Understanding US Presidential elections

SUMMARY

In August 2020, the two major political parties in the United States (US), the Democrats and the Republicans, formally nominated their respective candidates for the 59th US presidential election, which takes place on Tuesday, 3 November 2020. An initially crowded field of contenders in the Democratic primaries developed into a two-horse race between former US Vice-President Joe Biden and Senator Bernie Sanders, with Biden declared the Democratic nominee on 18 August. He will now contest the presidential election against the Republican candidate, who faced no significant primary challenge, the incumbent US President, Donald Trump.

The US President is simultaneously head of state, head of government and Commander-in-Chief of the armed forces. Presidential elections are therefore a hugely important part of American political life. Although millions of Americans vote in presidential elections every four years, the President is not, in fact, directly elected by the people. Citizens elect the members of the Electoral College, who then cast their votes for the President and Vice-President.

While key elements of the presidential election are spelled out in the US Constitution, other aspects have been shaped by state laws, national party rules and state party rules. This explains why presidential campaigns have evolved over time, from the days when presidential candidates were nominated in the House of Representatives by the 'king caucus', to an almost exclusively party-dominated 'convention' system, and finally to the modern system of nominations based very largely on primary elections, introduced progressively to increase the participation of party supporters in the selection process. A number of additional developments have also played an important role in shaping today's presidential elections, notably political party efforts to limit 'front-loading' of primaries; the organisation of the Electoral College system and the changes to the campaign financing system.

A previous version of this Briefing, written by Carmen-Cristina Cîrlig and Micaela Del Monte, was published in 2016.
How the US President is elected

In November 2020, the United States will vote either to re-elect its 45th President, or to elect its 46th. According to Article II of the US Constitution ‘The executive Power shall be vested in a President’; who holds the roles of head of state, head of government, and Commander-in-Chief of the armed forces. The President is responsible for the execution and enforcement of the laws created by Congress; has the power to conclude treaties; nominates and appoints US ambassadors and judges of the Supreme Court, among others; and regularly informs Congress of the State of the Union.

Presidential elections are an important occasion in American politics, as witnessed by both media attention and voter turnout (usually higher than during mid-term elections). According to the Institute for Democracy and Electoral Assistance, for the 2016 presidential election, almost 56 % of the voting-age population went to the polls, up from 53.6 % in 2012. This percentage dropped to 47.2 % for the mid-term Congressional election in 2018, which was nonetheless the highest turnout in a mid-term Congressional election since 1966.

Requirements under the US Constitution for standing in presidential elections

The US Constitution lists only three requirements for candidates to become the President of the United States. The individual must be at least 35 years of age, must have lived in the United States for at least 14 years and, be a natural-born US citizen. Neither the Constitution nor the Immigration and Nationality Act (INA) provides a definition of ‘natural born’; nor has the Supreme Court ever ruled on the meaning of the natural-born citizenship requirement with respect to presidential elections. The question is extensively debated amongst academics, and was recently raised in relation to Senator Ted Cruz of Texas, a candidate in the 2016 presidential race. Under US law, adult citizens are legally presumed eligible to hold political office. The burden of proof, therefore, lies with anyone contesting the eligibility of a given candidate.

A 2016 Congressional Research Service (CRS) report concluded that, the term ‘natural born’ citizen would include a person entitled to US citizenship either by birth or at birth, due to:

- being born in the USA and under its jurisdiction, including those born to non-US national parents;
- being born abroad to one or two US citizen parents;
- being born in other circumstances, but meeting legal requirements for US citizenship at birth.

However, it would not include those who are born an ‘alien’ and become a US citizen through the legal process of naturalisation. Amendment XXII of the US Constitution also establishes that no person can be elected to the office of President more than twice.

The road to nominating candidates

The convention system, almost exclusively dominated by state leaders of the political parties, was progressively replaced during the 20th century by the modern nominating system based on primaries, which were introduced to increase democratic participation by party supporters. Today, a selection process based on sequential state primaries in effect determines which candidate will appear on the ballot for a given political party in the national election. To that end, both Republicans and Democrats hold national conventions at which delegates cast their votes to determine the party’s candidate for presidential office.

According to a 2015 Congressional Research Service (CRS) report, today, national conventions are now symbolic fora that officially acknowledge the outcome of the primaries, rather than actively choosing the presidential candidate. That said, if no single candidate emerges from the primaries with an absolute majority of delegates, this can lead to a contested convention, making the process of voting at the convention itself less predictable and more decisive.
Delegates to the national conventions are selected at a lower level, regulated by state party rules, resulting in processes that vary by state, and sometimes year to year. Two systems are generally used to choose delegates: **primaries** and **caucuses**. The latter, older, method was progressively replaced by primaries from the early 1900s, with the aim of increasing citizen involvement in the selection process. Today, the majority of US states hold primaries, but some use a combination of both systems. The main difference between primaries and caucuses is that primaries are organised and paid for by the state, while the parties run caucuses. Moreover, in caucuses, the vote is usually public; while in primaries, voting is by secret ballot.

Depending on voter eligibility conditions, primary elections may be open or closed (see Figure 1). In an **open primary**, a registered voter can vote in the Republican or Democrat primary, regardless of party membership. However, voters cannot vote in more than one primary. In a **closed primary**, a Democrat-registered voter may only vote in a Democratic primary, and so on. Intermediate systems have also been used, such as the **semi-closed primary**, in which participation is open to both registered party members and unaffiliated voters. Nevertheless, unaffiliated voters may choose which to vote in, while registered voters may only vote in the respective party primary. The party affiliation requirement for voting in primary elections has been subject to a number of Supreme Court opinions.

Press and media coverage are important in modern presidential elections. Indeed the importance of early contests, such as those in Iowa and New Hampshire (the first presidential state caucus and primary, respectively) has grown increasingly in the nomination process. With candidates investing resources to attract media attention during these early contests, other states looked for ways to move their contests to earlier in the convention year. This resulted in a tendency known as ‘front-loading’, to which both Democrats and Republicans reacted by introducing rules imposing a ‘window’ – a period during which primaries and caucuses must be held. However, a few states maintained exceptions for 2020, notably Iowa, New Hampshire, Nevada and South Carolina.

Modern presidential elections are also characterised by an increasingly long campaigning period, compared to those of the past and to other countries. Congressman John Delaney, for example, announced his candidacy for the 2020 presidential election more than three years and three months before Election Day. Presidential candidates travel the country speaking and debating more than a year in advance of elections, which requires large sums of money and thus fundraising activities.

**Determining the number of delegates to national conventions**

Political parties decide the number of delegates who will attend national conventions, which has grown consistently over the years (see Figure 2).
Democrats use a formula known as the ‘allocation factor’, based on the number of votes each state had awarded the Democratic candidate in the previous three presidential elections, and the allocation of electors per state. Republicans use a simpler system, with each state assigned ten delegates, plus three per Congressional district. In addition, the party also allocates a number of ‘bonus’ delegates to states and territories meeting certain criteria. Moreover, both national conventions include automatic delegates, such as current and/or former elected office-holders and party leaders. In 2020, 4,749 Democratic and 2,550 Republican delegates ‘attended’ the (mostly virtual) national conventions. Democratic nominee Joe Biden needed the votes of 1,991 of 3,979 pledged delegates (50% plus one) to secure the nomination; Republican nominee President Trump needed 1,276.6.

Determining the process used to select delegates

Each party also decides on the method used to select delegates, which partly explains why the system is so complex. Democrats now use a proportional method in all states, while Republican delegate selection follows the different approaches taken by state level parties. In 2020, some states allocated their Republican delegates proportionally, based either on the state-wide vote or on a combination of the state-wide and congressional district votes – sometimes subject to a threshold; others applied the ‘winner-takes-all’ system.

Finally, a further distinction applies between delegates who are ‘pledged’ to support a particular candidate and ‘unpledged’ delegates. The term ‘super-delegates’ is usually used to refer to ‘unpledged’ delegates within the Democratic party. Although there are also unpledged delegates on the Republican side, they are fewer in number. Moreover, new rules were introduced in 2016 by the Republican National Committee (RNC) which de facto limit their room for manoeuvre – for example, if a state did not bind delegates, the RNC reserved the right to do so at the convention. These rules were retained for the 2020 convention.
The Electoral College

Although millions of Americans vote in the presidential election every four years, they do not, in fact, directly elect the President. Instead, on the Tuesday after the first Monday in November, US citizens elect members of the Electoral College, who then cast votes for presidential candidates. The US Constitution sets no requirement for becoming an elector, but details who may not be an elector, namely Members of Congress, or Persons holding an Office of Trust or Profit under the United States.

The Electoral College currently numbers 538 electors (see Figure 4). The Constitution stipulates that each state shall have a number of electors equal to the number of its Congress Members: two Senators per state plus one for each House Representative. As the most populous state, California has the most votes at 55. The least populated, such as Alaska, Delaware, Montana, and Vermont have only three votes. The total number of representatives per state in the US House of Representatives is recalculated each decade based upon the national census, which in turn affects the apportionment by state of Electoral College votes.

Voters in every state across the USA actually vote for their electors, voting for a political party as a joint ticket of Presidential and Vice-Presidential candidate. (Choosing a President from one ticket and Vice-President from another is prohibited.) Each state legislature can establish its own method of selecting electors. The majority (48 states and the District of Columbia) have a winner-takes-all system in which the ticket with the most votes gets all electors. In Nebraska and Maine, two electoral votes are allocated to the winner of the popular vote in the state and the remaining electoral votes go to the winner of the popular vote in each Congressional District. In 2020, amid the coronavirus pandemic, an unprecedented number of people are expected to vote by mail. Like the pandemic itself, postal voting has become increasingly politicised during the campaign.

The Electors meet

While the Constitution establishes that ‘Electors shall meet in their respective states’, a law passed by Congress sets the date on which electors of the Electoral College must meet: the first Monday after the second Wednesday in December. There is no obligation (either in the US Constitution or in federal law) for electors to vote according to the results of the popular vote in their respective states, although they are expected to do so. In many states, electors are bound either by state law or by pledges to their party. Disregarding voter choice (known as faithless electors) is possible, though not frequent. A July 2020 Supreme Court decision held that states may punish or replace presidential electors who refuse to cast their ballots for the candidate chosen by the voters of their state, although a CRS report notes that faithless electors have never influenced the final outcome of a presidential election.

Once electors have voted, results are endorsed and sent to the Vice-President in his capacity as President of the Senate. In January, the electoral votes are counted and certified during a joint
session of Representatives and Senators. The Vice-President opens the electoral vote certificates from each state in alphabetical order, votes are counted and results announced by the Vice-President. A presidential candidate needs a simple majority of College votes to win, normally understood as 270 of the available 538 votes, although it is unclear what happens if Congress deems one or more states’ votes invalid and discounts them.\footnote{10} If no candidate has the required majority, then the House of Representatives chooses the President from the three candidates with most votes, while the Senate chooses the Vice-President from the two candidates with the most votes. This procedure, known as ‘contingent election’, is established under Amendment XII of the US Constitution.\footnote{11} Before taking office, the US President must make an oath of office during the inauguration ceremony held at the US Capitol. On that day, the President’s address, considered a key event in US politics, sets the tone for the US administration for the following four years.

Table 1 – 2020 US presidential campaign and election calendar

<table>
<thead>
<tr>
<th>What</th>
<th>When</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa caucus (both parties)</td>
<td>3 February 2020</td>
</tr>
<tr>
<td>New Hampshire primary (both parties)</td>
<td>11 February 2020</td>
</tr>
<tr>
<td>Nevada Democratic caucuses</td>
<td>22 February 2020</td>
</tr>
<tr>
<td>Nevada Republican caucuses</td>
<td>23 February 2016</td>
</tr>
<tr>
<td>South Carolina Democratic primary</td>
<td>29 February 2020</td>
</tr>
<tr>
<td>Super Tuesday\textsuperscript{12} – several primaries and caucuses on one day</td>
<td>3 March 2020</td>
</tr>
<tr>
<td>Democratic Party rules allow primary and caucus events between the first Tuesday in March and the second Tuesday in June, but a number were postponed by the pandemic</td>
<td>10 March to 11 August 2020</td>
</tr>
<tr>
<td>Republican Party rules allow primary and caucus events between the first Tuesday of March and the second Saturday in June, but a number were postponed by the pandemic</td>
<td>10 March to 11 August 2020</td>
</tr>
<tr>
<td>The Democratic Party presidential candidate nomination at the national convention held online and in Milwaukee, Wisconsin</td>
<td>Week of 17 August 2020</td>
</tr>
<tr>
<td>The Republican Party presidential candidate nomination at the national convention held online and in Charlotte, North Carolina and Washington DC</td>
<td>Week of 24 August 2020</td>
</tr>
<tr>
<td>Presidential debates</td>
<td>29 September, 15 October (cancelled) and 22 October 2020 7 October 2020 (Vice-Presidential debate)</td>
</tr>
<tr>
<td>Election Day – One-third of US Senators and all Members of the US House of Representatives will also be elected on this day</td>
<td>3 November 2020</td>
</tr>
<tr>
<td>Electoral College meets</td>
<td>14 December 2020</td>
</tr>
<tr>
<td>Congress meets in joint session to count the votes and formally declare the President and his Vice-President elected</td>
<td>6 January 2021</td>
</tr>
</tbody>
</table>

Source: 270toWin.
Financing federal electoral campaigns

General legal framework

Financing of elections has been regulated in the USA for over a century. The main purpose of US campaign-finance legislation is to limit corruption and the appearance of corruption in policy-making, by placing restrictions on sources of private financing, on the amount of contributions, as well as by mandating disclosure about contributions and expenditures to ensure transparency and inform voters. Today, the main statutes regarding federal elections are the Federal Election Campaign Act (FECA, 1971) and the Bipartisan Campaign Reform Act (BCRA, 2002). Campaign-finance law is encoded in Title 52 of US Code Chapter 301. In 1975, Congress created the independent Federal Election Commission (FEC) to administer and enforce the FECA. Civil and criminal penalties may be imposed for FECA violations. Since the BCRA, there have been no major legislative changes to US campaign finance law. Amendments in 2014 removed public financing for presidential nominating conventions and increased limits for some contributions to political parties. Therefore, the 2016 national conventions were the first since 1972 to be funded entirely privately. Presidential candidates are still eligible to receive public funding for their campaigns if they fulfil some conditions and agree to spending limitations. However, since the 2012 election, the two major party nominees have opted out of the public financing programme. In 2008, only the Republican candidate received a public grant, of US$84.1 million, for the general election.

Court rulings have also led to interpretations of and regulatory changes to federal campaign finance rules, in particular the Supreme Court’s 2010 Citizens United ruling (Citizens United v. FEC), the US Court of Appeals for the District of Columbia 2010 ruling in SpeechNow.org v. FEC and the agreement reached in Carey v. FEC in 2011. These court rulings have invalidated certain FECA prohibitions as unconstitutional violations of First Amendment guarantees of free speech. They reinforced the trend for groups other than political parties and candidates themselves – such as corporations, labour unions and trade associations, as well as grassroots movements and other entities organised under Sections 501(c) and 527 of the Internal Revenue Code and not regulated by FECA – to influence elections, by allowing new ways to support and oppose candidates.

Who is a candidate for federal office?

Under FECA, an individual becomes a candidate for federal office when, for the purpose of their campaign: the proposed candidate (or someone acting on their behalf) receives contributions, or makes expenditure, totalling more than US$5 000. Candidates may accept financial support from individuals, political committees and other entities, in the form of contributions and expenditure in support of their campaign; independent expenditure for communications expressly supporting or opposing a candidate; voluntary activity, or free legal and accounting services, subject to conditions.

Contributions and independent expenditure

In federal elections, the distinction between contributions (i.e. anything of value given, loaned or advanced to influence a federal election) and independent expenditure (IE) is crucial. While contributions are limited by federal law, IE expressly advocating the election or defeat of a clearly identified candidate, but spent without coordinating with a candidate’s campaign, may be unlimited. Individuals and entities are still required to disclose their IEs to the FEC. If ‘independence’ is compromised through contact with a campaign, then the IE becomes an in-kind contribution to that campaign and therefore subject to the aggregate contribution limits.

Under federal campaign finance law, campaigns are prohibited from accepting contributions from certain sources: corporations, labour organisations, national banks, federal government contractors, foreign nationals, or contributions made in the name of another person. Some Members of Congress have raised questions about whether prohibited foreign funds could have
influenced the 2016 and 2018 elections. In 2018, the FEC reported to Congress on the enforcement of the FECA ban on foreign funds, but did not recommend additional action.

Contributions made from a candidate’s personal funds are not subject to limits. In addition, campaigns are not allowed to accept contributions of more than US$100 in cash from any source for any election, nor anonymous contributions exceeding US$50 each. Besides contributions, parties and political action committees (PACs) can also make IE supporting or opposing candidates. Moreover, parties can make limited coordinated expenditure (i.e. in consultation with candidates), and federal candidates may raise money through joint fundraising committees with parties or other candidates. Some entities are prohibited from making campaign contributions (super PACs, 501(c) and some 527 entities) and may only make IE.

Table 2 – Contribution limits for federal elections in 2019-2020

<table>
<thead>
<tr>
<th>Donors</th>
<th>Candidate Committee</th>
<th>PAC (SSF and Non-connected)</th>
<th>State/District/Local Party Committee</th>
<th>National Party Committee</th>
<th>Additional National Party Committee Accounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>US$2 800* per election**</td>
<td>US$5 000 per year</td>
<td>US$10 000 per year (combined)</td>
<td>US$35 500* per year</td>
<td>US$106 500* per account, per year</td>
</tr>
<tr>
<td>Candidate Committee</td>
<td>US$2 000 per election to another candidate’s committee</td>
<td>US$5 000 per year</td>
<td>Unlimited transfers</td>
<td>Unlimited transfers</td>
<td>NA</td>
</tr>
<tr>
<td>PAC – Multi-candidate¹⁴</td>
<td>US$5 000 per election</td>
<td>US$5 000 per year</td>
<td>US$5 000 per year (combined)</td>
<td>US$15 000 per year</td>
<td>US$45 000 per account, per year</td>
</tr>
<tr>
<td>PAC – Non-multi-candidate</td>
<td>US$2 800* per election</td>
<td>US$5 000 per year</td>
<td>US$10 000 per year (combined)</td>
<td>US$35 500* per year</td>
<td>NA</td>
</tr>
<tr>
<td>State, District &amp; Local Party Committee</td>
<td>US$5 000 per election</td>
<td>US$5 000 per year (combined)</td>
<td>Unlimited transfers</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>National Party Committee</td>
<td>US$5 000 per election</td>
<td>US$5 000 per year</td>
<td>NA</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

* Indexed for inflation in odd-numbered years. ** Considered as separate election with separate limits: primary, caucus or convention with authority to nominate, general election, run-off election, special election.

Source: Federal Election Commission.

With the 2010 court rulings in Citizens United and SpeechNow, limits on expenditure not coordinated with campaigns were found to be unconstitutional (infringing freedom of speech). In Citizens United, the Supreme Court found that these expenditures were insufficiently corrupting to justify their prohibition constitutionally. Essentially, the ruling allowed corporations and labour organisations to use treasury funds for independent expenditure in connection with federal elections, and to fund electioneering communications (or ‘issue ads’) to the general public. In SpeechNow v. FEC, the US Court of Appeals for the District of Columbia found that contributions to PACs that make only IE cannot be limited. The rulings led to the creation and rapid proliferation of super PACs as a significant spending force in federal elections. Critics insist that super PACs are contrary to the spirit of campaign contribution limits, intended to minimise corruption.
Political committees and other entities influencing federal elections

Political committees are essential to federal elections, as they are the highest campaign spenders. They comprise:

- **Candidate committees** – the principal campaign committee and other committees authorised by the candidate to raise contributions and make expenditure on their behalf;\(^{15}\)
- **Party committees** (national or state/local party committees);
- **Political Action Committees** (PACs), which are neither authorised committees nor party committees. There are several types of PACs – see Table 3.

A group must register with the FEC as a PAC once it raises/spends more than US$1,000 during a calendar year. PACs are regulated by FECA, and therefore subject to FECA’s limits on contributions. In general, PACs can contribute to a campaign and spend independently to support or oppose a candidate, with the exception of super PACs, which are forbidden from making campaign contributions. However, super PACs may receive unlimited contributions and make unlimited IE.

The type of PAC mainly depends on whether they are connected or not connected to corporations, labour or trade organisations. Corporations and labour organisations (as well as trade associations, national banks and others) are prohibited from making contributions to federal election campaigns from their general treasury funds. However, these entities may establish a separate segregated fund (SSF), a type of PAC, in order to contribute to campaigns. Besides the SSFs, they may also fund IE, contribute to super PACs and to the non-contribution accounts of hybrid PACs. The non-connected PACs (i.e. independent from corporations, labour or trade organisations) can make contributions to federal election campaigns, subject to FECA limits. The agreement reached in *Carey v. FEC* led to the emergence of hybrid PACs. A hybrid PAC has one bank account used for making contributions to the federal campaign(s) and a separate bank account (non-contribution account) that functions as a super PAC, that is, it is used to deposit and withdraw funds raised in unlimited amounts, as well as to carry out exclusively independent expenditures.

Table 3 – Types of Political Action Committees (PACs)

<table>
<thead>
<tr>
<th>Type of PAC</th>
<th>Connected/non-connected (to corporations/labour and trade associations)</th>
<th>Contributions to federal candidates allowed?</th>
<th>Limits on contributions they may receive for use in federal elections?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traditional PACs</td>
<td>Special Segregated Fund (SSF) – Connected to corporations/labour organisations/trade associations</td>
<td>Yes, within contribution limits</td>
<td>Yes, FECA</td>
</tr>
<tr>
<td>Non-connected PACs</td>
<td>Not established by or connected to corporation/labour</td>
<td>Yes, within contribution limits</td>
<td>Yes, FECA</td>
</tr>
<tr>
<td></td>
<td>Leadership PACs – established by a federal candidate/officer-holder but not authorised committees</td>
<td>Yes, within contribution limits</td>
<td>Not unlimited for independent expenditure</td>
</tr>
<tr>
<td></td>
<td>Hybrid PACs (Carey) – have a separate non-contribution account for independent expenditure only</td>
<td>Yes, within contribution limits</td>
<td>Yes, limited by FECA. Unlimited to the non-contribution account</td>
</tr>
<tr>
<td>Super PACs</td>
<td>Independent expenditure only and non-connected</td>
<td>No contributions allowed</td>
<td>Unlimited</td>
</tr>
</tbody>
</table>

Other entities which can influence federal elections through independent spending include Section 501(c) (non-profit) entities and Section 527 (political) organisations. Regulated primarily by tax law (Internal Revenue Code), they cannot make campaign contributions. The ‘primary purpose’ of 501(c) entities must be activities other than elections, e.g. social welfare groups, trade associations, whereas 527 entities are political organisations (PACs are 527 entities for tax purposes).

Reporting requirements

Under the FECA, candidate campaigns and other political committees, including PACs, are obliged to disclose their donors and contributions, expenditure, and IE made in connection with an election campaign to the Federal Election Commission. Federal candidates have no obligation to report, but must file personal financial reports. The principal campaign committee files regular reports on behalf of other authorised committees. Reports to the FEC are submitted quarterly, but in election years, the FEC requires additional pre-election reports (at all stages: primary, general and run-off), post-general election reports, as well as reports of last-minute contributions of more than US$1 000 (‘48-hour notices’). Super PACs have the same reporting requirements as non-connected PACs. Entities such as some 501(c) organisations or other groups and individuals that are not registered with the FEC, because they do not consider politics as their ‘primary purpose’, are not required to report their donors, but must report their IE. Also known as ‘dark money’ groups, their reporting requirements have been at the centre of recent litigation. Following an August 2020 decision of the District of Columbia Circuit Court of Appeals, groups that make independent expenditure must report every contributor who gave at least US$200 in the past year, as well as those who give to finance IE generally. Estimates point to more than US$116 million in political spending and 2020 contributions stemming from dark money groups aligned with Democratic or Republican party leadership. So far, it is thought that such dark money groups have spent more than US$182 million on political ads during the 2020 election cycle, while having reported spending US$33.3 million.

Campaign financing in the 2020 presidential election

According to the FEC, as of 7 October, the 2020 presidential race has broken records, with almost US$3.2 billion in total money raised, of which US$2.6 billion was raised by Democrat candidates. It should be noted that Democratic primaries have seen 28 major candidates competing (out of over 330 registered presidential hopefuls). Almost US$2.9 billion has been spent so far in the 2020 presidential race. In comparison, during the 2016 presidential campaign, US$1.54 billion was raised overall and US$1.53 billion spent. Already by the end of 2019, historic records in spending had been registered, as two self-financed billionaire candidates, Michael Bloomberg and Tom Seyer, spent ‘at levels never before seen in American politics’. At the end of his campaign, in March 2020, Bloomberg had spent a little more than US$1.1 billion, far ahead of the next two highest spenders (Tom Seyer, with US$352 million, and Donald Trump, with US$302 million as of 31 July 2020).

Regarding outside spending for the 2020 election cycle (all races), as of 1 October 2020, 2 113 groups organised as Super PACs have reported total receipts of US$1.42 billion and total IE of US$830.28 million. In the 2016 election cycle, Super PACs reported receipts totalling US$1.8 billion and total IE of almost US$1.1 billion. As regards the current presidential race alone, the total IE (Super PACs and other groups) amount to US$255.6 million, as of 2 October 2020.
Table 4 – The two major parties’ presidential nominees: Fundraising and spending (in US$)

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Reporting period</th>
<th>Total receipts</th>
<th>Total disbursements</th>
<th>Cash in hand</th>
<th>Outside spending in favour</th>
<th>Outside spending against</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRUMP, Donald J.</td>
<td>1.1.2017 - 31.8.2020</td>
<td>476 493 309.33</td>
<td>363 008 539.25</td>
<td>121 096 473.00</td>
<td>31 705 851.57</td>
<td>82 003 278.44</td>
</tr>
<tr>
<td>Republican Party</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BIDEN, Joseph R. Jr</td>
<td>1.4.2019 - 31.8.2020</td>
<td>540 594 553.14</td>
<td>359 968 142.06</td>
<td>180 626 411.08</td>
<td>41 946 702.48</td>
<td>64 124 532.75</td>
</tr>
<tr>
<td>Democratic Party</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Federal Election Commission, as of 2 October 2020.

Two other candidates (Jo Jorgenson of the Libertarian Party and Howie Hawkins of the Green Party) have raised and spent significantly less during the presidential race: Jorgenson raised US$1.4 million and spent US$0.9 million and Hawkins raised US$0.27 million and spent US$0.23 million.

**President Donald Trump**, unlike his predecessors, started fundraising for 2020 immediately after the 2016 election, giving him a lead over the other candidates. By the end of June 2019, he had already raised US$118.7 million. In 2016, President Trump had raised most contributions from small donors (giving US$200 or less) – that is, around 58% of his campaign’s total receipts (US$238.6 million). However, the bulk of his primary campaign was self-financed (US$66.1 million). This raised questions at the time about the real impact of super PACs, since Donald Trump’s rise in the polls occurred despite limited spending in support of his candidacy by outside groups. Once President Trump was nominated as the Republican candidate, his campaign started raising more money. Overall, during the 2016 election Hillary Clinton raised US$585.7 million and Donald Trump US$350.7 million.

Despite President Trump’s early funding lead in the 2020 race, the Democrat candidate **Joe Biden** has narrowed the gap recently, by beating monthly records (for example in June and August 2020). In August 2020 alone, Joe Biden and the Democratic National Committee raised US$365 million, US$150 million more compared to Trump’s re-election effort (including the Republican National Committee) the same month, narrowing the cash-in-hand gap to US$6 million for the Democrat. Moreover, in September 2020, former candidate Michael Bloomberg announced his intention to spend up to US$100 million supporting Joe Biden’s presidential bid. In this context, President Trump has floated the idea of contributing US$100 million of his personal funds. According to FEC data, by 31 August 2020, Joe Biden had overtaken President Trump in terms of total receipts and cash-in-hand (see Table 4). Furthermore, the first presidential debate in September 2020 led to Joe Biden’s campaign registering new fundraising records.

**MAIN REFERENCES**


ENDNOTES

1 Reference to the voting-age population (VAP) may to some extent distort the results because it includes categories of people not eligible to vote: such as non-US citizens and, in certain US states, convicted felons, hence reference to the voting-eligible population (VEP). For instance the University of Florida estimated that in 2016 more than 19.1 million US residents aged 18 and over, i.e. just over 7.6 % of the voting-age population, were ineligible to vote.

2 Senator Cruz was born in Canada to a US-born mother and a Cuban-born father.


4 Primaries were introduced for the first time in Florida in 1904.


6 Following the 2016 Democratic national convention, when nominee Hillary Clinton was accused of enjoying an unfair advantage with automatic delegates, the party changed the convention voting rules for 2020, so that only pledged delegates would vote in the first round at convention. As Joe Biden won an absolute majority of pledged delegates during the primaries, their support was sufficient to declare his nomination.

7 Congress chose this date in 1845. Previously, states held elections on different days between September and November.

8 The District of Columbia is allocated three electors and considered a state for the purposes of the Electoral College (Amendment XXIII to the US Constitution).

9 The non-proportional nature of the Electoral College means that a President can be elected without necessarily winning the popular vote, which is to say the majority of the votes cast nationwide, in all states and the District of Columbia. This occurred in 1824, 1876, 1888, 2000 and 2016.

10 Article II of the US Constitution states: 'The Person having the greatest Number of Votes shall be the President'.

11 Contingent elections have occurred only twice, in 1825 for the President and in 1837 for the Vice-President.

12 Super Tuesday was created in 1988, when the Southern Legislative Conference, a group of Southern US state legislators decided to hold primaries in 14 states on the same date. The states were Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, Texas and Virginia.

13 The FEC promulgates regulations and publishes them in the Federal Register, as well as in an annual compilation in Title 11 of the Code of Federal Regulations.

14 A political committee registered for at least six months, having received contributions from more than 50 contributors and, except state party committees, having made contributions to at least five federal candidates.

15 Unauthorised committees also raise money and make expenditure on behalf of a candidate, but have not been expressly authorised to do so by that candidate.

16 Candidate fundraising and spending refer to total contributions to and expenditure by a candidate's campaign, while outside spending includes independent expenditure for or against a candidate.

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eprs@ep.europa.eu (contact)
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