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# CAN CAMPAIGNERS EVER LEAVE THE GLOVES ON?



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As we near the end of another campaign season the issue of bringing civility back into campaigning once again is on the minds of both the voters and the candidates. Two questions are raised: why do campaigns lack civility and how do we get it back? The first question is the easier one to answer: the candidates want to win and the perception is that negative campaigning is an enabling tool. The second, "How do we get civility back" will be addressed by this article.

The use of negative campaign tactics is not a purely American phenomenon. Democratic nations throughout the world also are experiencing negative campaigning. Some of the methods they are using to limit these tactics are worth trying here. In so doing, the biggest challenge is the preservation of our freedom of speech while attempting to civilize campaigns.

Negative campaigning needs to be differentiated from true contrast, comparison and issue advertising. Negative campaigning criticizes directly, or through innuendo, some aspect of a political candidate's stance, record, or behavior and may be sponsored by the opposition candidate, political party, or support group.

Comparison, contrast and issue ads that present factually based information to the public about the opposition candidate's present and past stated positions, past voting records and, where appropriate,



behavior that affects the candidate's ability to perform the duties of the elected office is not negative. These may be stated directly or contrasted as one candidate versus another. Demonstrating fault through substantiated fact is not negative but rather the basis for the voter to become educated and make a decision.

True negative campaigning is when spin and innuendo are used to distort facts in an effort to sway the voter. Innuendo may take the form of inflammatory photographs, verbiage, or color.

Challengers particularly engage in negative campaigning to draw attention, build name recognition, and draw support from the opposition. Candidates turn to negative campaigning if their positions are similar and they are looking to give voters a reason to choose them. Many campaigns believe that voters pay more attention to negative ads.

But does negativity translate into votes and is it always worth it? The studies and literature on this are contradictory. Some studies conclude that voter turnout is higher when negative campaigning is prevalent. Others contend that an uncivil campaign decreases voter turnout because political distrust increases. And a third posture is that there are no significant effects on voter turnout. Similarly, whether or not a voter is swayed is also controversial with some voters swayed by negative ads and others turned off to the candidate who is using negativity. For the candidates, this becomes a risk versus reward decision.

The media plays an integral part in fostering uncivil campaigns and yet provides one of the biggest opportunities to fostering civility. Both positions exist because the media are the main forum where candidates deliver either a positive or negative message to voters. If the candidates do not delineate the issues and differences so that the media can report on it, the media inherits the differentiation task and inserts their own judgment on what is or is not important, using crowd turnout, ads, opinion polls and campaign finance reports. Each media outlet's bent may then sway the voters. Voters are becoming savvy to the leanings of the various media and will have one of two reactions: believe the media is the extension of one candidate's agenda and tune them out, or use the judgment of the media to justify their own opinion.

During most of the U.S.'s campaign history an endorsement by the media could make or break an election. The importance of these endorsements has dwindled as voters perceive media bias.

This then brings us to recommendations that may enhance campaign civility and assistance from the media appears in several of them. These are a combination of our own observations and the adaptation of ideas from other countries.

Engage the media to serve as "police." In addition to reporting campaign news, the media would proactively observe campaign statements and advertisements for factual errors and omissions, positions that are counter to history, and distortions of fact.

Restrict the use of any advertising three days prior to the election. The Australians put the onus on broadcasters and print media and create a black out period. We suggest that this apply to direct mail and flyers also. This eliminates last minute accusations that cannot be scrutinized or given a timely response.

Restrict the amount of airtime. This is used in many of the European Union countries and again places the burden on the broadcasters. Restrict free air time to political parties and not candidates. Parties can create "shorts" to be aired across the networks at specified times. Additional air time cannot be purchased by the candidates or their parties. This promotes issue advertising and levels the playing field for third party candidates.

Regulate how campaign funds can be spent. This will decrease the amount of paid media and avoids

regulating free speech and the media. Limiting the percentage spent on advertising will likely limit the amount of negativity. A formula needs to be developed to coordinate the limits with the size of the election. Candidates will be better able to compete and personal wealth will become less of a factor.

Increase regulation of 527 organizations that are not currently regulated by the Federal Election Commission.

Enforce fines and penalties already in existence. NJ's Citizens' Clean Election Committee has this power but not enough oversight staff to make a timely response.

Watchdog group oversight. The group needs to be nonpartisan and not affiliated with special interests. With the help of the media, the group will set criteria and call attention to the use of negative campaign tactics. While timeliness is again important to success, the candidates should be afforded a 24-hour window to authenticate statements.

Civility Boards. No matter what method is attempted, an authorized body needs to set up the standards that delineate civil from uncivil campaign tactics. Candidates will be asked to sign a pledge to uphold these standards. Once a candidate signs the pledge and then transgresses, this will be communicated widely with the help of the media. Subject matter experts—on the economy, education and healthcare—need to be a part of the Civility Board. A sub-committee or local representative of the Civility Board will be assigned to monitor elections and initiate a rapid response. The campaign or affiliated party of each candidate will direct a percentage of their campaign funds to support the Civility Board. The likelihood is that campaigns will avoid getting too close to the lines drawn by the Civility Boards for fear of being put on the defensive in a public venue.

The above trial mechanisms protect free speech but would require regulations to be passed. Voluntary civility in campaigns is the ideal. However, until candidates and parties are comfortable that elections can be won by respecting civility, regulations are needed to keep the gloves from coming off.

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