986). Super PACs have many of the same goals and interests as traditional PACs but, as noted above, are prohibited by law from coordinating with campaigns, candidates, or parties. They also do not have the same spending and fundraising restrictions put on them as do the parties. This leaves us with organizations that are led by a network of loosely connected tertiary political actors instead of full-time, year-round professional party workers of traditional PAC. The managers of Super PACs have taken the roles of these PACs either with implied permission from parties or by their own volition.

It has been shown that individuals' attitudes towards candidates can be influenced by political advertisements (Durante and Guterrez 2004) (Franz and Ridout 2007), and we can see how polls shift in response to Super PAC ad buys in the cases profiled in this paper. Outside groups in support of Denny Rehberg outspent incumbent Sen. Jon Tester from the summer of 2011 until the spring of 2012, and the polls had Rehberg leading Tester consistently until the spring of 2012. However, almost like clockwork, the polls shifted towards Tester when the pro-Tester groups began to outspend their conservative counterparts in the spring and summer (Parker 2014). Liberal groups also adjusted the messaging to better compliment the Tester campaign. Tester's personality was his greatest asset, and his character came through when

responding to attacks from outside groups. Liberal groups emphasized the difference in personalities when their advertisements would claim that he was out of touch with Montanans. These advertisements were so effective that the Rehberg campaign had to counter them in their ads (Parker 2014).

The race in North Carolina saw an ebb and flow of the polls as well. Incumbent Sen. Richard Burr and challenger State Rep. Deborah Ross were in a close race by September of 2014. Burr led 7 of the 16 polls collected by FiveThirtyEight while Ross was on top of 6 of them. The remainder were tied. The attack ads on Ross began airing in mid-September after the Senate Leadership Fund spent \$8.1 million on ads hitting Ross for her criticism of the state's sex offender registry (Roarty 2016). You see the polls shift in response to Super PAC ad buys. Burr would lead in 13 of the 21 polls that Real Clear Politics collected in October. According to the agenda-setting theory, the most receptive audiences are the ones that have a need for orientation (NFO) (Chernov, Valenzuela, and McCombs 2011). Jason Husser, a political science professor at Elon University, described the race between Burr and Ross as "a low information race with relatively low levels of recognition for both major party candidates" and that both candidates were still having difficulty gaining traction in polls due to the presidential race attracting so much attention from the public (2016). However, it is important to keep in mind that low information voters are also more likely to be persuaded by political advertising (Franz and Ridout 2007). The race in North Carolina had the largest group of undecided voters, 8 percent, out of the three profiled in this paper, according to their respective Real Clear Politics average of polls. This relatively high percentage of undecided voters creates an ideal scenario for Super PACs to set the agenda. Sen. Burr's margin of victory, 5.7 percent, was also the largest of the three winning candidates in this study. It appears likely that Super PACs did set the agenda of the

campaign when you apply the factors of the North Carolina case, such as the run of negative ads and the higher rate of undecided voters, to the literature surrounding agenda setting that finds negative information as a stronger influence on second-level (candidate attribute-level) agenda-setting effects than positive information (Wu and Coleman 2009).

Super PACs do more than release ads for television and we can see this because they are required to list a “purpose of expenditure” for each independent expenditure they make. The list of purposes shows many of the same activities are roles that were once the purview of traditional party PACs (Herrnson 1986). Advertisements for television, radio, the internet, and newspaper are some of the most common purposes, but it does end with ads. Liberal Super PACs during the Montana race would spend money on ads, but also spend resources on get-out-the-vote events like door-to-door canvassing and phone banking to break through to possible voters (Barker 2012). In Georgia, the Stacy Abrams-backed organization “Fair Fight” focused on registering the black population of Georgia, and even going so far as to set up shuttle services from black communities to polling locations (Nilsen 2020). These jobs were once reserved for the party’s political action committees (Herrnson 1986). The liberal groups were wise to shift focus away from advertisements because, as Kennesaw State University political science professor Kerwin Swint points out, campaigning late in a race is more about mobilization than persuasion. These get-out-the-vote efforts are also important because there are limits to what political advertisements can accomplish. A saturation of political advertisement does not lead to higher levels of political engagement (Newell 2018).

CONCLUSIONS

This paper has outlined how Super PACs have been able to surpass political parties and their traditional PACs to create the agendas of political campaigns. Super PACs can do this because the Supreme Court in *Buckley v. Valeo* created a dichotomy between political contributions from individuals to political parties and independent expenditures from political action committees. The spending and fundraising from political action committees, and eventually Super PACs, was viewed by the Court as political speech and is protected by the First Amendment. This speech, in the form of independent expenditures, was also believed by The Court to have a minimal ability to create or create the appearance of corruption. Limiting donations to political parties, on the other hand, can be regulated because the government does have a legitimate interest in curtailing quid pro quo corruption between donors and political parties. Outside groups like Super PACs would repeatedly have their spending protected like political speech in *Randall v. Sorrell*; *McConnell v. Federal Elections Commission*; *Citizens United v. Federal Election Commission*; and *McCutcheon v. Federal Election Commission* so long as those groups did not coordinate their efforts with the official campaigns from candidates and the political parties.

Super PACs today have taken roles that were once reserved for political parties in response to the freedom given to them by the Court. This unrestricted cash flow has made it possible for Super PACs to create campaigns for multiple candidates at once. They assess the competitive races of that particular election cycle and churn out advertisements advocating for their preferred candidate. They also conduct opposition research when creating negative ads (Magleby 2017). These ads can be either be cookie-cutter to maximize the number of races that one Super PAC can be involved in, or they can be more tailored to the potential voters to give the

appearance of authenticity. These advertisements do have an impact on their respective races. Political advertisements have been shown to increase the knowledge of a candidate, raise certain attributes and issues higher on the agenda of the electorate, generate interest in a campaign, create a positive opinion of a candidate, and polarize the electorate (Atkin and Heald 1976) (Benoit et al. 2007). Political advertisements have been shown to play a role in the intermedia agenda-setting process by shaping the agendas of news broadcasts (Sweetser, Golan, and Wanta 2008), and in newspaper coverage (Kim et. al. 2016). There is also evidence to suggest that political advertisements can have an agenda-setting impact at the second level, but the findings are not uniform for candidates with unequal levels of recognition (Wu and Coleman 2009). Super PACs, in addition to their advertisements, organize get-out-the-vote efforts like canvassing door-to-door, voter registration drives, and shuttles to polling locations.

Due to the conservative majority of the Court, Super PACs will likely continue to easily raise and spend as much money as they possibly can for the foreseeable future. The high price tag for a modern election is what grabs the public's attention, but it is important to look past the high amounts of money they spend and to focus on how Super PACs could influence our political reality. This reality could be shaped by ideologues from across the political spectrum and by single-issue groups. They use clever and deceptive names to give the false impression of familiarity. Their messages use either hope or shame to get people to the polls. Hopefully, more work will focus on the messaging from Super PACs and their ability to agenda set in this age of misinformation.

This project is not saying that Super PACs are the sole agenda setter of an election. This project cannot find a causal relationship between Super PAC ads and an ability to agenda set. This is mainly due to the small number of cases within this project. A strong statistical analysis

could yield more reliable results over an array of races in the Senate and the House as well as gubernatorial, presidential, and state-level elections. As a small-n, qualitative analysis, this paper lacks some of the strengths of large-n, quantitative analyses. A criticism of small-n studies is that “the data is unrandomized and partial correlations are infeasible since data points are too few” (Van Evera 1997). In other words, using only three cases can limit this study’s ability to control for other possible variables. Quantitative analyses can be used to give a more complete picture of the agenda-setting ability of Super PACs by controlling for other possible variables in an election like the state of the economy (Rattinger 1991), the candidates’ record, qualifications, and financial resources (Abramowitz 1988). Another limitation amongst case studies is their difficulty in generalizing the findings of a few cases to other cases (Van Evera 1997). This study hoped to mitigate these issues by selecting cases with uniform backgrounds (high Super PAC activity, in presidential election cycles, categorized as toss-ups, and some of the most expensive races in their respective cycles). As a result of the background uniformity, this project can only address Super PACs as agenda setters in U.S. Senate races during a presidential election cycle where both candidates are targets of Super PAC spending.

Another limitation is that there is not a statistic that definitively measures agenda-setting ability. Researchers have to rely on other statistics like vote total and poll numbers to get an idea of the public’s agenda as it relates to issues and candidates. Polls can be inaccurate, and elections only reflect the will of people willing and able to participate. The lack of prior research on the Super PAC's ability to agenda set is another limitation. The only other project that was found to directly address the matter was from John A. Fortunato and Shannon E. Martin (2016), and this was little more than a suggestion that researchers should focus on this issue due to the changed campaign finance system as a result of *Citizens United*. However, this absence of prior research

could be caused by the lack of access to academic sources behind a paywall, because this project did not have a financial budget.

While this paper sheds some light on the agenda-setting ability of Super PACs in a Senate race, the topic could still be investigated further. Researchers could examine their agenda-setting ability with a large-n, quantitative analysis. This could better control for additional possible variables and isolate outlying cases. There is no shortage of data on national and state elections, and future research could look into the agenda-setting ability of Super PACs in House, gubernatorial, presidential, and state-level elections as well as elections in mid-terms or off-year elections. Looking into the differing types of elections could give us a fuller picture of Super PACs and their agenda-setting ability. For example, in the House, and state-level races, do Super PACs have to limit the number of races in which they spend money due to a large number of simultaneous elections? And if so, how do they determine which races to enter? How do Super PACs work around unusual district lines when they buy advertising? Do Super PACs opt for more generic ads by going after one of the parties or the president to get around this problem?

Future studies could also examine races where Super PACs overwhelmingly take the side of one politician over the other. Researchers could study campaigns where one candidate who has a high level of name recognition is also independently wealthy, much like Donald Trump, and does not need to rely on assistance from outside organizations. Such a study could examine the limitations of Super PACs. The Trump-aligned Super PACs were outspent by the Clinton-aligned groups - \$204 million to \$79 million (Kolodny 2017) in the 2016 Presidential Election. Clinton's campaign committee was also able to out fundraise Trump - \$623 million to \$335 million. Perhaps Trump was able to overcome these deficits through his use of free media exposure in the form of television appearances and live broadcasts of his campaign rallies on

cable news and broadcast news outlets. This could be a way for candidates to bypass campaign finance laws and not be reliant on Super PACs to agenda set. Super PACs could have their role diminished if more celebrity candidates follow the game-plan of Donald Trump.

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APPENDIX A: APPROVAL LETTER



Office of Research Integrity

October 19, 2021

Logan Kenley Bush
3357 Smoky Mountain Drive
Lexington, KY 40515

Dear Logan:

This letter is in response to the submitted thesis abstract entitled "*Super PACs and Agenda Setting*." After assessing the abstract, it has been deemed not to be human subject research and therefore exempt from oversight of the Marshall University Institutional Review Board (IRB). The Code of Federal Regulations (45CFR46) has set forth the criteria utilized in making this determination. Since the information in this study does not involve human subjects as defined in the above referenced instruction, it is not considered human subject research. If there are any changes to the abstract you provided then you would need to resubmit that information to the Office of Research Integrity for review and a determination.

I appreciate your willingness to submit the abstract for determination. Please feel free to contact the Office of Research Integrity if you have any questions regarding future protocols that may require IRB review.

Sincerely,

A handwritten signature in blue ink that reads 'Bruce F. Day'.

Bruce F. Day, PhD, CIP
Director

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