



Everyday Ethics for Local Officials

Campaigning for Re-Election

August 2004

QUESTION

I am a candidate for re-election to my seat this year. One of my challengers is known for running negative campaigns (she has run unsuccessfully before). Do you have any advice on how I can maintain my personal commitment to run a positive campaign while not letting my opponent get the upper hand?

ANSWER

Kudos to you for your commitment to run a positive campaign. Surveys suggest that negative campaigning undermines the democratic process. For example, in a 2002 survey,¹ a whopping 82 percent of those responding thought that attack-type campaigning makes people less likely to vote.

Similar percentages characterized such attack oriented campaigning as “unethical” (86 percent) and expressed the view that such techniques produce less trustworthy leaders (76 percent). Fundamentally, campaigns are about communication. Recent research on voter preferences suggests that campaigns that emphasize fair, relevant and truthful information will be more effective in appealing to voters.² Add to that a strong campaign plan and organization (see below) to help deliver your campaign’s messages and you should be well on your way to victory in your campaign.

Campaigns That Voters Can Feel Good About

A yardstick for measuring campaigns is whether their tactics are designed to draw voters into the process and to the candidate’s run for office. This includes:

- Asking voters to support a candidate based on his or her substantive positions on the policy issues facing the community;
- Being honest about the candidate’s views, what the candidate will do and the kinds of decisions a candidate will make should he or she be elected or re-elected;

- Using campaign methods that meaningfully engage the public about the policy issues facing the community; and
- Treating fellow candidates with honesty and respect, documenting any claims made about them and confining any criticisms to issues that are relevant to the office being sought.

Some of the campaign techniques that push people away from the electoral process include:

- Personal attacks (name calling, character assassination, innuendo and stereotyping); and
- Mischaracterizing others' positions for political advantage (for example, by using half-truths or twisting the facts to create a false impression).

Attacks over ethics issues can constitute just such a personal attack. In this regard, former Hollister Mayor Tony Bruscia notes that it is important for candidates to decry the act, not the candidate. For example, if you catch your opponent making an untruthful statement, criticize the statement instead of calling your opponent a liar. (For another example, see "Does a Violation of Campaign Law Equal an Ethical Lapse?" below.)

The Distinction Between Criticism And Unfair Attacks

This does not mean that criticizing an opponent is inconsistent with running a clean campaign. Voters want and need information to help them decide which candidate to support. In fact, voters view the purpose of a campaign as providing them with information to help them make a decision. Contrasting your position and qualifications against those of others in the field satisfies that need.

Furthermore, keep in mind the prevailing political wisdom is that to run against an incumbent, a challenger has to criticize the incumbent.

The issue is whether any criticisms your opponent makes of you and your record are fair, relevant and truthful. Here is what one survey³ suggested are fair and relevant criticisms:

- An opponent's voting record (68 percent);
- Criticizing a candidate for talking one way and voting another (71 percent);
- An opponent's business practices (53 percent);
- Criticizing an opponent for accepting contributions from special interest groups (57 percent); and

- Criticizing an opponent for not paying taxes on time (61 percent).

The following are examples of unfair and irrelevant criticisms:

- Criticizing the actions of an opponent's family (89 percent);
- Past troubles such as alcoholism or marijuana use (69 percent);
- Marital infidelity (57 percent);
- Past personal financial problems (81 percent); and
- Financing your campaign yourself (76 percent).

Tone and timing matter, too. A criticism made when there is no time to respond is unfair.⁴ For this reason, it can be useful for campaign conduct codes to include a pledge by candidates to provide their opponents a meaningful opportunity to respond to claims made about a candidate's qualifications or positions (see sample campaign conduct pledge below).

The Best Defense Is a Good Offense

Whether or not you anticipate a negative campaign, it may be worth while for all candidates to work together to create an environment in which ethical campaigning is expected.

Ways of accomplishing this include a series of candidate forums in which the goal of an ethical campaign is discussed, followed by conversations about whether the candidates did indeed walk the talk.⁵ The community and media also can be constructively engaged in holding candidates accountable for abiding by their commitment to conduct ethical campaigns.

In California, each candidate is given the opportunity to sign a "code of campaign practices" defined by state law.⁶ Although the statutory version of the code is arguably in need of updating to reflect what voters truly react to aversely in campaign practices, the statutory code is at least a starting point (a copy is available at www.ca-ilg.org/trust under

Resources for Further Reading:

A Good Campaign Infrastructure Helps

The Institute for Local Government in collaboration with the Institute for Governmental Studies at UC Berkeley has published a guide on campaigning for local office called *Winning the Right Way*. The guide is available free in electronic form from the Institute's website at www.ca-ilg.org/trust.

Hard copies may be purchased for \$20 by visiting www.ca-ilg.org/ilgpubs.

the “Campaign Ethics” tab. Whether a candidate has signed the code is a matter of public record.⁷

A proposed updated version of the code (called a pledge, to avoid confusion with the statutory version) is presented on the next page. Some community groups promote such voluntary agreements related to campaign conduct as a way of encouraging campaigns that draw voters into the process.⁸ Note that 78 percent of a sample of California voters indicated that they would be favorably influenced toward candidates who pledge to adhere to ethical campaign practices.⁹

Pledge of Fair Campaign Practices

Note: This is a proposed update and expansion of the Code of Fair Campaign Practices¹⁰ presently distributed by election officials for candidates to sign.

Consider signing both the existing statutory code and proposing that candidates go one step further and commit to the following pledge or a variation tailored to your community’s needs. Note that 78 percent of those surveyed indicated that they would be favorably influenced toward candidates who pledge to adhere to ethical campaign practices.¹¹

There are basic principles of honesty, fairness, responsibility and respect to which every candidate for public office should adhere in order to be worthy of public office. Candidates who fall short of adhering to such principles alienate the public from the electoral process and erode the public’s trust and confidence in the offices those candidates seek.

THEREFORE, as a candidate for public office, I pledge to conform my campaign to the following principles:

- **General**
My campaign for public office will adhere to principles of honesty, fairness, responsibility and respect.
My campaign communications will present only fair, relevant and truthful information to the voters for their consideration of my candidacy and those of my opponents.
- **Fairness**
The timing of my communications will allow my opponents to have a meaningful opportunity to respond to any claims I make concerning their positions or qualifications to hold office.
I will not take advantage of any position I hold in the public, private or nonprofit sectors to pressure people to support my candidacy with either campaign contributions or other election help.

- **Relevance**

I will not put forth irrelevant information, such as prejudices based on race, gender, sexual orientation, religion, national origin, physical health status or age, as well as information concerning the candidate's family.

- **Truthfulness**

I will present my positions and record candidly and forthrightly so that the voters can judge my candidacy for office.

I will document all assertions my campaign makes in campaign communications.

- **Responsibility**

I support full participation in the electoral process and will take no action to discourage such participation.

I will immediately and publicly repudiate those who take actions that either help my candidacy or hurt my opponents' candidacy and are inconsistent with this pledge of campaign conduct.

- **Respect**

I will treat my opponents with courtesy and civility, even when we disagree about what is best for voters who are served by the office we seek.

Candidate's Signature

Date

Responding to Negative Attacks

Having pledged to run a campaign based on truthful, relevant and fair information can help inoculate your campaign against the effects of unfair negative attacks. The goal is to have such attacks look conspicuously discordant from the fair and informative tone that you are setting with your own campaign.

If you are the victim of a negative attack, analyze what you consider to be an attack piece in light of what voters want: fair, truthful and relevant information.

Ask yourself:

- Is it fair? Is this an example of a half-truth that leaves a false impression? Is the timing suspect, leaving no time for you to meaningfully respond?
- Is it truthful? What documentation do you have to show that it is not truthful?

- Is this an example of a half-truth or twisting facts to create a false impression? If so, call the attacker on the technique and use this as an opportunity to get the whole truth before the voters.
- Is the subject of the attack relevant to your ability to hold the office for which you are running? Why or why not?

Then do what you can to get the message out on why the attack is untruthful, irrelevant and unfair. This is one of the ways that having a strong campaign organization is useful: it provides a ready and rapid delivery mechanism to respond to negative attacks.

Whatever you do, resist the urge to respond in kind with a counterattack of your own. You run the risk that the counterattack will backfire and leave the original attack unanswered on the merits.

Does Negative Campaigning Work?

Some people steadfastly assert that negative, attack-style campaigning works. Let's examine the empirical basis for the proposition that indeed negative campaigning works. Some questions to ask as you reflect on your observations of campaigns are:

- Did the campaign fit the definition of a negative campaign used in this article; that is, personal attacks on candidates when such attacks were unfair, untruthful and irrelevant?
- Were the voters truly given a choice in the campaign? Put another way, did all the credible candidates emphasize unfair, untruthful and irrelevant information in their campaigns, such that the voters really didn't have a choice but to support one of them?
- Did the attack-style campaigning work because the voters were influenced by it or because the subject of the attack didn't know how to respond effectively? Were there weaknesses in the subject-candidate's messages and campaign that contributed to his or her defeat?

The reason these questions and others are worth thinking about critically is that research indicates negative attack campaigning doesn't always work. A 1998 study, for example, found that nearly half of the studies on political advertising show that positive advertising is more persuasive than negative advertising.

Nearly a third of the studies found that negative advertising backfires.¹²

In fact, a major premise of UC Berkeley's Center for Campaign Leadership's work with political consultants is that ethical campaign practices are winning campaign practices.

This premise is supported by a number of research papers on the center's website at <http://campaigns.berkeley.edu> (click on "research").

Beware too of falling into the trap of ends-versus-means thinking when it comes to campaigning: doing whatever it takes to win, rationalizing that once you have won (the ends), the means won't matter. As this Guide illustrates, public service involves countless temptations to take what seems to be the expedient-but often unethical-path. Although it seems somewhat trite, in a democratic form of government dependent upon the trust and confidence of the governed, the means are a very big part of the ends.

Does a Violation of Campaign Law Equal an Ethical Lapse?

By Karen Getman of Remcho, Johansen and Purcell, former chairperson of the Fair Political Practices Commission (FPPC)

Strictly speaking, the answer to the above question is "not always." Candidates may inadvertently violate the law, even if they have the best intentions, simply because there are so many rules that govern running for office. The best a candidate can pledge is to educate him- or herself on the legal requirements related to campaign practices and disclosure and to quickly remedy any missteps in the compliance process.

This being said, it is absolutely true that if something feels like an ethical violation, it is likely to be a legal violation. If your gut tells you something is wrong with what you are contemplating, pay attention. You may wind up with a losing campaign and a costly legal battle to defend yourself against an enforcement action.

Moreover, if you catch your opponent in a technical violation of campaign law, use the same test you would for any campaign communication before deciding to make an issue of it in the campaign. Is the information you would distribute about the violation fair, relevant and truthful?

Publicizing information that an enforcement agency is "investigating" a violation may mislead the public into believing prematurely that a violation has indeed occurred. Furthermore, if the violation is a hyper-technical violation, is it truly relevant to and a reflection of your opponent's commitment to following the law? Put another way, could you see yourself as being unaware of the law that your opponent violated? If so, is this just an opportunity to say "gotcha" for political advantage?

Everyone should carefully and diligently follow the campaign laws. Some violations do indeed represent serious breaches of the important principles the laws were designed to uphold. However, the public becomes somewhat anesthetized to the significance of such violations if every one, no matter how technical or minor, is portrayed as the equivalent of a local Watergate. Help the public learn how to evaluate the significance of such violations by reserving your fire for material violations of the law. The FPPC will take care of the rest.

Why We All Have a Stake in Clean Campaigning

In short, ethical campaigns promote support for government. Messages that denigrate government or those serving in government reinforce negative public perceptions about government – perceptions that do not disappear once the candidate becomes an elected official. Conversely, campaign strategies that engage the public in meaningful debate and dialogue about community issues (for example, precinct walking, debates and town hall meetings), educate the community about the issues of the day. They also draw the public into the process, which strengthens our democratic institutions and the candidate’s ability to lead once elected.

This piece originally ran in *Western City Magazine* and is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources on public service ethics for local officials. For more information, visit www.ca-ilg.org/trust.

Endnotes:

¹ Lake Snell Perry & Assoc. and Deardourff/The Media Co. from June 6-11, 2002. Surveyed were 800 likely voters. The survey and has a sampling error of plus or minus 3.5 percent.

² Christine Trost, *Summary of Research Findings: Key Findings and Analysis of Center for Campaign Leadership and Public Policy Institute of California Focus Groups* (2003) at 4.

³ The poll was commissioned by the Institute for Global Ethics’ Campaign Conduct Project and conducted by Lake Snell Perry & Assoc. and Deardourff/The Media Co. from June 6-11, 2002. Surveyed were 800 likely voters. The survey and has a sampling error of plus or minus 3.5 percent.

⁴ Keena Lipsitz, *Summary of Research Findings: Voters Weigh-In on “Best Practices” in Campaigns* (2003) at 8.

⁵ This is the approach used by the city of Santa Clara in its award-winning program on campaign ethics. See December 2002 *Western City* article at www.westerncity.com.

⁶ See Cal. Elec. Code § 20440.

⁷ See Cal. Elec. Code § 20442.

⁸ See, for example, Project on Campaign Conduct, www.scfuture.clemson.edu/conduct/.

⁹ Center for Campaign Leadership, Institute for Governmental Studies, UC Berkeley Survey (conducted by the Public Policy Institute of California), *Public Opinion Towards Political Campaigns*, October 28-November 4, 2002.

¹⁰ Cal. Elec. Code §§ 20400 and following.

¹¹ Center for Campaign Leadership, Institute for Governmental Studies, UC Berkeley Survey (conducted by the Public Policy Institute of California), *Public Opinion Towards Political Campaigns*, October 28-November 4, 2002.

¹² Brad Rourke, Wayne Saucier, and Matthew Krumme, *Clean Campaigns: How to Promote Candidate Codes of Conduct* (Institute for Global Ethics, 2001).