Big Idea 4: Elections, Campaigns, Congress, and the Executive

Campaigns and elections create the makeup of Congress and the Executive and continue to change and evolve. Because power is widely distributed and checks prevent one branch from usurping powers from the others, institutional actors are in the position where they must both compete and cooperate in order to govern.

Big Idea 4 Objectives

Chapter 9-10-11 - Elections, Campaigns and Congress

4.1 - Describe voting rights protections in the Constitution and in legislation. (4.11)

4.2 - Describe the roles that individual liberties play in voter turnout in elections. (4.12)

4.3 - Describe factors that influence voter choices. (4.13)

4.4 - Describe different models of voting behavior. (4.14)

4.5 - Explain how the different processes work in a US federal election. (4.15)

4.6 - Explain how campaign strategies affect the election process. (4.16)

4.7 - Explain how the organization, finance, and strategies of national political campaigns affect the election process. (4.17)

4.8 - Evaluate the extent to which the Electoral College facilitates or impedes democracy. (4.18)

4.9 - Describe the powers and functions of Congress. (5.1)

4.10 - Compare the Senate and House in terms of how constituencies, lawmaking authority, and chamber rules and roles affect policy and its process. (5.2)

4.11 - Explain how congressional behavior is influenced by election processes, partisanship, and divided government. (5.3)

4.12 - Explain how Congress uses its oversight power in its relationship with the executive branch. (5.4)
Big Idea 4: Elections, Campaigns, Congress, and the Executive

Campaigns and elections create the makeup of Congress and the Executive and continue to change and evolve. Because power is widely distributed and checks prevent one branch from usurping powers from the others, institutional actors are in the position where they must both compete and cooperate in order to govern.

Big Idea 4 Objectives

Chapter 12-13 - The Executive: The President & Bureaucracy

4.13 - Explain how presidential powers or functions can promote a policy agenda. (5.5)

4.14 - Explain how presidents have interpreted and justified their use of formal and informal powers. (5.6)

4.15 - Explain how communication technology has changed the president’s relationship with the national constituency and the other branches. (5.7)

4.16 - Explain how the president ensures that executive branch agencies and departments carry out their responsibilities in concert with the president’s goals. (5.8)

4.17 - Explain how the bureaucracy carries out the responsibilities of the federal government. (5.12)

4.18 - Explain how the federal bureaucracy uses delegated discretionary authority for rule making and implementation. (5.13)

4.19 - Explain the extent to which governmental branches can hold the bureaucracy accountable given the competing interests of Congress, the President, and federal courts (5.14)
Elections
Rights and increasing political participation in America

4.1 - Voting Protections
As we saw with Chapters 4-5, the legal protections spoke of below in these Amendments may have been passed in the years described, BUT they were in some cases a long time realized in their enforcement in certain regions. For example, the 15th Amendment outlawed discrimination to vote based upon race, but we know that Jim Crow laws and other barriers put in place in the South kept the 15th Amendment from being realized for many decades after its passage. Nonetheless, it is important to see these 5 Amendments and what they did for voting and elections:

15th Amendment (1870) - No voting discrimination based upon race

17th Amendment (1913) - Direct election of Senators by citizens, not state legislatures

19th Amendment (1920) - No voting discrimination based upon sex

24th Amendment (1964) - No poll taxes (further supported attempts to discriminate based mainly upon race)

26th Amendment (1971) - No voting discrimination based upon 18th Birthday or older. (related to Vietnam War - old enough to die for country, old enough to vote)
4.2 - Voter Turnout

The following distinctions influence voter turnout among democracies worldwide:

▶ National versus state controlled elections
Our states control our elections, but the Constitution and federal laws must be followed.

▶ Voter registration laws and procedures
Because our states control registration, our nation lacks uniformity within our registration and voting laws. For example, one state may have day-of registration, while another state may require voters to register 20 days prior to the election. As long as these laws do not discriminate based upon race, sex, etc. they are okay, but they can create a confusing hodgepodge (it is a word!) of election laws across our country.

▶ Voting incentives or penalties or fines
American voter turn out is lower than some countries, but we will see some democracies make voting compulsory from a penalty standpoint and thus may not be the fairest of comparisons.

▶ Election type (mid-term or presidential)
We will see presidential elections are America’s highest turnout.

4.3 - Voter Choice

Factors influencing voter choice include:

▶ Party identification and ideological orientation
This ties a lot to political socialization in Chapter 6-7-8.

▶ Candidate characteristics
We will look at issues related to characteristics most notably recent elections and the 1960 JFK v. Nixon election. Sometimes voter choice can be simpler than politics, issues, and platforms. Do I like this candidate personally? Do I trust them?

▶ Contemporary political issues
This is platform and issues - How do they stand on health care, abortion, gun control, etc....

▶ Religious beliefs or affiliation, gender, race and ethnicity, and other demographic characteristics.
We discussed this already in Chapter 6. Go back and review this as these issues may pop back up again in this chapter.
4.4 - Voter Behavior
Examples of political models explaining voting behavior include:

▶ Rational choice – Voting based on what is perceived to be in the citizen’s individual interest

▶ Retrospective voting – Voting to decide whether the party or candidate in power should be re-elected based on the recent past

▶ Prospective voting – Voting based on predictions of how a party or candidate will perform in the future

▶ Party-line voting – Supporting a party by voting for candidates from one political party for all public offices at the same level of government

4.5 Voter Processes
The process and outcomes in U.S. federal elections are impacted by:

▶ Open and closed primaries

▶ Caucuses

▶ Party conventions

▶ General (presidential and mid-term) elections

▶ The Electoral College

Through our infamous Candy Bar Election we will learn about the processes above.
Campaigns

4.6 Campaign Strategies and Elections

We will look at campaign strategies and how these have changed over time.

The benefits and drawbacks of modern campaigns are represented by:

- Dependence on professional consultants
- Rising campaign costs and intensive fundraising efforts
- Duration of election cycles
  House members with 2 year terms may be in constant campaign mode!
- Impact of and reliance on social media for campaign communication and fundraising

4.7 Campaign Finance

Federal legislation and case law pertaining to campaign finance demonstrate the ongoing debate over the role of money in political and free speech, as set forth in:

- **Buckley v. Valeo** (1976), which ruled that campaign spending is a form of protected speech under the First Amendment, but upheld restrictions on political campaign contributions by individuals to campaigns - The so called “hard money” limits

- **BCRA** - The Bipartisan Campaign Reform Act of 2002, which was an effort to ban soft money and reduce attack ads with “Stand by Your Ad” provision: “I’m [candidate’s name] and I approve this message”

- **Citizens United v. Federal Election Commission** (2010), which ruled that political spending by corporations, associations, and labor unions is a form of protected speech under the 1st Amendment...basically killing BCRA!
Finally, we’ll go back again to winner-take-all allocation of votes per state (except Maine and Nebraska) under the setup of the Electoral College compared with the national popular vote for president raises questions about whether the Electoral College facilitates or impedes democracy. 

*Remember…270 to win. Winner, winner, chicken dinner!*
4.10 Congressional Comparisons

The Senate is designed to represent states equally, while the House is designed to represent the population. Different chamber sizes and constituencies influence formality of debate. Coalitions and factions in Congress are also affected by term-length differences. Though both chambers rely on committees to conduct hearings and debate bills under consideration, different constitutional responsibilities of the House and Senate affect the policy-making process. We will look at some of these differences of the 2 chambers in some videos and notes.

Chamber-specific procedures, rules, and roles that impact the policy-making process include:

- Number of chamber and debate rules that set the bar high for building majority support…Senate = 60!

- Roles of Speaker of the House, party leadership, and committee leadership in both chambers. Majority parties and leaders in these parties control Congress’ agenda’s big time!

- Filibuster and cloture

- Treaty ratification and confirmation role of the U.S. Senate

- Differing role conceptions of “trustee” and “delegate,” as related to constituent accountability in each chamber that we discussed earlier in the year.

Pork barrel legislation and logrolling affect lawmaking in both chambers.
4.11 Congressional Behavior
Congressional behavior and governing effectiveness are influenced by:

► Ideological divisions within Congress can lead to gridlock or create the need for negotiation and compromise…or the failure of new policies!

► Gerrymandering, redistricting, and unequal representation of constituencies that have increased partisanship and decreased accountability, partially addressed by such Court decisions as the “one-person, one-vote” ruling in *Baker v. Carr* (1961) and the strict scrutiny equal protection application of racial gerrymandering decisions in *Shaw v. Reno* (1993). SCOTUS has yet to squarely take up party gerrymandering.

► Elections that have led to a “divided government,” including partisan votes against presidential initiatives and congressional refusal to confirm appointments of “lame-duck” presidents of the opposite party.

4.12 Oversight of Congress - Big Power!
Oversight and methods used by Congress ensure that legislation is implemented as intended and are represented by:

► Committee hearings

► Power of the purse - Appropriation is a Congressional term for spending big $$!

As a means to curtail the use of presidential power, “congressional oversight” serves as a powerful check of executive authority.
4.13-4.19 Corresponds with Chapter 12-13 on The Executive: President and the Bureaucracy

4.13 - 4.16 - The President and Presidential Powers

4.13 - President, Powers, and Policy

Presidents use powers and functions of the office to accomplish policy goals.

Formal and informal powers of the president are represented by:

▶ **Vetoes** – formal powers that enable the president to check Congress

▶ **Treaties and Executive Agreements** – formal and informal powers to influence relations with foreign nations

▶ **Bargaining and persuasion** – informal power that enables the president to secure congressional action. Think loyalty and how presidents can support loyal candidates or NOT support disloyal candidate in elections.

▶ **Executive Orders** – implied from the president’s vested “executive power,” or from power delegated by Congress, executive orders allow the president to manage the federal government, but can have broader impacts like in *Korematsu v. US* where Japanese Americans were denied their rights during WWII.

▶ **Signing statements** – informal power that informs Congress and the public of the president’s interpretation of laws passed by Congress and signed by the president.
4.14 - Presidents interpreting and justifying the use of the above formal and informal powers.

Let’s start by stating that justifications for a single executive are set forth in Federalist # 70. Presidential Term Limits (22nd Amendment) and Constitutional-power restrictions demonstrate changing presidential roles. Different perspectives on the presidential role, ranging from a limited to a more expansive interpretation continue to be debated. The informal powers of executive agreements, executive orders, signing statements, and executive privilege continue to be at the heart of these debates.

4.15 - Communication and Technology Changing the Presidency

The communication impact of the presidency can be demonstrated through such factors as:

▶ Modern technology, social media, and rapid response to political issues in the 24 hour news cycle.

▶ Nationally broadcast State of the Union messages and the president’s bully pulpit used as tools for agenda setting

4.16 - President and the Executive Branch Minions - In beautiful concert together or not?

Presidential authority, popularity, and influence affect how executive branch agencies carry out the goals of the administration. Compliance monitoring can pose a challenge to policy implementation by a President if they are not in concert with their executive branch.

The Bureaucracy
4.17 - Carrying out Government Responsibilities

Tasks performed by departments, agencies, commissions, and government corporations are represented by:

▶ Writing (promulgating) and enforcing regulations

▶ Issuing fines

▶ Testifying before Congress

▶ Issue networks and “iron triangles”
Political patronage, civil service, and merit system reforms all impact the effectiveness of the bureaucracy by promoting professionalism, specialization, and neutrality, BUT we continue to see issues within the bureaucracy. Remember Flash from *Zootopia*!

**4.18 Department Discretion**

Like other parts of the bureaucracy, some of our departments have discretionary and rule-making authority to implement policies:

(Don’t memorize these departments, just know some have discretion to create rules that have the force of laws at the discretion of the President and Congress)

▶ U.S. Department of Agriculture  
▶ U.S. Department of Defense  
▶ U.S. Department of Homeland Security  
▶ U.S. Department of Transportation  
▶ U.S. Department of State  
▶ U.S. Department of Veterans Affairs  
▶ U.S. Department of Education

**4.19 Reigning in and Controlling the Bureaucratic Beast!**

Formal and informal powers of Congress, the president, and the courts over the bureaucracy are used to maintain its accountability. Recall OAF!

**Congress**  
▶ **Oversight**  
Policy Patrol Reviews and Fire Alarm Reviews

▶ **Approval of Leadership**  
by the Senate for many leadership positions

▶ **Funding Control**  
Power of the Purse!

**President**  
Hiring and firing within parts of the bureaucracy not protected by civil service.

**Judicial Branch**  
Judicial Review of bureaucracy - Holding that the bureaucracy overstepped their authority.