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The Money Wars

Emerging Campaign Finance Trends and Their Impact on 2018 and Beyond

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Continuing a trend over the last few decades of ever-increasingly expensive election cycles, the 2018 election was the costliest midterm election in history, with approximately \$5.2 billion raised and spent in total.¹ To put that aggregate figure in perspective, only approximately \$4 billion² was spent overall on the last midterm election in 2014. The historic spending tally during the 2018 election cycle was fueled primarily by record-breaking fundraising by campaign committees and outside groups.

Although unprecedented amounts of funds were raised and spent on the 2018 midterm election overall, it is important to note that not all sectors of the campaign finance system shared equally in the money bounty. Notably, aggregate national political party fundraising increased only slightly during the 2018 election cycle compared with the 2014 cycle, and political party spending represented a much smaller share of total election-related spending in 2018. Increasingly, we are seeing a tale of two fundraising stories—one story for Super PACs and outside groups, which can accept unlimited contributions and which are thriving—and a very different landscape for political parties, which are forced to operate under strict contribution limits and prohibitions. Absent legislative action, this imbalance in the campaign finance system could become even more pronounced in future election cycles.

CONGRESSIONAL CAMPAIGNS RAISED RECORD AMOUNTS IN 2018

Analysts project that the total cost of the 2018 midterm election was \$5.2 billion,³ which represents a 30 percent increase over 2014 midterm election spending. One major factor contributing to this surge in election spending in 2018 was a major increase in congressional campaign committee fundraising.⁴ In particular, Democratic candidates, and especially Democratic House candidates, outraised their Republican counterparts by significant amounts. In total, House and Senate campaign committees raised \$1 billion more than in 2016. Table 8.1 below outlines House and Senate campaign committee fundraising across time in 2018, 2016, and 2014.

As is noted in Table 8.1 below, Democratic candidates for the House and Senate raised a combined \$1.6 billion in the 2018 election cycle, compared to \$1.1 billion raised by their Republican counterparts. Through the end of the third quarter of 2018, Democratic candidates had outraised their Republican opponents in 53 out of 73 competitive races.⁵ In the third quarter of 2018 alone, Democratic House candidates raised \$250 million, compared to only \$111 million raised by Republican House candidates.⁶ Also in the third quarter, a remarkable 92 Democratic challengers outraised their Republican incumbent opponents.⁷

In one of the most expensive races of the election cycle, Senator Ted Cruz and Representative Beto O'Rourke set the record for the most ever spent collectively by candidates in a Senate election—\$93 million total—in their marquee race in Texas. The previous record was \$92 million in spending for the 2000 New York Senate race between Rick Lazio and Hillary Rodham Clinton.⁸ In total, 89 percent of House races were won by the biggest spender, while 84 percent of Senate races were won by the biggest spender.⁹

Congressional Campaigns Raised Record Amounts in 2018

A significant amount of contributions to Democratic congressional candidates—including 55 percent of contributions made by individuals—were processed through ActBlue,¹⁰ which describes itself as “a nonprofit, building fundraising technology for the left” with the goal of “help[ing] small-dollar donors make their voices heard in a real way.”¹¹ ActBlue allows donors to save their credit card information when making a contribution, which makes additional contributions easier and allows candidates to raise funds for each other. For example, both Senators Elizabeth Warren and Kamala Harris used ActBlue to help raise funds for a number of Democratic

Table 8.1 Comparison of House and Senate Campaign Committee Fundraising**2018**

Republican House Campaign Committees	\$659 Million	Democratic House Campaign Committees	\$1.0 Billion
Republican Senate Campaign Committees	\$444 Million	Democratic Senate Campaign Committees	\$587 Million
Republican Campaign Total	\$1.1 Billion	Democratic Campaign Total	\$1.6 Billion

2018 Total Campaign Fundraising: \$2.7 Billion**2016**

Republican House Campaign Committees	\$558 Million	Democratic House Campaign Committees	\$469 Million
Republican Senate Campaign Committees	\$302 Million	Democratic Senate Campaign Committees	\$363 Million
Republican Campaign Total	\$861 Million	Democratic Campaign Total	\$833 Million

2016 Total Campaign Fundraising (Not Including Presidential Campaigns): \$1.7 Billion**2014**

Republican House Campaign Committees	\$587 Million	Democratic House Campaign Committees	\$455 Million
Republican Senate Campaign Committees	\$376 Million	Democratic Senate Campaign Committees	\$337 Million
Republican Campaign Total	\$963 Million	Democratic Campaign Total	\$792 Million

2014 Total Campaign Fundraising: \$1.77 Billion

Source: Center for Responsive Politics, <https://www.opensecrets.org/overview/index.php?display=T&type=A&cycle=2014>, <https://www.opensecrets.org/overview/index.php?display=T&type=A&cycle=2016>, <https://www.opensecrets.org/overview/index.php?display=T&type=A&cycle=2018>.

2018 election cycle totals include fundraising data reported to the FEC through November 26, 2018. Election cycle totals for 2016 and 2014 include fundraising data reported to the FEC through December 31 of the election year. Campaign fundraising totals for the cycle may not add up exactly because of rounding.

House challengers across the country.¹² All told, ActBlue processed a total of \$1.6 billion in contributions during the 2018 election cycle, which was double the amount ActBlue handled in the 2016 election cycle.¹³ ActBlue also had more than three million new donors in 2017–2018, with an average contribution size of \$40.¹⁴

By contrast, on the Republican side, there are multiple for-profit online fundraising firms that raise funds for campaigns and other political committees. The fragmentation between different vendors has limited the ability of

the various vendors to provide conveniences such as saved credit card numbers and fundraising by one candidate for another. Many Republicans, including the Republican National Committee (RNC) chair, have voiced concerns over the lack of a Republican counterpart to ActBlue,¹⁵ and creating an Act-Blue-like entity on the right is a major fundraising imperative for the Republican Party in the years ahead.

A Number of Candidates Did Not Accept Contributions from Corporate PACs

In 2008, under the direction of Barack Obama's presidential campaign, the Democratic National Committee (DNC) ceased accepting contributions from federally registered lobbyists. Although this prohibition was rescinded in 2016,¹⁶ the DNC explored new restrictions on certain types of contributions during the 2018 cycle. For example, the DNC passed a resolution in June 2018 indicating it would reject contributions from fossil fuel industry PACs.¹⁷ However, the resolution was reversed two months later.¹⁸

Following the trend of rejecting contributions from certain sources, a number of candidates also explored imposing restrictions on campaign contributions in 2018. A whopping 72 percent of so-called "Red to Blue" candidates¹⁹—which received national party funds and support—pledged not to accept corporate PAC money.²⁰ In total, 52 members of the new Congress rejected corporate PAC contributions at some point during the 2018 election cycle. Of these members, 50 are Democrats and 35 are newly elected members.²¹

The rejection of corporate PAC contributions by primarily Democratic candidates did not appear to have an impact on total PAC contributions to Democratic candidates. In fact, PACs overall actually increased their contributions to Democratic candidates in the 2018 election cycle, contributing \$207.8 million compared to \$191.8 million in the 2016 election cycle.²² However, if the rejection of corporate PAC contributions continues to grow in future election cycles—particularly if it involves members almost exclusively from one side of the political aisle as is currently the case—it may ultimately erode the role and importance of corporate PACs in American politics. For example, if corporate PACs are only able to contribute a tiny fraction of their funds to Democratic candidates, the PACs may increasingly become perceived as partisan entities, which could make it more difficult for the PACs to raise funds from rank-and-file corporate employees. Some analysts predict that rejecting contributions from federal lobbyists—mirroring the DNC's ban on lobbyist contributions during the Obama administration—may be the next major fundraising development to take place in congressional elections.²³

SPENDING BY OUTSIDE GROUPS ALSO BROKE RECORDS IN 2018

The passage of the McCain-Feingold campaign finance law in 2002, combined with court decisions permitting unlimited corporate, union, and individual contributions to finance independent expenditures sponsored by outside organizations such as Super PACs and 501(c) organizations, has led to a proliferation of outside groups in recent years that are having a growing impact on federal elections. These outside groups, which have flourished on both the right and the left, are increasingly engaged in political activities that were once the province of political parties, such as voter registration drives, absentee ballot programs, GOTV, voter identification, and political advertising and issue advocacy efforts.

The McCain-Feingold law, which took effect during the 2004 presidential election cycle, prohibits the RNC, the DNC, and the other national political party committees from raising or spending soft-money funds for any purpose. “Soft money” is defined as funds raised outside of the prohibitions and limitations of federal law, including corporate and labor union general treasury funds and individual contributions in excess of federal limits. Funds raised in accordance with federal law come from individuals and from federally registered PACs and are harder to raise; hence, these funds are commonly referred to in campaign finance parlance as “hard money.” Prior to McCain-Feingold, the national political parties were legally permitted to accept unlimited corporate, union, and individual soft-money contributions and could use these funds to help underwrite a wide variety of political and electoral activities, including voter registration efforts, absentee ballot drives, GOTV activities, slate cards, and similar ticket-wide political activities. The national political parties prior to McCain-Feingold were also able to use soft-money contributions to help finance issue advertisements supporting and opposing federal candidates. “Issue advertisements” are public communications that frequently attack or promote federal candidates and their records, but which refrain from expressly advocating the election or defeat of any candidate (which is referred to as “express advocacy”).

In *Citizens United v. FEC*, the U.S. Supreme Court in 2010 struck down the long-standing prohibition on corporate independent expenditures in connection with federal elections. That same year, in *SpeechNow v. FEC*, a federal appeals court invalidated limits on contributions from individuals to political committees that fund only independent expenditures for or against federal candidates. In advisory opinions issued after the *SpeechNow* decision, the Federal Election Commission (FEC) concluded that political committees formed strictly to make independent expenditures supporting or opposing

federal candidates could accept unlimited contributions from individuals, corporations, and labor organizations.²⁴ These new kinds of political committees, which are prohibited from making contributions to federal candidates and to other federal political committees, are commonly referred to as “Super PACs.”

501(c) entities are organized and operate under Section 501(c) of the Internal Revenue Code and include social welfare organizations established under Section 501(c)(4) and trade associations and business leagues organized under Section 501(c)(6). Section 501(c)(4) and 501(c)(6) entities are permitted to accept unlimited corporate, union, and individual contributions and may engage in partisan political activities, provided such political activities are not their primary purpose. By contrast, Super PACs, as political committees registered with the FEC, are by definition partisan entities and may spend all of their funds on partisan political activities. Super PACs are required to publicly disclose their donors, whereas 501(c) organizations are generally not.

In the 2018 election cycle, outside group spending totaled an estimated \$1.31 billion, which represented a remarkable 61 percent increase over outside spending in 2014.²⁵ During the 2018 election cycle, an estimated 38.4 percent of election-related advertisements were aired by outside organizations such as 501(c)(4) organizations, which are not legally required to publicly disclose their donors. An additional 42.2 percent of advertisements were reportedly aired by groups that are required to disclose their donors but which accepted contributions from entities that are not required to disclose their donors.²⁶

Super PACs supporting Democratic candidates had a notable fundraising and spending edge over their Republican counterparts in 2018, mirroring the Democratic fundraising advantage on the candidate side. In the last week before the election, Super PACs supporting Democratic candidates spent \$82.4 million compared with only \$40.5 million by Super PACs supporting Republican candidates.²⁷ Table 8.2 lists the largest non-party outside spenders of the 2018 election cycle.

Because Super PACs and 501(c) organizations may not make contributions to federal campaign committees, traditional PACs—which can only accept donations subject to federal contribution limits and source prohibitions—remain an important vehicle for supporting federal candidates.²⁸ Table 8.3 below lists the 10 largest PACs based upon the total amounts contributed to candidates during the 2018 election cycle. Each of these PACs are “connected” PACs associated with corporations, trade associations, labor organizations, and membership organizations. A number of

Table 8.2 Largest Non-Party Outside Spenders (2018 Election Cycle)

<i>Name</i>	<i>Entity Type</i>	<i>2017–2018 Disclosed Spending</i>
Congressional Leadership Fund	Super PAC	\$137,501,727
Senate Majority PAC	Super PAC	\$112,847,349
Senate Leadership Fund	Super PAC	\$95,054,956
House Majority PAC	Super PAC	\$71,623,390
Majority Forward	501(c)	\$45,862,781
Independence USA PAC	Super PAC	\$37,506,875
America First	Super PAC/501(c)	\$31,474,416
New Republican PAC	Super PAC	\$30,508,059
Women Vote!	Super PAC	\$28,022,551
Priorities USA Action	Hybrid PAC	\$27,503,213

Source: Center for Responsive Politics, <https://www.opensecrets.org/outsidespending/summ.php?cycle=2018&chrt=V&disp=O&type=P>.

Table 8.3 Largest PACs by Total Contributions Made (2018 Election Cycle)

<i>PAC Name</i>	<i>2017–2018 Total Contributions</i>
National Beer Wholesalers Assn PAC	\$3,038,500
AT&T Inc PAC	\$2,858,700
Northrop Grumman PAC	\$2,734,740
National Assn of Realtors PAC	\$2,595,250
Sheet Metal, Air, Rail & Transportation Union PAC	\$2,493,450
American Bankers Assn PAC	\$2,462,130
National Air Traffic Controllers Assn PAC	\$2,445,000
Operating Engineers Union PAC	\$2,434,109
Credit Union National Assn PAC	\$2,388,500
Lockheed Martin PAC	\$2,340,500

Source: Center for Responsive Politics, <https://www.opensecrets.org/pacs/toppacs.php>.

connected PACs disseminated advertisements supporting or opposing federal candidates in addition to making direct contributions to candidates.

Spending by Outside Groups Also Broke Records in 2018

A number of Super PACs, which have come to be known as “pop-up PACs,” structured their activities such that their donors were not publicly disclosed until after the election. While a limited number of Super PACs operated in this manner in 2016, a larger number did so in 2018. In the 2016 election cycle, approximately \$9 million in primary election spending corresponded

to incoming contributions disclosed after the election. In the 2018 election cycle, this total increased to \$15.6 million in spending on primary and special elections with donor disclosure delayed until after the election.²⁹

One strategy that a number of these pop-up Super PACs used to delay public disclosure of their donors was registering with the FEC after the close of books for the last disclosure report due before Election Day. These Super PACs were required to disclose information about certain independent expenditures within 24 hours of disseminating the independent expenditures, but were not required to disclose information concerning their donors until after the election. Specifically, Super PACs that followed this strategy for the 2018 general election registered on or after October 18, 2018, and were not required to disclose their donors until December 6, 2018, which was a month after Election Day.

For example, a Super PAC called Texas Forever registered with the FEC on October 19, 2018, and spent \$2.3 million in connection with the Texas Senate race.³⁰ The PAC was not required to disclose that its funding came from the Super PAC Senate Majority Fund until December 6, 2018.³¹ In total, 44 PACs formed between October 18 and November 2, 2018.³²

Similarly, a number of Super PACs that were already registered with the FEC engaged in a significant amount of activity in connection with the 2018 general election on or after October 18, 2018. For example, a Super PAC called DefendArizona had approximately \$300,000 cash on hand as of October 17, 2018, but spent \$7.71 million in connection with the Arizona Senate race after that date. Although the PAC was required to disclose certain information concerning its expenditures within 24 hours, the source of the majority of the \$7.71 million in funds that the PAC spent was not disclosed until after Election Day.³³

Given that pop-up Super PACs became more prevalent during the 2018 election—and some of them raised many millions of dollars from donors that were not publicly disclosed until after Election Day—it is likely this phenomenon will become more widespread in future election cycles. Because the PAC strategies outlined above are compliant with the law and the FEC's reporting requirements, some campaign finance observers would like Congress to amend the law for future election cycles, but it appears highly doubtful that Congress will act in this area anytime soon.³⁴

Individuals Contributed to Super PACs in Unprecedented Amounts

In April 2014, the Supreme Court in *McCutcheon v. FEC* invalidated the individual biennial aggregate limit on federal campaign contributions as

unconstitutional under the First Amendment. Since the 1970s, federal law had capped the total amount of money that individuals could contribute to federal candidates and other federal political committees collectively during each two-year election cycle. Before this biennial aggregate contribution limit was struck down, individuals were prohibited from contributing more than \$123,200 to all federal candidates and political committees combined during the 2014 election cycle. The aggregate contribution limit existed in addition to the per-recipient “base limit” that applies to particular campaign committees, political party committees, and other federal political committees.³⁵ With the aggregate contribution limit gone, individual donors now only need adhere to the base contribution limits and are free to contribute to an unlimited number of candidate committees and other political committees.

Since the *McCutcheon* decision, a number of individuals have made contributions to congressional candidates, political party committees and other political committees in excess of what was legally permissible when the aggregate contribution cap was in effect. Moreover, separate and apart from the *McCutcheon* decision, since 2010 an astounding 20 percent of all Super PAC receipts—totaling \$1 billion—came from just 11 individuals.³⁶ Consistent with this multi-year trend, from the beginning of the 2018 election cycle through November 2, 2018, 56 individuals had each contributed in excess of \$2 million to Super PACs. Contributions from these 56 individuals totaled almost \$481 million and comprised 37 percent of total contributions to all Super PACs during the 2018 election cycle.³⁷

Table 8.4 below lists the top 10 individual donors to Super PACs during the 2018 election cycle. Some of these individuals were also among the top 10 individual donors to Super PACs in the 2016 election cycle as well. The total contributed by Sheldon and Miriam Adelson represented the highest total contributions from a single household within an election cycle.³⁸

POLITICAL PARTY EXPENDITURES REPRESENTED A SMALLER SHARE OF TOTAL OUTSIDE GROUP SPENDING

There are growing indications that national political party committees are struggling to remain as relevant as they once were in federal elections as spending increasingly shifts to Super PACs and other outside groups that are not subject to the hard-dollar fundraising requirements that apply to the national political parties.³⁹ As Figure 8.1 demonstrates, despite a slight increase in fundraising, total spending by national political party committees during the 2018 election cycle comprised a noticeably smaller proportion of

Table 8.4 Top Individual Super PAC Donors, 2017–2018 Election Cycle

<i>Donor Name</i>	<i>Total Amount</i>	<i>Ideology</i>
*Sheldon and Miriam Adelson	\$112,250,000	100% Rep
*Michael Bloomberg	\$59,234,421	100% Dem
*Thomas Steyer	\$58,745,251	100% Dem
Richard Uihlein	\$36,925,000	100% Rep
*James H and Marilyn H. Simons	\$16,716,000	100% Dem
*S. Donald Sussman	\$13,275,000	100% Dem
Stephen A. Schwarzman	\$11,750,000	100% Rep
Kenneth C. Griffin	\$10,250,000	100% Rep
Jeff Bezos	\$10,129,170	**N/A
Timothy Mellon	\$10,010,000	100% Rep

Source: Center for Responsive Politics, <https://www.opensecrets.org/outsidespending/summ.php?cycle=2018&disp=D&type=V&superonly=S> and <https://www.opensecrets.org/outsidespending/summ.php?cycle=2016&disp=D&type=V&superonly=S>.
 * Denotes an individual who was also among the top 10 contributors to Super PACs during the 2016 election cycle.
 ** Jeff Bezos made a single contribution to a Super PAC that supported both Democratic and Republican candidates.

overall outside spending than was the case during the 2014 midterm election cycle. In 2014, spending by national political parties constituted 30 percent of total outside spending; in 2018, this percentage dropped to only 18 percent.

Because outside groups do not labor under the hard-dollar fundraising restrictions that apply to the national political parties, outside groups can raise large amounts of money from a small group of donors in a very short period of time. In addition, Super PACs, 501(c) organizations, and other types of outside groups are now spending more on independent expenditures and other election-related communications than are political party committees.

The biggest outside spenders in the 2018 election cycle included Super PACs associated with members of the House and Senate leadership, such as the Senate Majority PAC, House Majority PAC, Senate Leadership Fund, and Congressional Leadership Fund.⁴⁰ These Super PACs are frequently run by individuals who previously worked for congressional leadership or are otherwise known by senior members of Congress.⁴¹ These four PACs raised over four times as much money in 2018 as they did in 2014, while national political party committee fundraising in 2018 only increased slightly over 2014.⁴² Three of these four Super PACs outraised the corresponding political party committees and almost 90 percent of their funds came from donors contributing \$100,000 or more.⁴³

Through October 21, 2018, national political party committees and Super PACs tied to congressional leadership were responsible for 59 percent of general election independent expenditures during the 2018 election cycle.⁴⁴

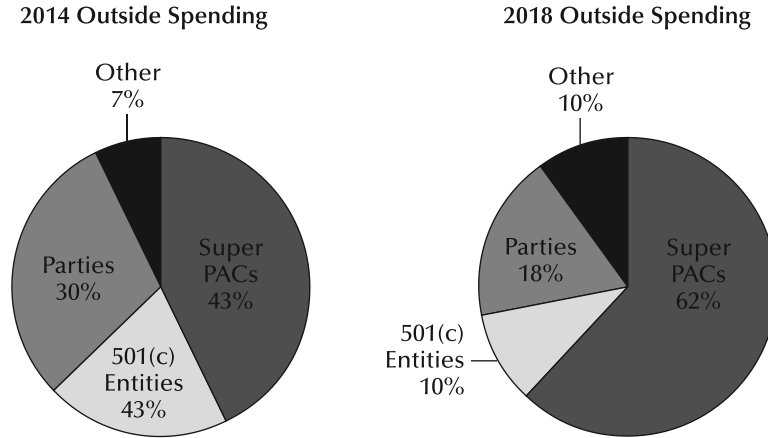


Figure 8.1 Comparison of 2014 and 2018 outside group spending by entity type.
 Center for Responsive Politics. Created by Michael E. Toner and Karen E. Trainer. https://www.opensecrets.org/outsidespending/fes_summ.php?cycle=2014; https://www.opensecrets.org/outsidespending/fes_summ.php?cycle=2018.

In addition to this increase in spending on independent expenditures by outside groups, national political party committees decreased their spending on independent expenditures. In 2018, the national political parties spent \$228 million on independent expenditures, compared to \$243 million in 2014.⁴⁵

Tables 8.5 and 8.6 and Figure 8.2 detail national party fundraising figures for the 2018 election cycle and as compared with the 2014 and 2010 election cycles.

One fascinating element of national political party fundraising in 2018 was the extraordinary fundraising advantage that the DCCC enjoyed over the NRCC, which was all the more remarkable given that Republicans controlled the House of Representatives. As was noted in Table 8.5 above, the DCCC raised \$274,186,744 for the 2018 election, which was 67 percent more than the NRCC’s \$164,038,224. Analysis of DCCC and NRCC FEC reports

Table 8.5 2017–2018 National Political Party Committee Receipts

DNC	\$142,297,947	RNC	\$261,618,953
DSCC	\$136,043,851	NRSC	\$133,936,464
DCCC	\$274,186,744	NRCC	\$164,038,224
Total Democratic	\$552,528,542	Total Republican	\$559,593,641

Source: Federal Election Commission Data. Totals have been adjusted to exclude “Other Receipts,” which include contributions to sub-accounts for recounts and other legal proceedings, party headquarters buildings, and conventions.

Table 8.6 Comparison of National Political Party Fundraising

Year	Party	Nominal Dollars	2018 Dollars
2018	Democratic Party Committees	\$553 Million	\$553 Million
2018	Republican Party Committees	\$559.6 Million	\$559.6 Million
	2018 Total	1.112 Billion	1.112 Billion
2014	Democratic Party Committees	\$530.3 Million	\$562.5 Million
2014	Republican Party Committees	\$465.8 Million	\$494.1 Million
	2014 Total	\$996.1 Million	\$1.056 Billion
2010	Democratic Party Committees	\$518.3 Million	\$596.83 Million
2010	Republican Party Committees	\$444.7 Million	\$512.08 Million
	2010 Total	\$963 Million	\$1.108 Billion

Source: Federal Election Commission Data. Totals in the “2018 Dollars” column have been adjusted for inflation. Totals for the 2018 election cycle have been adjusted to exclude “Other Receipts,” which include contributions to sub-accounts for recounts and other legal proceedings, party headquarters buildings, and conventions. 2018 election cycle totals include fundraising data reported to the FEC through November 26, 2018. Election cycle totals for 2016 and 2014 include fundraising data reported to the FEC through December 31 of the election year.

Note: Dollar amounts have been adjusted for inflation.

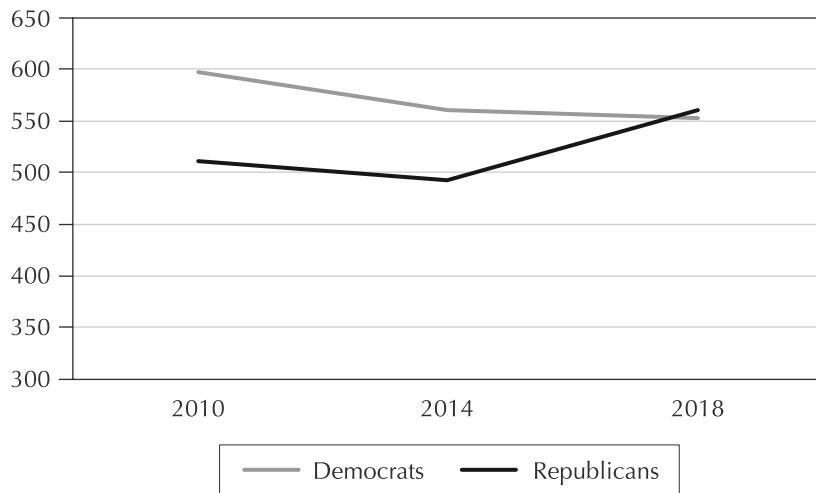


Figure 8.2 National Political Party Committee Fundraising in 2018 Dollars (millions). Federal Election Commission data.

reveals that the DCCC and NRCC each raised approximately \$44 million from PACs. However, the DCCC raised \$201,895,302 from individuals, compared to the NRCC's \$61,327,615.⁴⁶

EARLY VOTING LAWS CONTINUED TO HAVE A MAJOR IMPACT ON CAMPAIGN STRATEGY IN 2018

For many years, voters who expected to be absent from their home communities on Election Day could apply for an absentee ballot and could cast an absentee ballot prior to the election. However, in order to obtain an absentee ballot, many jurisdictions required voters to show cause or otherwise explain why they were not able to vote on Election Day in their local precincts, which reduced the number of people who voted absentee.⁴⁷ In 1980, California amended its laws to permit voters to cast ballots before Election Day without providing any excuse or showing any cause.⁴⁸ In succeeding decades, many more states changed their laws to permit voters to vote prior to Election Day without cause, either in person or by mail. Some states today allow voters to become permanent absentee voters and automatically receive absentee ballots for each election without having to submit a request. As of late 2018, 38 states and the District of Columbia had some form of early voting, without requiring voters to provide an excuse.⁴⁹

As a result of these legal changes across the country, the number of Americans voting prior to Election Day has exploded during the last three decades, reaching 16 percent of voters in 2000 and 22 percent of voters by 2004.⁵⁰ Approximately 39 million votes were cast early in the 2008 election, which constituted 30 percent of the total votes cast.⁵¹ As of the day before the 2018 election, an estimated 36 million people had voted early, compared to 27.2 million early voters in 2014.⁵²

Some election analysts have concluded that it is unclear whether the rising popularity of early voting impacts voter turnout overall or has an effect on the outcome of elections.⁵³ However, the extraordinary increase in early voting has had a profound impact on the strategies and tactics employed by modern campaigns. For many years, the last 72 hours before Election Day were the primary focus for GOTV efforts, but now those campaign operations must be performed for a month or even longer in certain states. For example, in a special primary election held in Georgia in early 2017, Democrat Jon Ossoff's campaign released advertisements on the first day of early voting in several counties, while his main opponent did not. Ossoff won significantly more absentee and mail-in votes than in-person votes cast on Election Day.⁵⁴

With some election scholars projecting that up to half the electorate will vote early in the years ahead, there is no question that future campaigns will closely track any changes in early voting laws and will continue to expand their GOTV and voter contact strategies accordingly. There is no longer a single Election Day in America but rather a multi-week election window, and maximizing early voting margins will increasingly be a key strategic priority of future campaigns.

LOOKING AHEAD TO 2020

President Donald J. Trump made history in 2016 by becoming the first presidential candidate in the modern era to win the presidency while being significantly outspent by both his Republican rivals during the primaries and by Hillary Rodham Clinton during the general election. Trump was able to achieve this notable feat in part by bypassing the traditional media and communicating directly with voters, excelling at social media, and attracting tremendous amounts of earned media coverage. In many ways, Trump's election called into question the long-standing assumption in campaign finance literature that a presidential candidate can never raise enough money and that those candidates who can afford to pay for huge campaign staffs and paid advertising programs have a major advantage in winning their party's nomination and in ultimately capturing the White House.

President Trump has continued to be a campaign finance innovator since the 2016 election, becoming the first president to actively fundraise for his reelection campaign during the first two years of his term. By the fall of 2018, Trump had already raised in excess of \$100 million for his reelection campaign and associated fundraising committees,⁵⁵ and the president reportedly planned to continue raising tens of millions of dollars for his reelection campaign through the fall and winter of 2018–2019. Given that aggressive fundraising profile—and the many advantages of incumbency in modern presidential politics—it is difficult to envision any serious Republican primary challenger emerging against Trump in 2020.

On the Democratic side, as of this writing it appears that a large number of top-tier candidates will enter the race during the first quarter of 2019 and that a number of them—including Senators Kamala Harris, Cory Booker, and Elizabeth Warren—have the potential to be top-tier candidates and raise significant funds. One wild card is whether former Vice President Joseph Biden decides to run—if he does, he will be able to immediately draw upon an established, nationwide fundraising network. A second wild card is whether former New York City Mayor Michael Bloomberg—who has the

ability to spend hundreds of millions of dollars of his own money on a campaign—enters the race; if Bloomberg does, it will place an even greater premium on fundraising in order to be a top-tier candidate in the Democratic primary.

All and all, the stage is set for the 2020 presidential contest to be as highly competitive as the 2016 race and to feature unexpected campaign finance developments and innovations.

NOTES

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2. Rebecca Ballhaus, “At \$4 Billion, 2014 Is Most Expensive Midterm Ever,” *Wall Street Journal*, October 23, 2014.

3. Unless otherwise noted, totals in this chapter are in nominal dollars that have not been adjusted for inflation. Totals that have been adjusted for inflation are listed in 2018 dollars.

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15. Stephanie Saul and Rachel Shorey, “Republicans Seek to Boost Small Donations, but a Fragmented System Stymies Them,” *New York Times*, January 4, 2019.
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