

Super PACs and 501(c) Groups in the 2016 Election

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In only a short period of time, Super PACs have come to be one of the most important parts of American electoral politics. They raise and spend large sums of money in competitive federal elections. They have become fully integrated teammates with candidates, party leaders, and interest groups. While initially they were most visible in paying for television advertising, by 2016 they expanded their scope by providing a wide variety of campaign services once thought to be funded by candidate campaign committees (campaign events) or party committees, (get-out-the-vote, voter registration, list development).

Where does the money come from that funds Super PACs and other outside groups? While much of the attention on sources of funding for Super PACs was initially on corporations and unions, the reality has been that most of the funding for Super PACs has been individuals. Publicly traded corporations have been infrequent funders of Super PACs, while unions have been more active in using Super PACs. The driving force in Super PACs is candidates and their party committees who see in Super PACs a way to infuse large amounts of additional money into their overall campaign efforts.

Unlimited independent expenditures by individuals and groups have been part of campaign finance since the 1976 landmark *Buckley v. Valeo* decision, and political parties were allowed to make independent expenditures after the 1996 *Colorado Republican Federal Campaign Committee v. Federal Election Commission*. Party committee and political action committee (PAC) independent expenditures were constrained by the Federal Election Campaign

Act (FECA) and later the Bipartisan Campaign Reform Act (BCRA) contribution limits. The 2010 Supreme Court decision in *Citizens United v. Federal Election Commission* and U.S. Court of Appeals for the District of Columbia Circuit in *SpeechNow.org v. Federal Election Commission*, as well as subsequent Federal Election Commission (FEC) rulings changed the basic structure of campaign finance by allowing unlimited contributions to independent expenditure only committees, later labeled Super PACs. These unlimited contributions could come from individuals, corporations or unions, and, in the case of corporations or unions, the contributions could come from their general treasuries. Previously in campaign finance law, corporations and unions had been barred from contributing from their general funds to candidates or PACs (Sachs 2012).

A more complete picture of spending in modern competitive contests is only produced by combining outside spending with spending by candidates. In 2012, for example, both Obama and Romney raised and spent over \$500 million through their campaign committees, with Obama raising \$756 million (Magleby, 2014 b, 22). Romney was able to match the spending by Obama and his allies through combined effort, including the joint fundraising he did with the Republican National Committee (RNC), his Super PAC (Restore Our Future), and another allied Super PAC (American Crossroads). Each in total spent roughly \$1.2 billion (Magleby, 2014 b, 22). But spending by Super PACs and outside groups does not diminish the need for sufficient fundraising by the candidates, as Wisconsin Governor Scott Walker learned in 2016 when he had to withdraw from the race because his campaign committee had run out of money even though his Super PAC had over \$19 million in cash on hand.¹

Citizens United and *SpeechNow.org* have made it easier for individuals acting on their own and groups to spend unlimited amounts through an independent only expenditure

committee. The “blessing” by the court of this unlimited independent spending also removed any legal concerns about engaging in this activity. But long before these court cases, individuals were making independent expenditures on their own attempting to help elect or defeat a candidate (Mearsheimer and Walt, 2007, p. 158). Conventional independent spending historically fell well below what PACs spent in contributions and what individuals gave in contributions to candidates, party committees, and PACs. Table 1 provides data on all disclosed independent expenditures by type of group doing the spending (conventional PAC, Super PAC, Hybrid PAC, etc. for the period 2010-2016.

Table 1. Independent Expenditure Totals by Committee and Filer Type, Election Years, 2010-2016.

	2010	2012	2014	2016
PAC Independent Expenditures*	\$55,017,388	\$78,044,150	\$48,829,678	\$76,176,918
Party Independent Expenditures	\$191,149,935	\$252,361,301	\$228,993,297	\$254,502,794
Independent Expenditure-Only Political Committees (super PACs)	\$62,549,345	\$606,808,037	\$339,402,611	\$1,056,466,148
Political Committees with Non-Contribution Accounts (Hybrid PACs)	N/A	\$12,915,159	\$2,573,469	\$46,661,972
IEs Reported by Persons other than Political Committees	\$79,927,800	\$300,393,644	\$168,045,226	\$197,194,244
Total Independent Expenditures	\$388,644,468	\$1,250,522,291	\$787,844,281	\$1,631,002,075

*The Political Action Committee (PAC) total excludes amounts for Independent Expenditure-Only Political Committees (Super PACs) and Political Committees with Non-Contribution Accounts (Hybrid PACs) because these committee types are represented in this table as separate line items.

Source: Federal Election Commission, "Independent Expenditure Summary Totals by Committee and Filer Type", includes activity through 12/31/16, www.fec.gov/press/campaign_finance_statistics.shtml.

Overall, independent spending has risen substantially since 2010, the year the Courts ruled that independent expenditure only committees could form and raise unlimited contributions from individuals and the general treasury funds of corporations and unions. Nearly all the growth in independent spending has come from these groups, the Super PACs. In 2010 they spent \$62.5 million and by 2016 they spent \$1.1 billion. Super PAC total expenditures were nearly \$450 million more in 2016 than in 2012, a 74 percent increase. However, there has been growth in other types of independent spending as well. Hybrid PACs, which came into existence after Super PACs are a combination of conventional and Super PAC. Spending by Hybrid PACs rose from \$13 million in 2012 to \$46.7 million in 2016. At the same time, conventional PACs spent about the same in the presidential years of 2012 and 2016 and a lower but similar amount in midterm years.

Spending by the presidential nominees and their supportive Super PACs was lower in the 2016 general election than in 2012, largely as the result of the unusual candidacy of Donald Trump. But spending by Super PACs overall was higher in 2016 than in any election since *Citizens United* took effect. In 2016 Super PACs raised \$1,791,027,147, more than double what Super PACs raised in 2012, the last presidential election (\$828,224,700), or in 2014, the last midterm election (\$669,011,919). Given the influx of funding, where did the money come from? The short answer is from individual donors much more than corporations or unions. This runs counter to much of the speculation at the time the Court decided *Citizens United*, when some claimed Super PACs would open the floodgates of corporate and union spending on elections.

Anthony Corrado has examined the extent to which corporations spent money through Super PACS in 2014 and 2016. He concluded that “Major corporations have not been active participants in Super PAC financing. Publicly held companies were the source of less than one

percent of total Super PAC funding and most of this money came from only a few companies.” (Corrado, 2017, p. 4) It is possible that corporations have given money to the Chamber of Commerce, a 501(c)(6), but such contributions are not made public. Labor unions, like corporations, were permitted by *Citizens United*, to spend money from their general treasuries independently. Labor has been more active than corporations, for example.

The largest source of funding for Super PACs has been individuals. Individuals gave over \$1 billion to Super PACs in 2016, roughly double the \$534 million individuals gave to Super PACS in 2012. In the aggregate, individuals have contributed more and more to fund federal elections. The growth has been remarkable, rising from \$2.8 billion in 2000 in inflation adjusted dollars to over \$5.1 billion in 2016. One of the aims of BCRA was to enlarge the role individuals play in financing elections by doubling the individual contribution limit for contributions to candidates and substantially increasing the individual contribution limits for political parties and then indexing both of these higher contribution limits to inflation. FECA had not indexed contribution limits to inflation. BCRA did not increase contribution limits to PACs, an indication that legislators wanted a greater role for individuals vis a vis PACs.

Another measure of the growth of Super PACs is their sheer number. There were 83 Super PACs in the 2010 election cycle, an artifact of the decisions in *Citizens United* and *SpeechNow.org* decisions which came in January and March 2010, and the two FEC Advisory Opinions regarding Super PACs in July 2010, less than four months before the 2010 election. By the 2012 election cycle it was clear that Super PACs had proliferated, with 1,265 Super PACs registered with the Federal Election Commission. That number remained nearly constant between 2012 and 2104, with the later cycle having 1,285 Super PACs. In the 2016 cycle, there was again substantial growth in the number of registered Super PACs, with 2,394 Super PACs registered

with the Federal Election Commission, 390 of which made some expenditure (16%). Thus the number of registered Super PACs is misleading because 84 percent of them did not spend any money in 2016, this percentage is higher than 2012 when 80 percent of all Super PACS spent no money.

Super PACs Remain Largely of Three Types

In prior studies of the 2012 election cycle I argued that Super PACs can be classified into three broad types: candidate specific, party centered and interest group based (Magleby, 2014 a). In this paper I revisit that classification and find that it remains true in 2016. All three types of Super PACs have remained active in both the intraparty and interparty competition. Table 2 lists in order of amounts spent Super PACs in 2016.

Table 2
Super PACs Spending \$1 Million or More in 2016

Priorities USA Action	Candidate	Supports Hillary Clinton	\$133,407,972
Right to Rise USA	Candidate	Supports Jeb Bush	\$86,817,138
Senate Leadership Fund	Party	Conservative	\$85,994,270
Senate Majority PAC	Party	Liberal	\$75,413,426
Conservative Solutions PAC	Candidate	Supports Marco Rubio	\$55,443,483
House Majority PAC	Party	Liberal	\$47,470,121
Congressional Leadership Fund	Party	Conservative	\$40,125,691
Women Vote!	Ideology	Liberal	\$33,167,285
Freedom Partners Action Fund	Ideology	Conservative	\$29,728,798
Granite State Solutions	Candidate	Supports Ayotte (R, NH)	\$24,267,135
Future45	Candidate	Conservative, supports Donald Trump	\$24,264,009
Rebuilding America Now	Candidate	Conservative, supports Donald Trump	\$21,194,739
Club for Growth Action	Ideology	Conservative	\$19,181,962
America Leads	Candidate	Conservative, supports Chris Christie	\$18,578,852
Our Principles PAC	Candidate	Conservative, opposes Donald Trump	\$18,327,047
League of Conservation Voters	Ideology	Liberal	\$15,692,929
Ending Spending Action Fund	Ideology	Conservative	\$14,849,162
United We Can	Ideology	Liberal	\$13,734,163
Make America Number 1	Candidate	Conservative, supports Donald Trump	\$13,454,894
Independence USA PAC	Ideology	Liberal	\$13,404,257
NextGen California Action	Candidate	Supports Clinton	\$13,130,014
Planned Parenthood Votes	Ideology	Liberal	\$12,619,812
New Day For America	Candidate	Supports John Kasich	\$11,189,297
National Assn of Realtors	Ideology	Bi-Partisan	\$10,225,968
Leading Illinois for Tomorrow	Ideology	Liberal, opposes Donald Trump	\$9,922,027
NextGen Climate Action	Ideology	Liberal	\$9,784,721
For Our Future	Ideology	Liberal	\$9,689,539
Stand For Truth	Candidate	Conservative, supports Ted Cruz	\$9,523,814
Fighting for Ohio Fund	Candidate	Conservative, supports Rob Portman (R-OH)	\$9,256,429
Reform America Fund	Ideology	Conservative	\$7,270,202
2016 Cmte	Candidate	Conservative, supports Ben Carson	\$6,167,054
Immigrant Voters Win	Ideology	Liberal	\$5,877,037
New American Jobs Fund	Ideology	Liberal	\$5,745,885
RGA Right Direction	Candidate	Conservative, opposes Hillary	\$5,426,468

		Clinton	
National Nurses United	Ideology	Liberal	\$4,979,225
Trusted Leadership PAC	Candidate	Conservative, supports Ted Cruz	\$4,881,844
NEA Advocacy Fund	Ideology	Liberal	\$4,809,168
New Day Independent Media Cmte	Candidate	Conservative, supports John Kasich	\$4,512,258
Florida First Project	Candidate	Conservative, supports Marco Rubio	\$4,268,859
Arizona Grassroots Action	Candidate	Conservative, supports John McCain (R-AZ)	\$4,264,741
Security is Strength	Ideology	Conservative	\$3,845,349
Carly for America Cmte	Candidate	Conservative, supports Carly Fiorina	\$3,837,155
Prosperity for Pennsylvania	Candidate	Conservative, supports Pat Toomey (R-PA)	\$3,654,781
Pursuing America's Greatness	Ideology	Conservative	\$3,517,714
Save America From Its Government	Candidate	Conservative, supports Donald Trump	\$3,415,286
Maryland USA	Candidate	Conservative, supports Amie Hoeber (R, MD)	\$3,193,890
ClearPath Action	Ideology	Conservative	\$3,051,587
Black PAC	Ideology	Liberal	\$2,979,999
Defending Main Street	Ideology	Conservative	\$2,765,393
Purple PAC	Ideology	Conservative	\$2,738,137
Believe Again	Ideology	Conservative	\$2,634,870
John Bolton Super PAC	Ideology	Conservative	\$2,577,384
Fair Share Action	Ideology	Liberal	\$2,541,465
Floridians for a Strong Middle Class	Ideology	Liberal	\$2,461,655
American Unity PAC	Ideology	Conservative	\$2,431,134
Keep the Promise III	Candidate	Conservative, supports Ted Cruz	\$2,273,763
Unintimidated PAC	Candidate	Conservative, supports Scott Walker	\$2,249,018
Restoration PAC	Ideology	Conservative	\$2,222,512
Independent Voice for Illinois	Candidates	Conservative, supports Mark Kirk (R, IL)	\$1,956,525
America's Liberty PAC	Ideology	Conservative	\$1,907,306
Opportunity & Freedom PAC	Candidate	Conservative, supports Perry	\$1,859,326
Working for Us PAC	Ideology	Liberal	\$1,668,982
Americas PAC	Ideology	Conservative	\$1,595,966
Local Voices	Candidate	Liberal, supports Clinton	\$1,412,852
Accountable Leadership	Candidate	Liberal, supports Joe Sestak (D, PA)	\$1,389,634
El Super PAC Voto Latino	Candidate	Anti-Trump (Minority/Latino Rights)	\$1,383,669

Tea Party Patriots Citizens Fund	Party	Republican	\$1,373,544
Let America Work	Candidate	For Ron Johnson (R, WI)	\$1,310,506
Keep the Promise PAC	Candidate	For Ted Cruz	\$1,289,389
Indiana Jobs Now	Candidate	For Trey Hollingsworth (R-IN)	\$1,265,519
Grow NC Strong	Candidate	For Richard Burr (R-NC)	\$1,258,880
Standing up for California's Middle Class	Candidate	For Kamala D. Harris (D-CA)	\$1,227,312
Future in America	Candidate	For Donald Trump (Initially supporting Mike Huckabee)	\$1,213,648
National Horizon	Ideology	Small government/conservative	\$1,130,053
AlternativePAC	Candidate	For Gary Johnson	\$1,117,028
Women Speak Out PAC	Ideology	Anti-abortion	\$1,087,512
Citizen Super PAC	Ideology	People power	\$1,010,702

Source:

Note: We have removed the Super PAC, Get Our Jobs Back, which reported raising and spending \$50 million but which had no visible campaign activity. See Trudo and Vogel, 2016.

Applying the classification categories of candidate centered, party centered, and issue and ideology centered Super PACs we find that in the 2016 cycle for Super PACs spending more than \$1 million, candidate centered Super PACs spent the most at \$400 million, or 39 percent of all spending for Super PACs spending \$1 million or more. Ideology/Issue centered Super PACs spent \$353 million or 35 percent, and party centered Super PACs spent \$250 million or 25 percent. In terms of the numbers of Super PACs in each of the three categories, they were: 50 percent issue or ideological focused, 44 percent candidate specific, and 6 percent party centered. Another way to look at the data in Table 2 is to tally the party benefitting the most from Super PAC spending. Republican aligned Super PACs got about 57 percent of the spending, compared to Democrats getting about 42 percent. Finally, Super PACS tended to spend in both presidential and congressional contests in 2016 (52 percent). Super PACs which specialized in either congressional or presidential contests were slightly tilted to spending in the presidential race (26 percent) of Super PAC spending compared to 22 percent of Super PAC spending only going to congressional races.

If we were to look at spending by all Super PACs in 2016, not limited to those who spent over \$1 million as in Table 1, we see a very similar pattern to what is presented in Table 2. Candidate centered Super PACs account for 41 percent of all Super PAC spending, ideological and issue based Super PACs account for 34 percent of all spending, and party based Super PACs spent 25 percent of the money spent by all Super PACs. The partisan split is also similar with Republicans having about 57 percent of the money spent to help their candidates compared to 42 percent for Democrats. There was also very little difference in the split between spending in both congressional and the presidential election when all Super PACs are considered. Looking at all Super PACs which spent money the share of Super PACs that are party centered almost doubles to 10 percent, the number of issue or ideological PACS stays about the same at 48 percent and the number of candidate centered Super PACs is slightly lower at 42 percent.

Candidate-Specific Super PACs

Super PACs are different from PACs in that they are not most commonly extensions of interest groups but rather are extensions of particular candidate's campaigns. Often key Super PAC staff previously worked for the candidate and the candidate often signals to donors that a particular Super PAC is preferred. Candidate centered Super PACs are like leadership PACs in that they are identified with a particular candidate, which in the case of leadership PACs is typically a member of Congress. But contributions to leadership PACs are subject to the FECA contribution limits and the expenditures are dispersed rather than directed to a particular candidate.

By the 2012 cycle it was clear that candidates had learned that Super PACs were a powerful way to raise funds that could be spent in ways to enhance their election and the defeat

of their opponents. Candidate specific Super PACs accounted for nearly half of all Super PAC spending in 2012 (47 percent). Mitt Romney's Super PAC, Restore our Future, outspent all other candidate specific Super PACs in 2012. But Romney also faced sustained attacks from Super PACs associated with Newt Gingrich and Rick Santorum. Some of Gingrich's attack ad themes resurfaced in the 2012 general election in ads from the Obama campaign and from his Super PAC, Priorities USA. One downside of these well-funded candidates specific Super PACs is that they can prolong a campaign, by spending in support of a candidate whose own campaign account is depleted. That was the case with Gingrich and Santorum in 2012. In 2012, the first full cycle following *Citizens United* and *Speech Now*, spending by Super PACS was substantial. For example, Restore our Future, the Romney Super PAC, spent over \$142 million, and American Crossroads spent over \$104 million (Magleby, 2014 B). Overall, the Romney campaign benefitted from a substantially greater Super PAC presence over the Obama campaign in 2012.

In 2016, as in 2012, most Super PAC spending was done by candidate specific Super PACs, and especially presidential candidate specific Super PACs. These Super PACs have become an integral part of presidential campaign finance, with all candidates except Bernie Sanders having at least one aligned Super PAC in 2016. Trump made clear that he did not want a Super PAC during the primaries, but in the general election he was silent while his son, Eric Trump, spoke at a fundraiser for the Great America PAC. Earlier, then campaign manager Paul Manafort spoke by telephone to a donor event for Rebuild America Now. (Goldmacher, 2016). Candidate-aligned independent expenditure only committees were formed early in the 2015-16 election cycle and some candidates delayed formally announcing their candidacy so they could continue to coordinate with their Super PAC. The most visible examples of this were the Jeb Bush (Mazzei, 2015) and John Kasich campaigns (Allen, 2015). Bush raised \$103 million for his

Super PAC before he formally announced his candidacy. Some U.S. Senate candidates followed Bush's lead and delayed the announcement of their campaign for this purpose as well (Drusch, 2015). In the past, candidates formed "testing the waters" committees during the exploratory period, but those committees are constrained by the BCRA hard money contribution limits.

Candidate specific Super PACs often attack the opponent of their preferred candidate, leaving the positive messaging to the candidate's campaign. In 2016, Super PACs were formed to expressly oppose a candidate without having a preferred alternative. Our Principles PAC is an example of this phenomenon. Formed in January 2016 to oppose Trump's nomination, it did not promote an alternative candidate. Future 45, which in the late stages of the 2016 campaign actively supported Trump, began as an anti-Clinton Super PAC (Strauss, 2016). Similarly, RGA Right Direction was largely formed by the Republican Governor's Association (RGA) and spent most of its money attacking Clinton (Center for Responsive Politics, RGA Right Direction. 2016). Finally, Correct the Record, a pro-Clinton Super PAC existed to counteract attacks from opposing candidates or outside groups.

Presidential Super PACs were more clearly donor driven in 2015-16 than in 2011-12. For example, different individuals funded different Super PACs for Ted Cruz, such as Keep the Promise I, Keep the Promise II, and Keep the Promise III. The donors who funded the different Super PACs had different ideas about how their money should be spent. There has also been growth in specialized Super PACs, in which different Super PACs specialize in opposition research, events, data, field and list development, TV, and social media.

Candidate Specific Super PACs can also be important in U.S. Senate races. Examples of contests in 2014 which had Super PACs active include the states of Kentucky, West Virginia, North Carolina, Louisiana, and Alaska (Blad and Roarty, 2014). But not all Senate candidates in

2014 had great success in raising funds for their Super PAC (Wilson, 2015). In 2016, 27 Congressional races featured contests where outside groups outspent the candidate campaign they were affiliated with. Outside groups outspent candidate campaign organizations in 1/5 of all eligible Senate races. The 2016 Nevada Senate race featured some of the highest spending rates for any Senate race during the cycle—Democrat Catherine Cortez spent \$19 million while the Republican challenger Joe Heck spent \$12 million. But this was eclipsed by nearly \$88 million of outside spending on behalf of the two candidates (Sultan, 2017).

In terms of total dollars spent by candidate specific Super PACs, three 2016 contests had the most spending in either 2014 or 2016: U.S. Senate races in Pennsylvania, New Hampshire and Nevada. In all three at least \$87 million in independent expenditures were spent, with the largest independent spender in each case being one or more Super PACs.² The two major examples of candidate specific Super PACs in 2016 both arose in Senate races. In Ohio, Incumbent Rob Portman launched his Super PAC early in the cycle and had the aim of putting the race out of reach for his opponent, former Governor Ted Strickland, before Labor Day 2016. His Super PAC, Fighting for Ohio, was formed in February 2015. Portman named his longtime political advisor Barry Bennett to head the Super PAC (Shesgreen, 2015). The Super PAC spent \$9.3 million, (Center for Responsive Politics, 2017a). Portman was also supported by a 501(c)(4), One Nation, which in 2016 spent funds in multiple races and was the successor to another 501(c)(4), Crossroads GPS,. One Nation did “ad blitzes” on Medicare in Ohio and 4 other battleground states in May 2015, a “blitz” on Senator Portman’s “Jobs for America Plan” in October 2015, a digital “blitz” again on jobs in March 2016, and an ad buy of \$4.8 million in June and July 2016 with one ad attacking Obamacare while urging voters to call Senator Portman and “tell him to keep fighting for Ohio seniors.” One Nation also announced in October

2015 a \$1.2 million grassroots push on Senator Portman's record in the Senate. None of these expenditures were reported to the FEC because they did not fall within the reporting window (One Nation Press Releases, 2015-16).

Expenditures reported to the FEC included party committee independent expenditures. In this race there were a combined additional \$21 million was spent by the two party committees. As a frame of reference for this spending, the amount of money spent by all outside groups dwarfed the money spent by the candidates themselves in the election. In Pennsylvania, Republican incumbent Senator Pat Toomey raised and spent \$31 million on his campaign, while Democrat candidate Katie McGinty raised and spent \$16 million. This combined total of \$47 million, while still high, pales in comparison to the \$124 million spent in outside spending, including money spent by party committees. This combined effort accomplished Portman's aim of putting the race out of reach by Labor Day 2016.

Another example of a candidate specific Super PAC active in a congressional race in 2016 is the Granite State Solutions Super PAC which supported New Hampshire Republican Incumbent Senator Kelly Ayotte and opposed Maggie Hassan. The Super PAC raised \$25.5 million with \$22 million coming in a transfer from the Senate Leadership Fund (Center for Responsive Politics, PAC to PAC, 2016), The largest individual contributor was Sheldon Adelson (Center for Responsive Politics, 2017b).

Other Senate candidates with supportive candidate specific Super PACs in 2016 that spent in excess of \$1 million included John McCain (R) (Arizona Grassroots Action), Patrick Murphy (D) (Floridians for a Strong Middle Class), Mark Kirk (R) (Independent Voice for Illinois), Joe Sestak (D) (Accountable Leadership), Ron Johnson (R) (Let America Work, and Reform America Fund), Richard Burr (R) (Grow North Carolina Strong), Kamala Harris (D)

(Standing Up For California's Middle Class), and P. G. Sittenfeld (D) (New Leadership for Ohio). In 2014 the list included Mark Begich (D) (Put Alaska First, and Alaska Salmon PAC), Mitch McConnell (R) (Kentuckians for Strong Leadership), Greg Orman (I) (Committee to Elect an Independent Senate), Thad Cochran (R) (Mississippi Conservatives), Mark Warner (D) (Virginia Progress PAC), Tom Cotton (R) (Arkansas Horizon), Gabriel Gomez (R) (Americans for Progressive Action) Al Franken (D) (Alliance for a Better Minnesota), and Joni Ernst (R) (Priorities for Iowa).

The fight for control of the U.S. Senate is one reason why so much was spent in Senate races in recent cycles. With few competitive Senate contests and so much at stake, the candidates and supporting groups invested heavily. But a lot was spent by non-candidate campaign committees in House races in recent cycles as well. In thirteen 2016 contests more than \$8 million was spent. It is striking how similar the level of spending is by the two sides in several House races. In the House race with the most spending by non-candidate groups, Nevada District 3, only \$600,000 separated the two sides, with each spending over \$8 million. In 2014, the thirteen House races with heavy non-candidate spending were quite comparable to 2016. In four of the 2016 contests more non-candidate money was spent than in 2014.

House candidates with candidate specific Super PACs spending in excess of \$1 million in 2016 were Amie Hoeber (R) (Maryland USA), Trey Hollingsworth (R) (Indiana Jobs Now), Lee Zeldin (R) (New York Wins, Americans for Common Sense). In 2014, there was one candidate specific House Super PAC, one supporting Paige Kreegal (R) (Values are Vital). Of these 22 candidate specific congressional Super PACs spending in excess of \$1 million, 14 were Republicans, 7 were Democrats, and one was Independent. In the case of Republican Amie Hoeber, her Super PAC, Maryland USA, raised \$3.1 million, with \$2.1 million of that coming

from her husband (Kim 2016). Thus the pattern we have seen of more candidate specific Super PAC activity by Republicans at the presidential level is also found at the congressional level. More than two-thirds of the candidates specific Super PACs spending at this level were in Senate races.

Party-Centered Super PACs

A second type of Super PAC is party centered and can be an extension of party leaders in either the House or the Senate, or can more broadly serve the party at the presidential and congressional levels. Senate Democrats formed a Super PAC in 2010, the Majority PAC (Formerly Commonsense Ten and later Senate Majority PAC), and in 2011 they launched the House Majority PAC. The House and Senate Majority PACs remain prominent in spending in competitive contests, with the Senate Majority PAC spending more than \$75 million in 2016 and the House Majority PAC spending more than \$47 million.

In 2011, House Republicans formed the Congressional Leadership Fund (Boehner) and the Young Guns Action Fund (Cantor). In 2016, Speaker Paul Ryan, helped the Congressional Leadership Fund raise \$40 million. Rob Simms, executive director of the National Republican Congressional Committee for the 2016 cycle, said, “Speaker Ryan in particular, just has proven to be just a phenomenal fundraiser... I think he was able to tap into a Romney-Ryan presidential fundraising network that until that part had not been engaged in House races” (Rob Simms Interview, 2016). In 2010, Karl Rove and Steven Law started American Crossroads which was the most active Republican party centered Super PAC in congressional races in 2010, 2012, and 2014, and in the presidential races in 2012. Following the 2014 election cycle, the Senate Leadership Fund was formed and spent \$75 million in 2016. Steven Law who heads the group

acknowledged that “if you look at 2016, the sustained campaigning activity was largely done by us” (Steven Law interview, 2017).

Taken together, the four Super PACs aligned and clearly endorsed by the congressional party leadership spent over \$249 million in 2016. The Senate Leadership Fund spent the most at \$86 million. Much of this spending, however, came late. The Senate Leadership Fund raised \$67 million after October 1, 2016 or 59 percent of all the money the Super PAC raised. Steven Law described how these funds were raised:

“About two weeks into October, [we] put out an APB to all of our donors and indicated that as generous as they’ve been, we really needed them to help further to try to even out the financial spending gap. We ended up raising about \$38 million in about 10, 11 days. We were able to deploy that to equalize what was on the air. We’ve didn’t actually achieve parity in most of the states. We just started getting close. I think that’s another axiom of spending in politics is you don’t have to spend the same amount. You can be outspent, but just not massively” (Steven Law interview, 2017).

Both House Super PACs also raised a very large share of their money after October 1 as it became more possible that Democrats might secure a majority in both houses. The House Majority Committee raised \$38 million after October 1, or two-thirds of the group’s receipts, and the Congressional Leadership Fund raised \$45 million after this date, 89 percent of all the money the Super PAC raised.

Issue and Interest Group Super PACs

A third type of Super PAC is more ideological, focusing on issues and investing in races where candidate choices are related to these issues. The number of Super PACs which spent an

excess of \$1 million in 2016 grew from 53 in 2012 to 77 in 2016. Some of these groups are extensions of the activities of groups active in campaign finance before Super PACs (Club for Growth, Planned Parenthood). Some Super PACs which had been active in prior cycles spent significantly more in 2016: Women Vote (Emily's List) spent over \$33 million in 2016, up from \$8.1 million in 2014 and \$7.7 million in 2012. The League of Conservation voters spent \$15.7 million in 2016, roughly doubling what it spent in 2012, and \$7.8 million. Some Super PACs brand themselves in similar ways, such as NextGen California Action and NextGen Climate Action, both supported by the same donor, with the most important distinction being that NextGen California Action directed all of the group's independent expenditures in spending against Donald Trump.

Super PAC and 501(c) Group Funding and Spending

There has been substantial variability in fundraising success for Super PACs. Republican presidential Super PACs have been generally more successful in raising money than have been Super PACs supporting Democratic candidates. This was not the case in 2016. At the congressional level, the Democratic House and Senate Super PACs have been more successful than the Republican counterparts (Fowler, Ridout, and Franz, 2017). However, in 2016, the Senate Leadership Fund (Republican) raised over \$10 million more than the Senate Majority PAC (Democratic). In the House it was the reverse with the House Majority PAC (Democratic) raising more than 7 million more than the Congressional Leadership Fund (Republican).

Sources of funds to Super PACs

The *Citizens United* and *SpeechNow.org* decisions drew attention and criticism because they permitted corporations and unions to contribute unlimited amounts from their general

treasuries. Prior law had prohibited unions and contributions from spending in this way. The decision also could be interpreted to individuals and their lawyers as a signal that any legal uncertainty about unlimited spending through independent expenditure only committees was removed. The data on how Super PACs have been funded indicates that individuals have been much more active than corporations or unions. It is also the case that most donors to Super PACs have been individuals making large contributions. Table 3 provides the number of donors and number of million dollar donors to super PACs in 2015-16. Note the earlier discussion of “Get Our Jobs Back,” which does not appear to have made any expenditures in 2016 (Trudo and Vogel, 2016).

Table 3. *Number of Donors and Million-Dollar Donors for Top-Raising Super PACs, 2015-16*

<i>Super PAC</i>	<i>Total \$ raised by donors</i>	<i>Number of donors</i>	<i>Average contribution</i>	<i>Number of donors, by aggregated contribution amount</i>		
				<i>\$1m or more</i>	<i>\$500k up to \$1m</i>	<i>\$100k up to \$500k</i>
Priorities USA Action	183,343,564	567	323,357	47	14	41
Right to Rise USA	110,950,502	3999	27,745	27	21	261
Senate Leadership Fund	101,775,579	261	389,945	23	20	75
NextGen Climate Action	92,535,716	90	1,028,175	1	3	4
Senate Majority PAC	71,871,933	2714	26,482	15	19	80
Conservative Solutions PAC	60,526,044	336	180,137	15	8	40
Congressional Leadership Fund	50,897,707	162	314,183	11	11	57
Get Our Jobs Back*	50,310,500	3	16,770,167	1	0	1
For Our Future	48,283,475	30	1,609,449	12	1	5
House Majority PAC	48,064,619	2618	18,359	8	9	41
Women Vote!	31,918,131	202	158,011	6	7	23
Freedom Partners Action Fund	27,141,941	60	452,366	9	5	20
Future45	24,938,994	37	674,027	4	2	8
Rebuilding America Now	24,746,513	153	161,742	8	0	12
Granite State Solutions	24,470,000	25	978,800	2	1	1
RGA Right Direction	22,732,845	3	7,577,615	2	0	0
United We Can	22,035,095	9	2,448,344	3	2	2

Independence USA PAC	21,640,172	2	10,820,086	1	0	0
New Day for America	21,045,899	350	60,131	5	8	36
Planned Parenthood Votes	20,594,712	395	52,139	10	3	27
Make America Number 1	20,441,268	41	498,568	4	0	6
America Leads	20,272,962	216	93,856	5	3	42

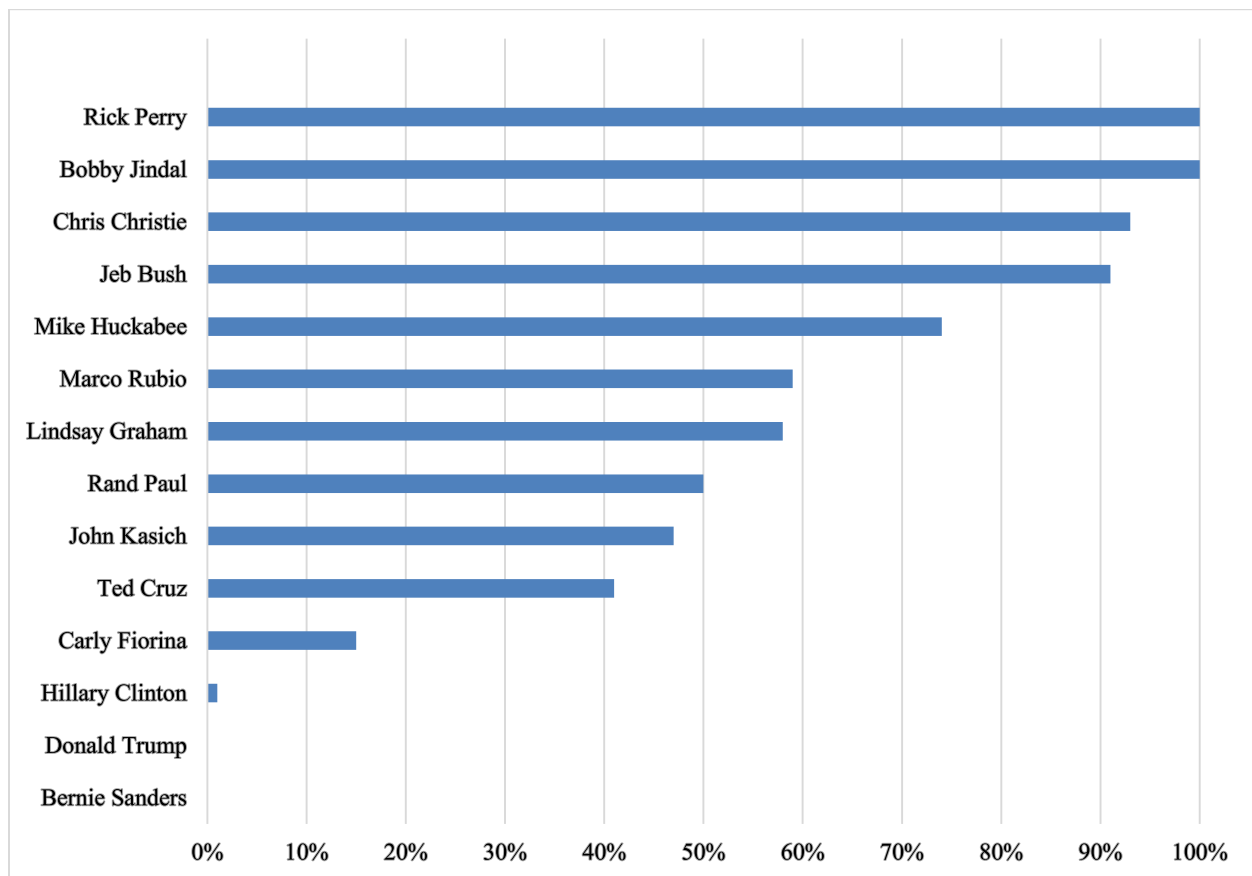
Source: Compiled from Federal Election Commission records of aggregated donor contributions to Super PACs in excess of \$20 million (<ftp://ftp.fec.gov/FEC> [June 4, 2017]).*There is no evidence that Get Our Jobs Back spend any money for or against a candidate the 2016 cycle. It received a single \$50 million donation which it immediately returned to the donor. The other two donations were much smaller. One was immediately returned to the donor and the other, a \$15,477 donation, was given in part to an organization owned by the treasurer of Get Our Jobs Back.

Eight individuals provided substantial funding to some of the more active Super PACs in 2016. Michael Bloomberg alone gave \$23.7 million in multiple contributions to Independence USA PAC. This Super PAC had the largest mean contribution per donor at \$10.8 million per donor.³ No other donor to Super PACs gave more than Tom Steyer who gave nearly \$90 million to multiple Super PACs. He was followed by Sheldon and Miriam Adelson who gave nearly \$80 million, not including an unknown amount to 501(c)(4)s (Center for Responsive Politics, Top Donors to Outside Groups, 2016). Super PACs are occasionally formed having the appearance of supporting a candidate when in fact the group spends relatively little in support of the advertised candidate or against his opponent. That appeared to have happened with Get Our Jobs Back where one donor gave nearly all of the money. There is no evidence of active campaigning by this group (Trudo and Vogel, 2016). Get Our Jobs Back was not the only sham Super PAC formed in 2015-16 that sought to exploit the Trump name (Arnsdorf and Vogel, 2016).

How outside money is spent.

The proportion of advertising funded by Super PACs has been substantial, and in some instances it exceeds what the candidate spends. This was true in the 2012 presidential nomination contest with Santorum (64.4% of ads paid by Super PAC), Huntsman (92.3%), Gingrich (64.5%), and Romney in 2012 (Wesleyan Media Project 2012). The Wesleyan Media Project found outside groups placed an increasing share of ads in 2014 when compared to candidates (Wesleyan Media Project, 2014). Figure 1 presents the percent of ads in the nomination phase of the 2016 presidential election run by outside groups.

Figure 1. Percent of Advertising Favoring Candidate Paid for by Groups Other Than Candidate Campaign Committees, through May 8, 2016



Source: Wesleyan Media Project, “Advertising Volume Up 122% over 2012 Levels: Spending in Presidential Race Over \$400 million.” May 12, 2016.
<http://mediaproject.wesleyan.edu/releases/ad-spending-over-400-million/>

Eight presidential candidates in 2016 had half or more of their TV ads paid for by non-candidate groups and Bush, Christie, Jindal, and Perry had more than 90 percent of their ads paid for by entities other than their candidate campaign committee. At the same time, four candidates avoided this approach—Trump, Sanders, Carson, and Clinton. Clinton and Trump both benefitted from non-candidate groups running TV ads in the general election, but in the

primaries candidates had widely varying approaches to relying on non-candidate controlled groups running ads.

Candidates facilitate their aligned outside groups' advertising. Some candidates in 2015 and 2016 have made it easier for outside groups to have access to video footage of the candidate. Jeb Bush's campaign did this before he announced his candidacy. In 2015, in response to a request from one of Cruz's Super PACs, the Cruz campaign uploaded several hours of video footage (BusinessWire, 2015). Candidates rely on these groups to run ads and some candidates have even complained publicly when their supporting groups were not running ads (Svitek 2015).

Super PACs can form quickly. If their mode of spending is advertising on television, radio, or through social media, the Super PACs can also start to deliver messages very quickly. This was the case with some Super PACs supporting Donald Trump in 2016. The Future 45 Super PAC was initially an anti-Hillary Super PAC, funded by Republicans (Stein, 2016; O'Connor and Ballhaus, 2015). It was later repurposed to be a late spending Super PAC in support of Donald Trump. During this phase of the campaign, it was mostly funded by Sheldon and Miriam Adelson, who gave \$20 million of the \$24 million raised (Center for Responsive Politics 2017d). The Adelsons, along with Todd Ricketts, are also reported to have funded a 501(c)(4) committee, the 45 Committee, which reported spending \$21 million in 2016 to the FEC (Center for Responsive Politics, 2017c). Late funding can also bolster the activities of existing Super PACs as with the contributions late in the electoral process to the Senate Leadership Fund and Congressional Leadership Fund. Here again the Adelsons together gave \$35 million to the Senate Leadership Fund and \$20 million to the Congressional Leadership Fund, with some of it coming in the final weeks of the campaign. Some Senate Leadership Fund

money in turn went to Granite State Solutions, a late forming Super PAC. Granite State Solutions first filings with the FEC came August 31, 2016.

Late contributions to new or existing Super PACs also have the advantage of not being disclosed to the FEC until after the election. In 2016 the cut-off for disclosure of Super PAC donors was October 19. Data released after the election found that a group from Silicon Valley in California, including Google co-founder Sergey Brin who gave \$1 million, funded a Super PAC, Ride to Vote, which provided free rides to the polls using Uber and Lyft for residents of Philadelphia. Democrats worried that a transit strike would lower turnout in Philadelphia and this Super PAC arose to address this concern. Future45 raised \$11.3 million after the reporting deadline, with \$10 million of this coming from the Sheldon and Miriam Adelson. Some Senate candidate specific Super PACs also received late contributions, including Richard Burr's Super PAC which received \$1 million from the Reynolds America Tobacco Company. (Blumenthal, 2016). Unlike late contributions to candidates which are limited, these late contributions to Super PACs are unlimited and therefore have more potential to tilt a close race.

Section 501(c) Groups in 2016

The 2016 election saw increased activity by another type of non-candidate controlled group, section 501(c)(4) organizations. These groups are by statute defined as social welfare organizations whose primary purpose is not electoral politics. Money given to 501(c)(4) groups is not tax deductible as it is for charities (Section 501(c)(3) groups). But like as with charities, donors to 501(c)(4) groups are not disclosed. Two other types of groups are required by the Internal Revenue Code to file with the IRS: labor unions, or Section 501(c)(5) organizations, and

trade associations, Section 501(c)(6) organizations. Of this latter category, the U.S. Chamber of Commerce is the most visible and active group.

Section 501(c)(4) groups have long reported some campaign expenditures, but their level of activity increased in 2016. The campaign spending by these groups is reported to the FEC if the spending on television is 60 days before a general election or 30 days before a primary and otherwise meets the express advocacy tests. Interviews with these groups and media reports indicate that what is reported to the FEC does not include other spending that may have influenced the outcome of federal elections. Some of this spending occurs in the period before the mandatory reporting of electioneering communications to the FEC. Table 4 summarizes the spending 501(c)(4) and 501(c)(6) groups in the 2016, 2014 and 2012 Elections.

Table 4. *Top Spending 501(c) Organizations in the 2012, 2014 and 2016 Elections^a*

Dollars

<i>Organization</i>	<i>Type</i>	<i>2015/2016</i>	<i>2013/2014</i>	<i>2011/2012</i>	<i>Total</i>
US Chamber of Commerce	6	29,106,034	35,464,243	35,657,029	100,227,306
American Crossroads/Crossroads GPS	4		26,015,713	71,181,940	97,197,653
National Rifle Association	4	35,157,585	12,675,153	8,607,876	56,440,614
Americans for Prosperity	4	13,628,734	2,763,318	36,637,579	53,029,631
American Future Fund	4	12,735,724	2,447,719	25,415,969	40,599,412
American Action Network	4	5,559,198	8,958,129	11,689,399	26,206,726
League of Conservation Voters	4	4,162,118	9,563,129	11,229,498	24,954,745
45 Committee	4	21,339,017			21,339,017
Patriot Majority USA	4	214,622	10,652,282	7,013,886	17,880,790
National Assn of Realtors	6	1,373,941	11,693,182	4,606,898	17,674,021
Americans for Tax Reform	4	4,500	122,500	15,794,552	15,921,552
Americans for Job Security	6			15,872,864	15,872,864
Planned Parenthood	4	2,237,207	1,586,593	6,858,077	10,681,877
Majority Forward	4	10,116,977			10,116,977
Americans for Responsible Leadership	4			9,793,014	9,793,014
Ending Spending	4	2,636,359	6,420,885		9,057,244
VoteVets.org	4	1,195,208	4,804,373	2,119,985	8,119,566
Kentucky Opportunity Coalition	4		7,573,748		7,573,748
Environmental Defense Action Fund	4	4,285,793	2,905,996		7,191,789
AFL-CIO	5	6,463,202			6,463,202
Club for Growth	4	4,061,719	481,773	660,220	5,203,712
60 Plus Association	4	121,897	347,399	4,615,892	5,085,188
Republican Jewish Coalition	4	486,320		4,595,666	5,081,986
YG Network	4		1,597,680	2,874,481	4,472,161
NARAL Pro-Choice America	4	1,325,556	1,101,122	1,710,358	4,137,036
Humane Society Legislative Fund	4	1,030,809	1,153,670	1,490,762	3,675,241
Susan B. Anthony List	4	756,139	943,362	1,961,223	3,660,724
One Nation	4	3,405,810			3,405,810
American Chemistry Council	6	291,600	2,382,566	648,600	3,322,766
Carolina Rising	4		3,279,626		3,279,626
Center Forward	4	257,607	663,518	2,057,089	2,978,214
Citizens for Responsible Energy Solutions	4	1,443,122	1,512,165		2,955,287
Focus on the Family	4	45,000	749,382	2,574,666	3,369,048

National Fedn of Independent Business	6			2,143,878	2,143,878
American Commitment	4		196,204	1,858,765	2,054,969
Center for Individual Freedom	4			1,864,735	1,864,735
Citizens for a Working America	4	147,622		1,555,051	1,702,673
Emergency Committee for Israel	4	56,800	1,277,187	356,095	1,690,082
American Energy Alliance	4			1,361,500	1,361,500
National Assn of Home Builders	6	1,309,822			1,309,822
Oklahomans for a Conservative Future	4		1,296,459		1,296,459
Associated Builders & Contractors	6	1,274,000			1,274,000
Libre Initiative	4	1,227,098			1,227,098
Sierra Club	4		1,081,949	20,677	1,102,626

Source: Center for Responsive Politics, "2016 Outside Spending, by Group"

(www.opensecrets.org/outsidespending/summ.php?cycle=2016&chrt=V&disp=O&type=U [July 10, 2017]).

Source: Center for Responsive Politics, "2014 Outside Spending, by Group"

(www.opensecrets.org/outsidespending/summ.php?cycle=2014&chrt=V&disp=O&type=U [July 10, 2017]).

Source: Center for Responsive Politics, "2012 Outside Spending, by Group"

(www.opensecrets.org/outsidespending/summ.php?cycle=2012&chrt=V&disp=O&type=U [July 10, 2017]).

a. Dollar amounts as reported to the Federal Election Commission, excluding 501(c)(5) groups.

It is important to underscore that not all election related spending by 501(c)(4)s and 501(c)(6)s is included in Table 4. For example, as noted in Table 5, the following presidential candidates had Section 501(c)(4) groups affiliated with their campaigns: Jeb Bush, Marco Rubio, Mike Huckabee, Rick Santorum, John Kasich, Bobby Jindal, George Pataki, Rick Perry, and Hillary Clinton. But none of these group reported any expenditures to the FEC. Excluded from reporting by these groups is spending for television ads run before the election “window” of 60 days before the date of the general election and 30 days before the date of a primary election. Other election related spending, even during the window, is not reported to the FEC. Looking only at what was reported the U.S. Chamber has been the most consistent group reporting expenditures. Some like the NRA spent much more in 2016 than in prior presidential cycles, while others like Planned Parenthood spent less in 2016. Less is known about why groups like Americans for Job Security and Americans for Tax Reform each reported over \$15 million in spending in 2008 but did not report making expenditures in 2012 and 2016.

Since 2014, there has been a proliferation in the number of 501(c)(4) organizations involved in federal elections. At least nine presidential candidates in 2015-16 had a candidate specific 501(c)(4) group supporting their candidacy which was at least indirectly endorsed by the candidate. Some were parallel to Super PACs and their names only slightly varied from the aligned Super PAC. An example would be Marco Rubio’s 501(c)(4) “Conservative Solutions Project,” and his 2016 Super PAC, Conservative Solutions PAC, both of which were active in the 2016 cycle. Some 501(c) groups have been found to mask the source of funds by giving grants of funds to other Section 501(c) groups. An example of this on the Democratic side in 2016 is Majority Forward, a

501(c)(4) which transferred funds to Women's Vote, a Super PAC; and on the Republican side, the American Action Network, a 501(c)(4), which transferred funds into a Super PAC, the Senate Leadership Fund (Maguire, interview); and One Nation, a 501(c)(4) which transferred \$11 million less than a month before the election to the Senate Leadership Fund, a Super PAC (Corley, 2016). A well-documented case arose in California where a web of 501(c)(4) organizations transferred funds making it difficult to follow the money as it passed from organization to organization (Gold, 2014).

There has been a substantial increase in the amount spent by 501(c)(4) groups since 2006 when they spent a combined \$5 million. In 2008, the 501(c)(4) groups spent \$69.1 million, in 2010 a combined \$136 million, and in 2012 it rose to \$309 million. (Center for Responsive Politics, 2013). In 2016, the spending by 501(c)(4) groups dropped to \$147 million (Maguire interview). In recent cycles, conservative and Republican groups have been much more active as 501(c)(4) groups than Democrats. For example, in 2016 the Center for Responsive Politics reported that 501(c)(4) groups spent \$141 million for conservatives, \$64 million for liberals, and \$2 million for others (Center for Responsive Politics, Political Nonprofits (2016). Much of the spending by 501(c) groups is done by a small number of groups. For example, American Crossroads, Americans for Prosperity, and American Future Fund spent a combined \$129 million in 2012, according to the Center for Responsive Politics (Center for Responsive Politics 2013). The largest 501(c) groups in 2016 were the National Rifle Association (\$33.7 million), the U.S. Chamber of Commerce (\$29 million) and the 45 Committee, a late forming pro-Trump group (\$21.3 million) (Robert Maguire interview, 2017)

Because 501(c)(4)s do not disclose their donors publicly and because their reporting schedules do not align with the campaign season/FEC reporting periods, it is hard to know much about how they are funded. Super PACs, like the Senate Leadership Fund, may have used an allied 501(c)(4)s as a means of keeping the identity of donors undisclosed. Donors can contribute anonymously to a 501(c)(4) and the 501(c)(4) can then contribute to the Super PAC (Sunlight Foundation 2012). Some contend that corporations are reportedly using 501(c)(4)s to disburse anonymous political expenditures (Kirby 2015, p. 231). The annual reporting for Section 501(c)(4)s along with reporting extensions means “A group can ‘pop up’ right before an election, self-declare as a (c)(4), spend large amounts on activities that influence the outcome of an election, and by the time the IRS receives that group’s Form 990 tax return, the group could already have disbanded” (Barker, 2012). Carolina Rising, the Section 501(c)(4) group that supported successful 2014 Republican challenger, Thom Tillis, against Kay Hagen in North Carolina, spent nearly all of its funds (\$4.7 million) on that one race (Ravel and Weintraub, 1996). The funds for this group came from one donor, Crossroads GPS (Maguire, 2016a).

Section 501(c)(4) groups were active on TV/Radio in 2016. Florida Senator Marco Rubio’s Section 501(c)(4) Conservative Solutions Project was the second most active among GOP presidential advertisers in 2015 with nearly 5,000 airings. This was one-third as many airings as run by Right to Rise (Bush Super PAC) (Wesleyan Media Project, 2015). Use of a 501(c)(4) in this way is unusual. It has been reported that the Conservative Solutions Project said it wasn’t devoted to a particular candidate. However, its name and top staff (or spouses of top staff) are shared by Conservative Solutions PAC,

a Super PAC supporting Rubio's campaign (Confessore, 2015b; Murray and Caldwell, 2015). The group's ads mentioned Rubio by name, included excerpts from his speeches, and primarily targeted early primary and caucus states (Prokop 2015). At one point the group submitted filings with the FEC indicating they were engaged in political advertising for Rubio, though the campaign later said the forms were incorrectly filled out (Murray and Caldwell, 2015). Much of the funding for Conservative Solutions funding came from a single donor whose identity is not known (Currinder, 2018). A second 501(c)(4) supporting Rubio, American Encore, ran ads in Iowa attacking Cruz for his stance on electronic surveillance issues (Skinner, 2015).

There are three examples of 501(c)(4)s being used in Senate elections in Table 4. The first is the already discussed Carolina Rising, which reported some expenditures for negative advertising against incumbent Democrat Kay Hagen in 2014. The second, the most active candidate specific 501(c)(4) in 2014, is Kentucky Opportunity Coalition, which spent over \$7.5 million in reported expenditures for advertising against Democrat Alison Grimes in her race against Senate Republican Leader Mitch McConnell. It is important to note that this is in addition to the \$6.4 million spent by Kentuckians for Strong Leadership, a candidate specific Super PACs supporting Senator McConnell. Finally, there is the example of Oklahomans for a Conservative Future, which spent \$1.3 million in the primary contest in 2014 to support T. W. Shannon. It is unclear whether candidate specific 501(c)(4)s will continue to expend millions of dollars in Senate races as some may be active but never have to report, making it difficult to track this activity.

One network of 501(c) groups that have been active in recent election cycles are funded by David and Charles Koch and their network of donors. Much of their activity is

unreported, and it appears they did not become involved in the 2016 presidential general election. They did, however, invest in congressional races and one scholar has estimated they spent \$250 million on those contests (Currinder, 2018). Some of this spending was directed to outreach to Latinos, the Libra Initiative. Another target audience was veterans, and the group directed to this group was Concerned Veterans for America (Wright, Glueck, Glasser, Shafer, Jeong, and Zilber, 2015).

Trade associations, Section 501(c)(6) organizations, have also remained active in supporting or opposing particular candidates, generally in competitive races. U.S. Chamber of Commerce has been the most active 501(c)(6) (Clark 2016). They have also become more active in intraparty competition, like the U.S. Senate primary in Mississippi in 2014 between Republican incumbent Thad Cochran and challenger Chris McDaniel (Nick Corasaniti and Jonathan Martin 2014). In 2016, the only contested primary where the U.S. Chamber of Commerce was active was the Kansas First Congressional District race between incumbent Tim Huelskamp and challenger Roger Marshall. The chamber spent a combined \$400,000 against Huelskamp and for Marshall. Marshall won the primary and went on to win the general election (Schneider, 2016).

While the U.S. Chamber of Commerce is the most recognized and among the most active of the 501(c)(6) organizations, there are many other active 501(c)(6) organizations. Examples include the National Federation of Independent Business and the National Association of Realtors. Also included as 501(c)(6) organizations is Freedom Partners, a group associated with the Koch brothers. The Center for Responsive Politics reports that Section 501(c)(6) group's spending in 2016 was \$32.89 million down from

\$41 million in 2014 and \$55 million in 2012 (Center for Responsive Politics, Political Nonprofits: Top Election Spenders, 2016)

An Expanded Range of Candidate Specific Funding Mechanisms and Electoral Activities by Super PACs and Section 501(c) Groups in 2016

Through the 2012 and 2014 elections, most candidates relied on their own campaign committee or a leadership PAC as the fundraising entities, with presidential candidates and some congressional candidates having an aligned Super PAC. In 2016, the number of entities through which candidates raised money expanded. At the same time, during the nomination phase of the 2016 presidential campaign and continuing into the general election, more specialized, candidate-centered Super PACs were developed. Senator Ted Cruz had at least four of these specialized committees emphasizing big data, conventional TV, and voter mobilization. Virtually all presidential candidates had a range of supporting groups including their own candidate committee, a leadership or other PAC, and a Super PAC. Some also had a Section 501(c)(4) group and a limited liability corporation (LLC). Table 5 details the different legal forms groups took in 2016 supporting and opposing presidential candidates, all of whom also had a registered candidate campaign committee.

Table 5. Candidates with Different Supporting Groups by Type in Addition to Their Candidates Campaign Committee, 2015-16

Candidate	Super PAC	501c4	Leader. PAC	Joint Fund. Com.	Hybrid PAC	Exploratory or Testing Waters	LLC	527
Jeb Bush (R)	x	x	x				x	
Ben Carson (R)	x		x			x		
Ted Cruz (R)	x		x	x				
Chris Christie (R)	x		x					
Marco Rubio (R)	x	x	x	x				
Mike Huckabee (R)	x	x	x			x		x
Rick Santorum (R)	x	x			x	x		

Donald Trump (R)	x	x		x	x	x		
John Kasich (R)	x	x						x
Carly Fiorina (R)	x							
Bobby Jindal (R)	x	x	x			x		x
Lindsey Graham (R)	x		x			x		
George Pataki (R)	x	x				x		
Rand Paul (R)	x		x	x				
Rick Perry (R)	x	x	x					
Scott Walker (R)	x					x		x
Hillary Clinton (D)	x	x		x	x			
Martin O'Malley (D)	x		x					x
Bernie Sanders (D)								

Sources: In compiling this table we have relied on a variety of sources, some of which provide a broad view of the various supporting groups involved in the 2016 election. Those that provided such a view were: "Building Campaign Organizations," *Democracy in Action*. Accessed April 1, 2017. <http://www.p2016.org/chrnprep/organization2015.html>; "Behind the Candidates: Campaign Committees and Outside Groups," *Center for Responsive Politics*, Accessed April 1, 2017. <https://www.opensecrets.org/pres16/outside-groups?type=A>; "Campaign Finance Disclosure Portal," *Federal Election Committee*. Accessed April 1, 2017. <http://fec.gov/pindex.shtml>; and Ian Vandewalker, "Shadow Campaigns: The Shift in Presidential Campaign Funding to Outside Groups." Brennan Center for Justice, 2015. p. 1 <https://www.brennancenter.org/publication/shadow-campaigns-shift-presidential-campaign-funding-outside-groups>; "Building Campaign Organizations," *Democracy in Action*. Accessed April 1, 2017. <http://www.p2016.org/chrnprep/organization2015.html>; "Behind the Candidates: Campaign Committees and Outside Groups," *Center for Responsive Politics*, Accessed April 1, 2017. <https://www.opensecrets.org/pres16/outside-groups?type=A>; "Campaign Finance Disclosure Portal," *Federal Election Committee*. Accessed April 1, 2017. <http://fec.gov/pindex.shtml>

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LLC – BHAG LLC – Russ Choma, "Why Does Jeb Bush Have a Mysterious Shell Company?" *Mother Jones*, June 29, 2015. <http://www.motherjones.com/politics/2015/06/jeb-bush-shell-corporation-bhag/>

Ben Carson	<p>Super PAC – The 2016 Committee - Katie Glueck, “Pro-Carson super PACs join forces,” <i>Politico</i>, October 22, 2015. http://www.politico.com/story/2015/10/ben-carson-2016-committee-our-childrens-future-pac-join-215054</p> <p>Leadership PAC - USA First PAC – Center for Responsive Politics, “USA First PAC,” https://www.opensecrets.org/pacs/lookup2.php?cycle=2016&strID=C00567685</p> <p>Exploratory Committee - Reid J. Epstein, “Ben Carson Creates Committee to Explore Presidential Bid,” <i>The Wall Street Journal</i>, March 2, 2015. https://www.wsj.com/articles/ben-carson-creates-committee-to-explore-presidential-bid-1425355626</p>
Ted Cruz	<p>Super PAC - Keep the Promise I, II, III – Nicholas Confessore, “Network of ‘Super PACs’ Says That It Has Raised \$31 Million for Ted Cruz Bid,” <i>The New York Times</i>, April 8, 2015. https://www.nytimes.com/2015/04/09/us/super-pacs-network-quickly-raises-31-million-for-ted-cruz.html?_r=0</p> <p>Leadership PAC - Jobs, Growth & Freedom Fund – Kevin Diaz, “Cruz, Cornyn focus on Senate Republicans, not Trump,” <i>Houston Chronicle</i>, October 31, 2016. http://www.houstonchronicle.com/news/politics/us/article/Cruz-Cornyn-focus-on-Senate-Republicans-not-10425868.php</p> <p>Joint Fund. Cmte. https://www.opensecrets.org/jfc/summary.php?id=C00542423</p>
Chris Christie	<p>Super PAC - America Leads – Jose A. DelReal, “Christie allies launch super PAC,” <i>The Washington Post</i>, March 12, 2015. https://www.washingtonpost.com/news/post-politics/wp/2015/03/12/christie-allies-launch-super-pac/?utm_term=.075ee9698c21</p> <p>Leadership PAC - Leadership Matters for America, “Leadership Matters for America,” Center for Responsive Politics https://www.opensecrets.org/pacs/lookup2.php?cycle=2016&strID=C00571778</p>
Marco Rubio	<p>Super PAC - Conservative Solutions PAC – Ed O’Keefe, “Marco Rubio gets a super PAC,” <i>The Washington Post</i>, April 9, 2015. https://www.washingtonpost.com/news/post-politics/wp/2015/04/09/marco-rubio-gets-a-super-pac/?utm_term=.7869f6054e7a501c4</p> <p>Conservative Solutions Project – Robert Maguire, “Two (at most) secret donors funded 93% of pro-Rubio nonprofit,” Center for Responsive Politics, May 3, 2017. https://www.opensecrets.org/news/2017/05/two-donors-funded-rubio-nonprofit/</p> <p>Leadership PAC - Reclaim America PAC – Center for Responsive Politics, “Reclaim America PAC”, https://www.opensecrets.org/pacs/lookup2.php?strID=C00500025</p> <p>Joint Fund. Cmte. – Rubio Victory Committee – Center for Responsive Politics, “Rubio Victory Cmte”, https://www.opensecrets.org/jfc/summary.php?id=C00494617</p>
Mike Huckabee	<p>Super PAC - Pursuing America’s Greatness – Philip Bump, “Mike Huckabee kicks off his 2016 bid with a violation of campaign finance law,” <i>The Washington Post</i>, May 5, 2015. https://www.washingtonpost.com/news/the-fix/wp/2015/05/05/mike-huckabee-kicks-off-his-2016-bid-with-a-violation-of-campaign-finance-law/</p> <p>501c4 - America Takes Action – Tom Hamburger and Robert Costa, “Mike Huckabee rebuilds political team with eye on another presidential run,” <i>The Washington Post</i>, November 12, 2014. https://www.washingtonpost.com/politics/mike-huckabee-rebuilds-political-team-with-eye-on-another-presidential-run/2014/11/12/8cb28ccc-69b3-11e4-b053-65cea7903f2e_story.html?utm_term=.10e6abce9c6d</p> <p>Leadership PAC - Huck PAC – Center for Responsive Politics, “Huck PAC,” https://www.opensecrets.org/pacs/lookup2.php?cycle=2016&strID=C00448373</p> <p>527 Organization – Prosperity for All Fund – “Building Campaign Organizations (2015),” <i>P2016 Race for the White House</i>, http://www.p2016.org/chrnprep/organization2015.html</p> <p>Exploratory – Adam Wollner, “Mike Huckabee Says He’s Formed an Exploratory Committee for a Presidential Run,” <i>The Atlantic</i>, April 17, 2015. https://www.theatlantic.com/politics/archive/2015/04/mike-huckabee-says-hes-formed-an-exploratory-committee-for-a-presidential-run/436746/</p>
Rick Santorum	<p>Super PAC - Take America Back PAC – Ben Gittleson and Shushannah Walshe, “Rick Santorum Staffers Switch Tactics, Form Super PAC,” ABC News, August 6, 2015. http://abcnews.go.com/Politics/rick-santorum-staffers-switch-tactics-form-super-pac/story?id=32919927</p>

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501c4 - Americans for Economic Freedom – “Perry Group Launching National Anti-Washington Ads,” CBS DFW, October 14, 2013. <http://dfw.cbslocal.com/2013/10/14/perry-group-launching-national-anti-washington-ads/>

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https://www.washingtonpost.com/politics/omalley-allies-launching-super-pac-ahead-of-his-presidential-launch/2015/05/27/37747a66-04ab-11e5-a428-c984eb077d4e_story.html?utm_term=.884bec9fb3ca
 Leadership PAC – O’ Say Can You See PAC – John Wagner, “O’Malley launches federal PAC as profile rises,” *The Washington Post*, July 26, 2012.
https://www.washingtonpost.com/blogs/maryland-politics/post/omalley-launches-federal-pac-as-national-profile-rises/2012/07/26/gJQADPR6AX_blog.html?utm_term=.cca696fcecfe527 – O’ Say Can You See PAC (non-federal – 527) – Referenced in O’Malley web site at <https://martinomalley.com/> Jill Lawrence, “Is It Time to Take Martin O’Malley Seriously? The Maryland Governor Is Determined to be Part of the 2016 Conversation. If Hillary Clinton Lets Him, That is.” *The Atlantic*, June 24, 2013.
<https://www.theatlantic.com/politics/archive/2013/06/is-it-time-to-take-martin-omalley-seriously/277183/>

In addition to Super PACs, 501(c)(4) groups, conventional leadership PACs, and hybrid PACs, candidates made greater use Section 527 groups, LLCs, and “Exploring the Waters” committees to fund campaign activity in 2016. Candidate or group preference has a lot to do with determining whether groups register as federally recognized Super PACs with the FEC or whether they remain 527s that only register with the IRS (Magleby and Goodliffe 2014, 246-47). 527s have declined with the advent of Super PACs.

In the 2016 election cycle candidates Bobby Jindal and Scott Walker used 527 committees to raise and spend funds. As a 527, the committee could raise unlimited funds if it otherwise complied with rules pertaining to 527s. Walker used the 527 during

the “exploratory period.” However, the FEC in December 2015 ruled unanimously that this kind of use of 527s was not permissible if the candidate exploring the candidacy became a candidate (FEC Advisory Opinion 2015-09, 2015).

LLCs have played a limited role as campaign mechanisms. An important part of campaigns is data on voters and prospective voters—who they are, where they live, how to contact them, etc. Following the 2004 election a group of Democratic investors started a limited liability corporation, now known as Catalist, to build a massive database of voter profiles to which progressive organizations can subscribe. Catalist compiles information from dozens of external sources and allows for unprecedented microtargeting in political messages (Issenberg, 2012).

Republican supporters responded by creating organizations along the Catalist model such as The Data Trust and i360, the latter being funded by the Koch network (Issenberg, 2012; Allen and Vogel, 2014). The Koch brothers and their allies have used the LLC model to build politically active organizations which also occasionally transfer funds to each other and to Super PACs (Barker and Meyer 2014). There appears to have been limited use of LLCs by candidates in 2016. In the Jeb Bush campaign, an LLC owned the rights to Bush’s “Jeb!” logo (Vandewalker, 2015). One of the Republican rapid response and media monitoring firms, America Rising, has a complex legal structure that includes an LLC.

Candidates historically have made used exploratory committees to fund expenses associated with early media appearances and travel to key early presidential states long before they announce their candidacy. Activities include helping others with fundraising in the midterm elections prior to the presidential contest, meeting with prospective donors

and lining up a campaign staff. But in 2015 some candidates used this exploratory phase to aggressively pursue Super PAC fundraising. Delaying announcing their candidacy also meant candidates could coordinate with the leaders of their Super PAC. The following were reported to have operating Super PACs months before announcing their candidacies: Bush, Carson, Christie, Fiorina, Jindal, Kasich, and Pataki.

The most active in using an extended exploratory period was Jeb Bush, who raised \$103 million for his Super PAC before he announced his candidacy (Confessore, 2015A). In an FEC advisory opinion, the FEC was split 3-3 on whether the amount a candidate had raised was an indication of actual candidacy (FEC Advisory Opinion 2015-09, 2015). Other candidates for federal office have already started using the Bush strategy. For example, Carlos Lopez-Cantera, a Republican candidate for Marco Rubio's Florida U.S. Senate seat, delayed his announcement of candidacy so he could raise funds for his Super PAC (Drusch, 2015). Before 2016, outside money spent for presidential candidates was largely on television. In 2016, we saw a diversification of activities engaged in by Super PACs. Using media reports and interviews as sources, Table 6 lists the different kinds of campaign assistance provided by outside groups to presidential candidates in 2015-16.

Table 6. Campaign Assistance provided During the Nomination Phase by Outside Groups to 2016 Presidential Candidates

	Fiorina	Clinton	Kasich	Jindal	Paul	Huckabee	Carson	Bush	Cruz	Rubio
Produce video	x	x	x	x	x	x		x	x	x
Press	x	x	x				x	x		x
Rapid Response	x	x								x
Advance/Events	x			x	x	x			x	
Google calendar (shared type)	x			x	x	x				

List/Data	x	x	x	x	x		x	x	x	x
Field	x	x		x	x		x		x	
Policy								x		

Source: Compiled by Author from press reports. As outside groups do not always disclose the specifics of their activities, it is difficult to find information on the aid which groups offer to candidates. As such, our research relied on media reports as well as published information from the Brennan Center for Justice at New York University School of Law. Sources for each candidate may be found below. Note that some sources refer to multiple campaigns, and therefore may be listed under more than one candidate.

Carly Fiorina

www.motherjones.com/mojo/2015/09/carly-fiorinas-super-pac-made-its-own-abortion-video

www.p2016.org/fiorina/fiorinasuperpacorg.html

www.washingtonpost.com/politics/here-are-the-secret-ways-super-pacs-and-campaigns-can-work-together/2015/07/06/bda78210-1539-11e5-89f3-61410da94eb1_story.html

www.nytimes.com/2015/10/01/us/politics/as-carly-fiorina-surges-so-does-the-work-of-her-super-pac.html

Fiorina uses Google Calendar to coordinate with Super PAC:

<http://www.pactrack.net/blog/super-pacs-find-ways-to-skirt-campaign-finance-laws/>

Hillary Clinton

www.politico.com/story/2016/10/trump-video-clinton-super-pac-ad-229543

theintercept.com/2016/10/18/hillary-superpac-coordination/

lawnewz.com/high-profile/fec-complaint-accuses-clinton-campaign-of-illegally-coordinating-with-david-brock-super-pac/

<https://theintercept.com/2016/10/18/hillary-superpac-coordination/>

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adage.com/article/campaign-trail/ready-hillary-signals-super-pacs-data-election/298029/

www.p2016.org/clinton/clintonsuperpacorg.html,

www.huffingtonpost.com/entry/super-pac-coordination_us_56463f85e4b045bf3def0273

John Kasich

www.huffingtonpost.com/entry/super-pac-coordination_us_56463f85e4b045bf3def0273

www.p2016.org/kasich/kasichsuperpacorg.html

www.govtech.com/data/Presidential-Hopeful-Kasich-Combines-Data-Mining-with-Traditional-Campaigning.html

Bobby Jindal

www.politico.com/story/2015/07/bobby-jindal-2016-super-pac-120885

www.huffingtonpost.com/entry/super-pac-coordination_us_56463f85e4b045bf3def0273
www.dispatch.com/content/stories/local/2015/10/05/super-pac-rules-are-super-vague.html
<http://www.washingtonexaminer.com/can-bobby-jindal-ride-his-super-pac-to-an-iowa-upset/article/2575696>
<https://www.nytimes.com/2015/10/01/us/politics/as-carly-fiorina-surges-so-does-the-work-of-her-super-pac.html>

Rand Paul

www.cnn.com/2015/05/29/politics/rand-paul-super-pac-ad-buy/
www.bloomberg.com/politics/articles/2015-06-19/a-new-pro-rand-paul-super-pac-is-making-paul-s-official-super-pac-nervous
www.nytimes.com/2015/10/01/us/politics/as-carly-fiorina-surges-so-does-the-work-of-her-super-pac.html
www.politico.com/story/2016/01/rand-paul-super-pac-iowa-ad-buy-217290
<http://news.findlaw.com/prnewswire/20150724/24jul20151800.html>

Ted Cruz

www.businesswire.com/news/home/20150612005332/en/Pro-Cruz-Promise-Super-PACs-Announce-Grass-Roots
www.washingtonpost.com/politics/cruz-campaign-credits-psychological-data-and-analytics-for-its-rising-success/2015/12/13/4cb0baf8-9dc5-11e5-bce4-708fe33e3288_story.html?utm_term=.a114355ceb08
https://www.washingtonpost.com/politics/ted-cruz-leans-on-allied-super-pac-as-gop-nomination-fight-rolls-on/2016/04/04/cccf9d48-fa7d-11e5-80e4-c381214de1a3_story.html?utm_term=.a1a38110fc36

Jeb Bush

www.wsj.com/articles/roles-of-presidential-super-pacs-expanding-1430437766
www.wsj.com/articles/roles-of-presidential-super-pacs-expanding-1430437766
www.brennancenter.org/publication/shadow-campaigns-shift-presidential-campaign-funding-outside-groups
www.buzzfeed.com/andrewkaczynski/we-crashed-jeb-bushs-super-pacs-donor-call-and-heres-what-th?utm_term=.kp0pjvLvn6#.mnZWD5d5Be

Marco Rubio

www.theatlantic.com/politics/archive/2015/04/secret-money-group-tied-to-marco-rubio-super-pac-has-been-researching-presidential-primary-voters/434322/
www.opensecrets.org/news/2016/05/new-tax-forms-rubio-dark-money-legacy-even-darker/
www.huffingtonpost.com/entry/super-pac-coordination_us_56463f85e4b045bf3def0273
www.opensecrets.org/news/2016/05/new-tax-forms-rubio-dark-money-legacy-even-darker/

sunlightfoundation.com/2015/11/24/marco-rubio-breaks-new-ground-in-dark-money/
www.washingtonpost.com/politics/rubio-super-pac-ads-follow-playbook-of-campaigns-rapid-response-site/2016/02/04/448a8120-cb5a-11e5-a7b2-5a2f824b02c9_story.html?utm_term=.957ba52bf3c5

Ben Carson

www.brennancenter.org/sites/default/files/analysis/Super_PACs_2016.pdf
www.latimes.com/nation/la-na-politics-superpacs-impact-20151005-story.html
www.nationalreview.com/article/438739/trump-campaigns-data-firm-partner-cambridge-analytica-worked-cruz
Carson Super PAC spends \$277,000 on pro-Carson books (I'm assuming this equates to "press"? I x'd it) <https://www.politico.com/story/2016/01/ben-carson-super-pac-book-promotion-217631>

Mike Huckabee

www.nytimes.com/2015/10/01/us/politics/as-carly-fiorina-surges-so-does-the-work-of-her-super-pac.html
www.arktimes.com/ArkansasBlog/archives/2015/05/01/here-comes-huckabee

Carly Fiorina appears to have relied on assistance provided by groups independent of her campaign for a wider array of services than any other candidates. Her Super PAC helped stage events, manage merchandise sales, and coordinate volunteer lists. CARLY for America, the Carly Fiorina Super PAC, would post on the campaign website upcoming travel plans for the candidate, leaving to the Super PAC the management of the event. Super PACs working to support Mike Huckabee and Rand Paul did similar things (Corasaniti, 2015). Keep the Promise I, a Super PAC supporting Texas Senator Ted Cruz, had field staff working in Iowa (6-10 staff) and South Carolina (14 staff) (Svitek, 2015). The 2016 Committee, a Super PAC supporting Ben Carson, was also active on the ground (Easley, 2015).

The successful integration of big data into the Obama campaign (Isenberg, 2013) has meant that some candidate-aligned Super PACs in 2016 focused on database development and applications. One of Ted Cruz's Super PACs, Keep the Promise I, was

reported to have used psychographic models developed by Cambridge Analytica, a firm owned in part by Robert Mercer, who gave \$11 million to fund Keep the Promise I (Hamburger, 2015). It was later learned that these claims by Cambridge Analytica were exaggerated (Confessore and Hakim, 2017). As it became clear that Cruz would not be able to secure the nomination, about a dozen Cambridge staff who had worked for Cruz's Super PAC shifted to the Trump campaign. They worked to identify likely Trump voters and donors through Facebook, in addition to providing input for Trump's travel itinerary (Winston, 2016). Joshua Green and Sasha Issenberg reported that the Trump campaign built on these data applications to also try and suppress Democratic turnout (Green and Isenberg, 2016). Mark Mellman, a prominent Democratic pollster takes exception to the claim that what the Trump campaign was doing was vote suppression. He said, "They are not telling people the elections really on Wednesday or your voting place really has some other address or you have to have an ID of certain type to be able to vote. That to me is voter suppression". What they're saying is essentially, you might be a Hilary Clinton voter but here's a reason not to vote for her" (Mellman interview, 2017). Data was also a focus of New Day for America, Ohio Governor John Kasich's Super PAC. This Super PAC worked with Project Applecart, an LLC specializing in using on- and off-line data to map individual level personal relationships for fundraising and voter mobilization (Isenberg 2015).

The tone of Super PAC and 501(c) ads has been most often negative. In 2014, for example, the proportion of negative ads was double the proportion of positive ads, with 52 percent to 26 percent, and pro-Democratic spending more negative than pro Republican. But outside group and party independent expenditure ads were almost universally

negative (90 and 98 percent for Democrats and 70 and 92 percent for Republicans). Advertising in the 2016 presidential race was less negative than in 2012 but more negative than in 2000, 2004, and 2008. The Wesleyan scholars found that Clinton's ads were negative more often than Trump's ads (48 percent compared to 28 percent). Outside group ads in 2016 were more negative than candidate ads, especially by groups supporting Clinton (96 percent were negative) compared to outside groups supporting Trump (60 percent negative). House and Senate ads were comparable to election cycles since 2008 when negativity became more common (Fowler, Rideout, and Franz 2017).

Given the negative focus of much Super PAC and 501(c) advertising, it is not surprising that specialized Super PACs have been created to assist in the opposition research needed to do this kind of communication. Democrats created a Super PAC named American Bridge 21st Century to do this, and Republicans now have their own media tracking Super PAC, America Rising. Candidates have also created specialized media response Super PACs. In 2016, Democrats, building on American Bridge, started a new Hillary Clinton aligned Super PAC, Correct the Record, which served as a rapid response messenger for the candidate through social media. Correct the Record broke new ground in 2015-16, claiming it would "work in coordination" with the Clinton campaign. The group's claim was that, since the material it produced was directed to the web and through social media, it was not subject to the standard Super PAC prohibitions on coordination (Confessore and Lichtblau, 2015).

Candidate campaigns, party committees, and outside groups all are tapping the same pool of pollsters, media consultants, managers and other campaign professionals. One polling firm may be working for a candidate in one Senate race but in another for the

party committee independent expenditure operation and in a third for a Super PAC. In 2012, about one-third of spending went to a small number of media groups (Dooling, 2012). Multiple campaigns and their allied super PACs and 501(c)s pay/use the same private vendors (such as email lists, political strategy consultants, etc.). An example of this in 2016 is Marco Rubio's campaign committee, the "Rubio Victory Committee," and his 501(c)(4) group, the "Conservative Solutions Project," and his leadership PAC, all of which employed the same fundraiser at the same time, Anna Rogers, Inc. (Maguire and Massoglia, 2016).

The involvement of Super PACs and 501(c)s in making and placing advertisements on television and radio, in staging events and managing campaign activities on the ground, in developing data bases and data driven campaign efforts, all call into question just how independent the independent expenditures by Super PACs really are. Earlier research found that Super PACs and candidates "lacked foreknowledge of each other's behavior" (Christensen and Smidt, 2014). And yet, these same scholars found that Super PACs and candidates spent in complementary ways (Christensen and Smidt, 2014). Given the evidence presented in this paper about Super PACs and 501(c)s performing a wider range of campaign services for candidates, including claims that coordination is permitted under certain circumstances suggests more research on this topic is needed.

Super PACs and 501(c)s also have an impact on candidate behavior in the United States. The existence of the possibility that an opponent might have an aligned, well-funded Super PAC increases candidate uncertainty, leading to more fundraising and increasing candidates' desires for their own Super PAC. It is now commonplace for

presidential candidates to have their own Super PAC but this phenomenon is spreading to the U.S. Senate and U.S. House.

Conclusion

Independent expenditures have greatly expanded from individuals doing their own campaign spending their own money on ads or billboards or PACs or party committees spending money raised from limited individual contributions to a much less constrained and more easier to navigate process. Those wishing to spend money to influence the outcome of federal elections can now easily give millions of dollars to party committees, candidate aligned super PACs, 501(c)(4)s and 501(c)(6)s, as long as they do so independently and without coordination with the candidates or party committees. What constitutes “independent” and what activities constitute “coordination” are major issues that have not been resolved. Similarly, for Section 501(c)(4) groups whose primary purpose is supposed to be social welfare, it remains unresolved how much of their activity can be election related.

The growth in Super PAC spending is due in large part to the strategic advantages they give to donors, parties and candidates. Their ability to raise and spend unlimited amounts, to form very quickly, and to have a streamlined structure are some of the strategic advantages. There are at the same time disadvantages to Super PACs, which include disclosure of the donors. This does not appear to have been as big a problem in 2016.

A strategic advantage of 501(c)(4)s is that donors are not disclosed. If they do not spend on television or radio, they may be largely invisible to the media and the

opposition, which may also be an advantage. Given the limited IRS enforcement in recent years of these groups there may be more of an incentive to spend in this way. The largest disadvantage of 501(c)s is that all of the money given to them is not legally permitted to be spent on election advocacy.

In 2016, unlike 2012, Super PAC spending in the presidential general election was more for the Democrats, but spending in the nomination phase in 2016 was like 2012 in that there was much more Super PAC activity among the Republicans. The broad conclusion is that both parties and their candidates have learned to play the Super PAC game. Given the way some candidates used 501(c)(4)s in 2016, it is likely other candidates in the future will do this as well.

The 2016 data suggests that Super PACs at the congressional level in the future will both be more consolidated into the four congressional party leader aligned Super PACs but that individual candidates will form their own Super PACs. The examples of Rob Portman in Ohio and Kelly Ayotte in New Hampshire illustrate the latter approach from 2016.

American elections have long been candidate centered. Given that strong pattern it is not surprising that candidates have brought Super PACs into their campaign finance game plan. They do this by forming their own candidate specific Super PAC or by relying on the Super PACs organized by their party leaders. If a candidate has an interest group that is strongly supportive they may also benefit from spending from an issue or ideological Super PAC. In this latter case, ideological Super PACs are another reason for our continuing partisan polarization.

For party centered Super PACs, they along with the lifting of aggregate limits to party committees and the new party spending committees authorized by Congress mean individuals can contribute much large amounts each year to the political parties. This set of changes reinforce the return of very large donors to the financing of parties, something we have not seen since BCRA banned soft money. Taken together the rise of Super PACs, growth in 501(c)(4)s and changes in party committee finance have ushered in a period where large donors have a greater ability to influence American electoral politics.

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¹ This estimate is derived by adding all of the expenditures made by the Walker aligned Super PACs, Unintimidated and Our American Revival and subtracting those from the total amount raised by both Super PACs. The data used for these calculations came from the Center for Responsive Politics. For expenditures see:

<https://www.opensecrets.org/pacs/expenditures.php?cycle=2016&cmte=C00576108>; and https://www.opensecrets.org/527s/527cmtdetail_expend.php?ein=472796803&cycle=2016
For receipts see: <https://www.opensecrets.org/pacs/lookup2.php?cycle=2016&strID=C00576108>; and <https://www.opensecrets.org/527s/527cmtdetail.php?ein=472796803>

² Other independent spenders in these races included conventional independent expenditures and party committee independent expenditures.

³ Note that we are excluding Get Our Jobs Back, which appears to have been a sham PAC. Trudo and Vogel, 2016.