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Citizens United and Political Outcomes

Following the Supreme Court's decision in *Citizens United*, critics denounced the ruling and warned of dire consequences for elections and policy.

At the state level, about half the states already were open to corporate campaign involvement prior to the ruling, while others were not. This allows a simple test: does political behavior or policy differ much in states that did and did not restrict business involvement in campaigns prior to *Citizens United*?

I use the [New York Times classification](#) of states that did and did not have restrictions. Do we see significantly different outcomes in political behavior or policy in these two sets of states? Short answer: not that is evident in these back of the envelope bivariate looks.

Were Republicans more likely to be elected governor in states without restrictions on corporate campaigning than in states with restrictions? Slightly, although until November 2009 the split was 15D-11R in states without restrictions, similar to the 15-9 split in states with restrictions. (Note: Bizokay in the tables classifies the two sets of states: those where business could participate in campaigns are in the "yes" column and those where business could not are in the "no" column.)

Repub gov in most recent election	bizokay		Total
	No	Yes	
No	15	13	28
Yes	9	13	22
Total	24	26	50

Was control of governorship more likely to flip from Dem in 2002-05 to Repubs in 2006-09 where biz was not restricted? Not really - only two flips were the recent VA and NJ races.

Change to Repub gov 02-05 to 06-09	bizokay		Total
	No	Yes	
No	11	9	20
To Repub	0	2	2
Total	11	11	22

Were Repubs better able to hold on to govship in 2006-09 in states where business campaigning was not restricted? Not really - lost 4 seats in both types of state.

. Retained Repub gov 02-05 to 06-09	bizokay		Total
	No	Yes	
Lost govship	4	4	8
Retained gov	9	11	20
Total	13	15	28

Did Repubs have more control of state legislatures prior to 2008 where business campaigning was okay? No.

Legislativ e control prior to 2008	bizokay		Total
	No	Yes	
Dem	9	14	23
Split	8	4	12
Repub	7	7	14
Total	24	25	49

Did Repubs have more control of state legislatures after 2008 where business campaigning was okay? No.

Legislative control after 2008	bizokay		Total
	No	Yes	
Dem	12	16	28
Split	6	2	8
Repub	6	7	13
Total	24	25	49

Are states that lean Republican in presidential races (a quasi measure of the ideology/partisan culture of states) especially likely to have no restrictions on business campaigning? No.

Times vote for Repub prez 2000-08	bizokay		Total
	No	Yes	
0	8	10	18
1	1	2	3
2	3	4	7
3	12	10	22
Total	24	26	50

Are state and local taxes less progressive where business campaigning is okay (data from 2004, CQ State Fact Finder 2006 edition)? No, correlation modestly goes the other way.

	bizokay
taxprog	0.1793

Are states where business can campaign likely to have [good scores on business climate from the Tax Foundation](#) in 2010 (higher scores are better)? No.

	bizokay
bizscore	0.0070

Did states where business can campaign improve their Tax Foundation business climate score between 2006 and 2010 more than states where they couldn't? No, improvement in scores was modestly better in the restrictive states.

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          | bizokay
-----+-----
biz0610 | -0.1736
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Are states where business can campaign likely to rank better on [business climate from Forbes](#) in 2009 (states are ranked 1 to 50, with 1 being a good climate, so negative correlations indicate a better ranking in states where business campaigning is okay). Not really, a modest relationship.

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          | bizokay
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frb09   | -0.1387
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Are states where business can campaign likely to rank better on the regulatory environment from Forbes in 2009 (states are ranked 1 to 50, with 1 being a good environment). No relationship.

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          | bizokay
-----+-----
frbreg09 | 0.0085
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Is there a difference between the average Forbes business climate ranking for states with and without restrictions (states are ranked 1-50, so lower is a better climate)? Very slight.

-> bizokay = No, mean rank = 27.6
-> bizokay = Yes, mean rank = 23.6

Is there a difference between the average Forbes regulatory environment ranking for states with and without restrictions? No.

-> bizokay = No, mean rank = 25.3
-> bizokay = Yes, mean rank = 25.5

Is there a difference between the average Forbes business costs (labor, energy, and taxes) ranking for states with and without restrictions? No.

-> bizokay = No, mean rank = 24.7
-> bizokay = Yes, mean rank = 26.2

Is there a difference between the average Tax Foundation business climate score for states with and without restrictions? No.

-> bizokay = No, mean score = 5.20

-> bizokay = Yes, mean score = 5.21

Overall, there are no systematic differences in political behavior or policy between these two sets of states evident in these data. Why? Some thoughts:

1. Business opponents step up their game in places where business is not restricted in campaigns.
2. Business is not nearly as politically united as the caricatures suggest; certainly not in lobbying and likely not in campaigning.
3. Business has to be careful - they are playing defense as much as offense and have to make sure they have access to whomever wins.
4. Business interests could get their campaign voice out in other forms, such as by issue ads and individual contributions, in restrictive states.
5. Business lobbying may be about equally successful or unsuccessful in these two sets of states, leading to fairly similar policy outcomes.
6. Freeing business from restrictions frees labor and nonprofit corporations and groups as well.
7. Although the presumption in the post-mortem of the decision was that lobbyists could hold the threat of running ads "over the heads" of politicians, the history of campaign finance suggests it is equally likely that politicians make it clear to groups, directly or indirectly, that they either do or don't want ads run (one reason that disclosure of sources is desirable for politicians).
8. Political outcomes are much more difficult to obtain and their determinants much more complicated than the very simplified rhetoric in public discourse about campaigns, reform, and money implies.
9. Voters, ultimately, are not fools and can make up their own minds.

(Note: These data don't speak to any one state or the outcome of any one election, issue, policy, or bill, and they don't include outcomes for offices other than governor and the legislature. By their nature, they examine patterns of outcomes rather than very specific outcomes in any one place at any one time. They don't consider the number of competitive seats, or amounts spent to campaign or lobby by business and other groups, or divide the states into more than two groups, or other factors one might want to consider in a more complete and detailed analysis. But these data, as they are, recommend some caution toward the most extreme statements about the effects of the Court's decision on election and policy outcomes.)