

**S. 1285, the Fair Elections Now Act and the High Cost of Broadcasting
Campaign Advertisements**
June 20, 2007

Good morning. The Committee will come to order. We meet today to receive testimony on a bill that would significantly affect the manner in which Senate campaigns are financed and also provide major new curbs on the skyrocketing cost of television campaign advertisements.

I'd like to welcome the three Senators who are here today to testify:
**Minority Leader McConnell, Senator Specter and Majority Deputy
Leader Durbin.**

Proposals to finance Presidential and Congressional campaigns through public funds *have been the focus of long and heated debate.*

Since the 1970's, we have had in place a public financing system for Presidential elections, but none for Congressional elections.

Bills providing for publicly funded congressional elections have been offered in almost every Congress since the mid 1950s (*Congressional Research Report on "Public Financing of Congressional Elections, 5/18/2007.*)

In the 93rd Congress, the Senate twice passed public funding bills. In the 101st, 102nd and the 103rd Congress, both the House and the Senate passed bills. The proposal in the 102nd Congress was actually submitted to conference and reconciled, but it was subsequently vetoed by the President.

Many of these bills also contained provisions that would provide for

specified reduced broadcast advertising rates or for political advertisement vouchers for candidates. But again, these did not become law, and it is becoming increasingly urgent that these costs come under control.

- Statistical data provided by the Television Bureau of Advertising (“TVB”), a trade association representing broadcasters, demonstrates that spending on broadcast political advertising has spiraled upwards since 1970:

Overall, spending increased almost **1,200%** between 1970 and 2006 in inflation-adjusted dollars.

In dollars, that’s an increase from over \$62 million in 1970 to over \$798 million in 2006.

I am hopeful that some of the witnesses will speak to this issue, as well as the public funding provisions of the bill.

To date in the 110th Congress, three bills have been introduced for some form of public funding, one of which is before us now.

S. 1285, the *“Fair Elections Now Act,”* is a bi-partisan bill introduced by Majority Deputy Leader Durbin and a Member of this Committee as well as Senator Specter.

In addition to the Senators who are here to testify, the Committee has five witnesses who reflect a wide range of federal and state campaign finance experience, expertise and views.

I am not a cosponsor of this bill – Senator Durbin asked that I keep an open mind and that I agree to a hearing and this is what I am doing.

However, I must say that there is one area of concern that I've long had with public financing – and that is fringe candidates getting public funds.

In his prepared testimony, Mr. Thomas made direct reference to this issue.

He noted that under this bill, a candidate who received \$5 in qualifying contributions from 28,000 individuals in California or 3,000 individuals in Utah (my Ranking's home state) would be eligible for millions of dollars in public funds.

In a state like California, I believe there are a wide range of fringe candidates who, using the internet and other means would be able to qualify. And once they qualify in California, they would be eligible for:

- \$5,728,500 in the primary
- \$8,550,000 in the general election.

Plus they could get millions of dollars in additional matching funds if one of the candidates in the election did not participate in this voluntary program and vouchers for television ads.

As Mr. Thomas put it, *“These are rather attractive incentives for candidates who might be considered ‘fringe.’ It would be prudent to carefully research how easily candidates could reach the qualifying threshold to assure that it is not going to generate more qualifying ‘fringe’ candidates than intended.”*

I now yield to my Ranking Member, Senator Bennett for his opening remarks.