



VOTING FOR ETHICS

A GUIDE FOR U.S. VOTERS

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for Applied Ethics
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Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters.

— **Abraham Lincoln**

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PREFACE

Ethics is an optimistic pursuit. To believe a movement for ethical candidates and campaigns could take hold in the United States in 2020 exemplifies such optimism. That is what Hana Callaghan believed and why she wrote this book and another, *Campaign Ethics: A Field Guide*, that was published last year. It has been a privilege to work with her on small pieces of both.

Given Hana's duties in government ethics and mine in leadership ethics, we have had plenty to talk about since we came to the center, a month apart, in 2014. We traded leadership war stories, she from her past perch in government, me from my experiences in business and the nonprofit sector. We bonded early on about how different it was to work in the academy than in some of our previous enterprises.

Hana served as the campaign manager for the Honorable Tom Campbell when he was a member of the United States House of Representatives. This gave her a front row seat to governing and campaigning and an understanding of the differences between the two. From the beginning, though she had plenty to say about governing across the spectrum, her passion was campaign ethics. She worked hard to make it a priority at the Ethics Center and for the constituents we serve on campus, here in Silicon Valley, and well beyond.

There are lots of ways someone working in government ethics could be spending her time these days--enough political and legal matters to study, opine, and teach, on a range of topics. Hana had the legal mind and the political savvy to do anything in her area of scholarship. She chose to make campaign ethics the centerpiece of her work. In spite of all the data provided the voting public to the contrary, Hana believed we could return to a time when the character of a candidate was a critical factor in electability, when

campaigns were run with honor and focused on the future a candidate was trying to shape, rather than by trading barbs on the campaign trail and getting mired in the past.

Hana always looked to the future. She was no doubt doing so when she printed a copy of this book. She likely intended to give it one last read before it shipped to be published, on the day she died suddenly in January 2020 of a pulmonary embolism, as one of the most anticipated election years in our country's history began. It is inconceivable to stare down the year to come in campaign ethics and imagine doing so without her. But, vintage Hana, she has left us well prepared by sharing her insights and hope for a more ethical political future in this book.

Hana believed that we needed a movement for ethical campaigns. So she started one.

She went about this effort as she went about everything in her life, with joy. Her colleague and former boss, Tom Campbell, captured the essence of Hana at work for the people and with her joy, in a letter he wrote to her husband, Michael, and her adult sons, Grant and Chad, after her death.

"Above all the attributes that appropriately describe her, joyful is the one I most wish to identify. Hana brought joy to everyone with whom she interacted. When a constituent presented herself or himself at our district office, or at one of our town hall meetings, with a problem, Hana would address it conscientiously and professionally. Whoever met with Hana was better off for it. But it was not her ability to deal with the substance of a problem that I remember as the strongest aspect of her character. Of course, a constituent who met with Hana came away with the knowledge that she or he was respected and listened to, but also, the constituent actually left more joyful after a conversation with Hana. It was impossible not to share in Hana's joy. To Hana, life was joyful. Even a constituent caught in the gears of a slowly moving government, or deeply troubled by the course our country was taking, would, after talking with Hana, share in a bit of her joy.

I saw this happen time after time, as Hana and I drove together to town hall meetings in our Congressional district. We spent many hours together driving throughout Santa Clara and Santa Cruz counties going to the venues of our meetings with constituents. If a resident of our Congressional District cared enough to come to a town hall meeting, then Hana cared enough to treat her or him with respect and understanding. But she also conveyed to each person her remarkable, unique gift for happiness. She was convinced that we can choose to approach life with happiness, even under difficult personal circumstances. That perception, more than the resolution of any specific problem an individual was having with the federal government, was Hana's greatest gift.

And it affected me, too. Hana inspired me. She made me realize the tremendous honor it was to represent the people of our Congressional District. As a legal scholar, Hana loved to talk about US Constitutional issues. We often discussed that the founders intended Members of the House to be the federal officers closest to the people. Of all federal officials, only House Members were directly elected under our Constitutional system, as it was originally created. Hana reminded me that it was an honor, a responsibility, and a joy to be the representative of three quarters of a million Californians."

Hana derived meaning from the support she gave to other people. As her husband remarked in remembering her, she was the most other-centered person he knew. Whether you were her husband, children, daughter-in-law or grandchildren, Allison and James; the lifelong girlfriends she made at Cal; the students she guided through their Hackworth Fellowships; or other scholars, public servants, and statesmen she worked with and for along the way--she was always in your corner.

Now, we have the opportunity to support her as she supported us, with joy and intention, to take this book and its resources with us in the lives we will live as voters and bring it to life, just as Hana would have done.

The goals of Hana's movement for campaign ethics were straightforward: decrease political polarity by eliminating negative rhetoric, restore public trust in government, and increase civic engagement by providing better information to voters and healthier campaign conditions, so that more

people intent on serving the common good, rather than themselves, would run for office.

Hana had confidence in voters. She believed we were smart, capable of applying our good judgment to the important issues of the day, and willing to do the work required to fully engage in democracy. She recognized such engagement as a right and a responsibility. She wrote this book to give us the tools we need and help us to recognize our accountability for the process of electing our representatives.

It's up to us, we voters, to keep Hana's ethical campaign movement going.

Ann Gregg Skeet
Santa Clara University

INTRODUCTION

There will be no end to the troubles of states, or of humanity itself, till philosophers become kings in this world, or till those we now call kings and rulers really and truly become philosophers, and political power and philosophy thus come into the same hands.

— Plato

Do you recall the quote from the movie “Network,” where the lead character, Howard Beale, exclaims, “I’m mad as hell and I’m not going to take it anymore!”? That is how many of us feel about the current state of political campaigns, and we want to change that narrative.

Since politicians don’t seem willing to rein themselves in, at the Markkula Center for Applied Ethics we wondered how the electorate can take back our political process and encourage ethical behavior on the campaign trail. We decided that the solution is an ethical campaign movement designed to let politicians know that we, the voters, want them to conduct civil and ethical campaigns. As part of that initiative we have written this short guide that will give voters tools to identify ethical candidates and strategies for encouraging ethical campaigning.

The 2016 presidential race was seen as one of the dirtiest in American history. Donna Brazile, a CNN contributor, leaked primary debate questions to Hillary Clinton prior to the CNN-sponsored event.¹ Clinton called Donald Trump supporters “Deplorables.”² Trump accused Ted Cruz’s father of participating in the assassination of President Kennedy.³ Clinton supporters were fraudulently informed that they didn’t have to go to the polls – that they could vote by text instead.⁴ Cruz sent out deceptive official-looking voter report cards intimidating voters into casting a ballot for him.⁵ Marco Rubio taunted Trump with having “small hands.”⁶ DNC operatives started

fighters at GOP rallies.⁷ Someone posted nude photos of Melania Trump.⁸ WikiLeaks hacked and released DNC emails, and Russia meddled in our election by, among other things, producing a flood of fraudulent news stories on social media.⁹ The name-calling and mudslinging have left many of us disgusted, frustrated and turned off from civic engagement.

Our process for electing public officials is borne out of the ethical ideal of creating an informed electorate. Irrelevant, misleading, and vitriolic campaign communications leave us without any real information about where a candidate stands. When candidates incur secret obligations in exchange for endorsements, we don't know to whom the candidate is beholden. In addition, the amount of money being contributed to or on behalf of political campaigns has never been greater, leaving us with the suspicion that politicians are more interested in representing their big donors than they are in representing the rest of us. These ethical lapses during campaigns do give us important information: they are a good indicator of how a person will govern once in office.

Many citizens are also frustrated by political polarity and the resultant lack of legislative productivity. We perceive that negotiation and compromise are no longer tools available for those who govern due to obligations created during the campaign process. Moreover, unethical political attacks freely dispensed during a campaign can poison later legislative relationships.

Statistics show voter turnout and public trust in government are at historic lows. According to the Bipartisan Policy Center, only 57 percent of the electorate turned out to vote in 2016.¹⁰ According to the Pew Research Center, the United States trails most developed democracies in going to the polls. The U.S. places 28 out of 35 in voting among the members of the Organization for Economic Cooperation and Development.¹¹

At the Markkula Center for Applied Ethics we believe that one of the reasons for this civic disengagement is that our political process turns a blind eye toward unethical campaign practices. We believe that encouraging ethical campaigns will have three important benefits:

- It will help decrease political polarity by reducing the rancor in political races.
- It will help restore public trust in government by ensuring fairness and integrity in campaigns.
- It will help increase civic engagement by creating a process that not only encourages an informed and involved electorate but also encourages good people to run for office.

Research conducted by the Center for Campaign Leadership at the University of California Berkeley and the Institute for Global Ethics shows that voters want to vote for the candidate who takes the high road – the one who tells the truth, is forthright about where he or she stands on issues, is independent, and doesn't engage in dirty, attack-style politics.¹² But how do we encourage candidates to campaign ethically? By letting our votes speak for us. All things being equal, we need to send a message to candidates that the ethical campaigner is the one who will get our vote. In order to do that, however, we first must be able to identify ethical candidates.

CHAPTER 1

DOES THE CANDIDATE TAKE THE HIGH ROAD?

Politics is supposed to be the second-oldest profession. I have come to realize that it bears a very close resemblance to the first.

— Ronald Reagan

Dirty tricks in politics are nothing new. John Adams once feared that the Continental Congress would be ruled "...by noise, not sense; by meanness, not greatness; by ignorance, not learning; by contracted hearts, not large souls."¹³ Thomas Jefferson supporters were told that they couldn't vote for Jefferson because he had died.¹⁴ Teddy Roosevelt called candidate William Howard Taft "a fathead" with "the brains of a guinea pig."¹⁵

But aside from its inherent ugliness, dirty campaigning makes governing much harder. As noted by CNN contributor Bob Greene in 2012, and demonstrated time and again post-2016, the problem with scorched earth politics is that it is difficult to shift from mud wrestler to statesman once the votes have been counted.¹⁶ We are also seeing an increase in polarity in the governing process, a direct result of the incivility born during nasty campaign battles. Legislative relationships poisoned during a campaign are hard to mend and make it difficult for later negotiation and compromise. More than three-quarters of Americans (77 percent) say the way politics works in Washington these days is causing serious harm to the United States.¹⁷

Even though negative campaigning and dirty tricks get wide coverage in the press, there are stories of candidates whose conduct can provide good examples of what to look for in an ethical campaign.

In 1964, three weeks before the election, President Lyndon Johnson's aide (a married man) was arrested on a "morals charge" for having sex with another man in a YMCA changing room. Barry Goldwater's campaign staff urged the Republican presidential candidate to make an issue out of the arrest in the campaign. Goldwater refused. He was adamant that it wasn't relevant to the race, and he didn't want to participate in the character assassination of the Johnson staffer.¹⁸

In 2000, former congressman Tom Downey, the debate coach for Democratic nominee Al Gore, received in the mail a video of rival candidate George W. Bush's debate prep along with briefing materials. When Downey realized this material belonged to the Bush campaign, he turned it over to the FBI. Although he had only glanced at the materials briefly to determine their contents, he stepped down from the debate prep team "in order to ensure the integrity of the debate process."¹⁹

In 2008, presidential candidate Senator John McCain corrected a supporter in a town hall meeting who said she couldn't vote for Barack Obama because he was "an Arab." McCain responded, "No, ma'am. He's a decent family man [and] citizen that I just happen to have disagreements with on fundamental issues, and that's what this campaign's all about. He's not [an Arab]."²⁰ He told the jeering crowd, "I have to tell you, Senator Obama is a decent person and a person you don't have to be scared of as president of the United States." At Senator McCain's funeral, Barack Obama relayed this story and said, "[T]hat was John's instinct. I never saw John treat anyone differently because of their race or religion or gender. That in those moments that have been referred to during the campaign he saw himself as defending America's character, not just mine. He considered it the imperative of every citizen that loves this country to treat all people fairly."²¹

And who can forget Ronald Reagan's brilliant comeback to comments about his advanced age during a 1984 debate with Walter Mondale. With a shrug and a smile Reagan said, "I want you to know that I will not make age an issue of this campaign. I am not going to exploit for political purposes my opponent's youth and inexperience." Instead of attacking in kind, Reagan's ability to deflect earned him the reputation of being a likeable guy—and helped him win a second term.²²

Michelle Obama's 2016 rallying cry to the Democratic Convention, "When they go low, we go high,"²³ should be the guiding mantra for all ethical candidates, regardless of party.

DIRTY TRICKS

The following are examples of dirty tricks to look out for when evaluating the ethics of a campaign:

Whisper Campaigns

Conducting a whisper campaign is an unfair tactic whereby rumors, innuendo, and slanderous statements are quietly conveyed in order to damage reputations and/or dry up funding sources and support. The negative assertions are not made publicly; thus, the subject may have no idea about what is being said until it is too late. Also, because the allegations are not made publicly, the target is caught in a Catch-22: if the candidate publicly denounces the rumors, it calls attention to the issue. If the candidate ignores the behind-the-back rumors, the campaign can be damaged. It is a tough position to be in.

Push Polling

Push polling is an unfair and unethical political device used to communicate negative messages. A push poll is one where, under the guise of conducting a legitimate poll, defamatory or otherwise negative and usually false information is conveyed. The American Association of Political Consultants condemns this practice, declaring on their website, “Push-polls violate the AAPC’s stricture against ‘any activity which would corrupt or degrade the practice of political campaigning.’ To the extent that practitioners of the ‘push-poll’ ruse convey inaccurate information about an election opponent, they also violate the AAPC’s stricture against false and misleading attacks.”²⁴

Unfair Competition

Practices that hamper the opponent’s ability to fairly compete are unethical. For example, you will sometimes see wealthy candidates hiring as many political consultants as are available, not for their services, but to keep them from working for the opponent.

If a candidate condones the removal of posters, or any behavior that stifles the opponent’s message, he or she is engaging in unethical campaigning. While it may be easy to shrug this conduct off as “youthful shenanigans,” in reality it is the suppression of political speech. Ethical campaigns help create an informed electorate. Stifling speech does just the opposite. A candidate who allows staff and supporters to act in such a manner will be seen as standing for what he or she condones.

Interference with the Electoral Process

Any campaign practice that provides an obstacle to a citizen’s ability to vote interferes with our democratic notions of fair and free elections. Such practices are not only unethical but are in many instances illegal. Destruction

of mail-in ballots, deliberately staged traffic jams on Election Day, and voter intimidation at the polls are all examples of unethical—and illegal—tactics designed to discourage voting. On the flip side, it is also unethical and illegal to incentivize voter turnout for a particular candidate by offering a reward or free gifts for voting. Voting is a privilege freely exercised and cannot be bought.

The October Surprise

The infamous “October surprise” is the generic term for a negative attack that comes out shortly before an election, giving the target of the attack little or no time to respond. If the attack is subject to denial or rational explanation, the interests of an informed electorate require that assertions be timed in such a way as to allow response. You as a voter should be able to make decisions based on all the information available, not just the information provided by one side.

TAKE-AWAYS

Here are ten things to look for when judging ethical political engagement:

1. *Does the candidate show respect for the opponent and for the political process?*
2. *Is the candidate always truthful about his or her record and about the opponent’s record?*
3. *Does the candidate attack the opponent personally or does he or she draw contrasts with the opponent’s ideas and policies?*
4. *Does the candidate strive to keep his or her message about the issues?*
5. *If the candidate takes a political hit, does he or she resist the urge to retaliate harder?*

6. *When given the opportunity by the press to attack the opponent, does the candidate deflect and turn the discussion back to his or her positions and the issues in the race?*
7. *Does the candidate consider fairness in the timing of negative political communications and allow the opponent time to respond?*
8. *Does the candidate condone whisper campaigns designed to dry up an opponent's fundraising and erode support?*
9. *Does the candidate interfere with the opponent's ability to run for office?*
10. *Does the candidate engage in or condone conduct that interferes with the voting process?*

CASE

Election Day is in two weeks. The candidate is polling dead even with her opponent. A generous campaign donor, discouraged by the candidate's polling numbers, approaches her with information that her opponent has a rocky marriage because his wife allegedly caught him cheating. The donor insists that the information was received from a trusted source and strongly encourages the candidate to take the news to the press. The opponent is running on a "family values platform." Ballots have already been mailed and early voting has begun. There is no time to vet the information. Not wanting to offend the donor and desperate to improve her standing in the polls, the candidate directs her campaign manager to go to the press with the information.

Is the candidate's conduct ethical? Why or why not?

CHAPTER 2

ARE THE CANDIDATE'S POLITICAL COMMUNICATIONS ETHICAL?

If one morning I walked on top of the water across the Potomac River, the headline that afternoon would read: 'President Can't Swim.'

— Lyndon Johnson

Brace yourself. Election season is here and the campaign ad onslaught is upon us! If you are like me you would probably rather have a root canal than be subjected to the seemingly endless stream of mud spewing from our televisions, computers and mobile phones. Political speech is afforded great protection under the First Amendment of the Constitution, so there is little regulators can do to improve the tenor of political ads. It is up to us to demand respectful and honest communications from our political candidates.

As noted before, ethical campaigns are those that serve to create an informed electorate. It follows, then, that ethical campaign communications are those designed to inform voters about matters pertinent to their voting decision(s). By communication we mean every aspect of political messaging – from ads, mailers, interviews, debate responses, to statements made in town hall meetings. It's the campaign's task to introduce the candidate and educate the voters about the candidate's background, his or her positions on the issues, and how the candidate is different from the opponent. Even negative messaging about an opponent is ethical so long as the negative information is relevant and necessary for the voters to make an informed decision.

Accordingly, responsible communications are those that convey truthful information about the candidate, about the opponent, and about the issues in the race. Ethical messaging also requires that the information

being conveyed is fair and that it is relevant to the contest. Finally, in order to inform, the candidate must let voters know where he or she stands. Ethical campaigns have substantive policy positions to back up soundbites offered on the campaign trail.

Truthfulness

Deceptive messaging violates the candidate's duty to inform the voter about the candidate's background, what the candidate stands for, and how the candidate's positions differ from that of the opponent. Telling lies to future constituents also reduces trust not only in our election process but in government in general.

Cornell ethics professor Dana Radcliffe has identified why truth matters. He says, "From a moral point of view, what's wrong with deception is that it is a betrayal of trust. You cannot deceive someone unless they trust you, believing that you're being truthful with them. When you succeed in deceiving them, you exploit that trust, using that person for your own ends. In every domain of life, such betrayals weaken or destroy the trust relationships essential to our vital institutions, including (among others) marriage and family, business, education, and representative government."²⁵

The good news for voters is that fact-checking organizations such as Politifact.com and Factcheck.org provide ready access to the truth. In addition, we can easily engage in internet research for contemporaneous news articles to discover whether a candidate's view of historic events, such as the opponent's voting record, comports with the truth.

We also have a duty as engaged citizens to ascertain the truth of political communications before we forward those assertions on social media. We

all know now that in the 2016 presidential election internet trolls from other countries created fake news stories on social media, which so many of us happily (and in blissful ignorance) passed on to our friends and family. We were, sadly, complicit in spreading the lies.

Voters interested in furthering the goal of increased truth in our political process might also consider taking the Pro-Truth Pledge, an initiative launched by a group of behavioral scientists hoping to increase truth in politics. The pledge provides:

I Pledge My Earnest Efforts To:

Share truth

- Verify: Fact-check information to confirm it is true before accepting and sharing it
- Balance: Share the whole truth, even if some aspects do not support my opinion
- Cite: Share my sources so that others can verify my information
- Clarify: Distinguish between my opinion and the facts

Honor truth

- Acknowledge: Acknowledge when others share true information, even when we disagree otherwise
- Reevaluate: Reevaluate if my information is challenged, retract it if I cannot verify it
- Defend: Defend others when they come under attack for sharing true information, even when we disagree otherwise
- Align: Align my opinions and my actions with true information

Encourage truth

- Fix: Ask people to retract information that reliable sources have disproved even if they are my allies
- Educate: Compassionately inform those around me to stop using unreliable sources even if these sources support my opinion
- Defer: Recognize the opinions of experts as more likely to be accurate when the facts are disputed
- Celebrate: Celebrate those who retract incorrect statements and update their beliefs toward the truth

For more information about the Pro-Truth Pledge please go to

<https://www.protruthpledge.org/>

In order to run an ethical campaign, candidates must be vigilant that all communications by the candidate and by those authorized to speak for the candidate are free of deception. Look for campaigns that fact-check all assertions and have the evidence to back up their statements.

Often, however, with the advent of ever more powerful independent expenditure committees, a message going out to voters might not be initiated by a campaign, but rather by an outside group. What should a candidate do in situation where an outside group produces a communication that doesn't comport with the candidate's values?

Independent expenditure committees (known as I.E.s) are outside groups that support a candidate and create campaign ads either supporting the candidate or attacking the opponent. Campaigns don't have any control over the messaging by independent groups. In fact, it's against the law for campaigns to coordinate with I.E.s. Ethical candidates should at the very outset of the campaign announce their commitment to truthful and

substantive advertising. If an I.E. issues a communication that doesn't live up to the candidate's standards, the ethical candidate should immediately and publicly disavow the ad.

Fairness

Going into a campaign, most people have a moral understanding that it is wrong to outright lie. The problem is, most candidates don't anticipate the ethical choices they will have to make about communications once the campaign is in full swing. Most campaign communications have at least a kernel of truth, but in the heat of the battle sometimes that kernel becomes wrapped in deception. We have all seen candidates succumb to the temptation to approve a communication that, while true on its face, creates an unfair inference. The following are examples of common unfair tactics to watch out for in political communications:

Facts Out of Context: The most common way in which campaigns stretch the truth is to take true facts out of context. The prime example of this is citing an opponent's roll call vote without the full history behind the vote. A legislator may truthfully have a record of voting a certain way on a certain policy; however, at some point he or she may have cast a vote that in a vacuum looks contrary to that policy. This vote may have occurred because the legislator did not believe that the bill went far enough to achieve the policy and so voted against it. Or, a legislator may have to compromise his or her stance on a particular policy in order to pass a larger comprehensive bill on an essential funding matter. Regardless of the reason, the legislator's opponent jumps on this isolated vote to proclaim that the legislator is against a prime issue in the race. In all these situations, what the opponent claimed was true—the candidate did vote a certain way on a certain date—however, the inference that the vote is reflective of the candidate's record on the issue is deceptive.

Statements Out of Context: Votes are not the only thing taken out of context. Often you will see ads quoting the opponent in a negative fashion. While it may be true that the candidate did say the words, the context of the quote may not justify the inference that the candidate is making about the opponent.

Deceptive Imagery: Visual imagery may also contribute to the deceptive nature of a communication. Even though the words are true, images are manipulated to falsely infer something negative about an opponent or something positive about the candidate. For example, you may have seen unrelated pictures in an ad abutted together to falsely infer a relationship between two people. This is called deceptive framing. Using this tactic, political ads often wrongly infer guilt by association when a candidate's picture is juxtaposed with the picture of someone presumably despised by the voters. The conclusion being prompted is that the opponent and the other pictured individual are ideologically aligned.

Photographic Alterations: Photo editing can be another way political consultants might blatantly manipulate images in a deceptive manner. For example, the candidate's image might be Photoshopped into a picture with a highly respected person, thereby implying an endorsement when none has actually been given.

Visual Vilification: A regrettably favored tactic in a campaign is where a grossly unflattering photograph of an opponent is selected to underscore an attack and put the opponent in a bad light. You may ask why this is unethical. The answer is that a candidate's appearance has nothing to do with the issues of the race. By using unflattering photographs, the opponent is appealing to unconscious voter bias instead of informing voters about the issues.

Native Political Advertising: “Native advertising” is defined by the Native Advertising Institute as “paid advertising where the ad matches the form, feel and function of the content of the media on which it appears.”²⁶ For example, a campaign might create a video that mimics the look of a television anchor delivering what appears to be a genuine news story. In other cases, campaigns have created “news” websites purporting to be an actual news outlet but with only sponsored content. The problem with these news-like videos, websites, and articles is that, unlike legitimate news stories, there is no independent investigation, no vetting of sources, no editors, and no unbiased reporting. By trying to pass these stories off as authentic news rather than political advertising, these campaigns are attempting to manufacture credibility. In other words, the pure intent of what is known as native political advertising is to deceive voters about the origin of the piece.

This type of advertising is not illegal, so long as the videos or articles are marked as paid for by the specific political committee. But, as is often the case, the disclaimer is difficult to find. It is also a problem when the content, once read, gets shared over and over on social media as legitimate news. Just because something is legal does not necessarily make it ethical. Attempting to deceive voters is always unethical, regardless of the legality.

Relevance

We have talked about truth, and we have spoken about fairness. Now let’s discuss relevance.

Since ethical communications must serve to inform the electorate about matters pertinent to their voting decision, it only follows that communications that are irrelevant to the issues facing voters are inappropriate. We have all seen attack ads that talk about a candidate’s

youthful indiscretions, private marital troubles, or problematic behavior on the part of a candidate's family member or associate.

The question of whether these types of attacks are relevant to the issues in the campaign is a tricky one. For example, we may not care if a politician is having an extramarital affair because it has arguably nothing to do with his or her capability to govern. However, if that same candidate is running on a family values platform, the issue of fidelity might suddenly become relevant because it demonstrates that the candidate is not being honest with us. As another example, the fact that a known associate of a candidate has been indicted might be unethically used to imply guilt by association – unless there is some direct connection between the associate's wrongdoing, the candidate, and the issues in the race, the associate's wrongdoing is irrelevant to our voting decision and thus an improper topic for campaign rhetoric.

The motivation behind these negative attacks is germane to whether the attacks are ethical. You as a voter must ask yourself, are the spots designed purely to appeal to your emotions or inherent bias, or is the content in the ad pertinent to a legitimate interest that you care about in the race. Political Science Professor L. Sandy Maisel, in the essay *Candidates: Promises and Persuasion*, advises candidates to ask themselves:

1. Why am I doing this?
2. Does the importance of the issue outweigh the costs I am inflicting on another person and family?
3. Does this issue really define the difference between me and my opponent on a criterion that the public should be using to judge us?²⁷

We as voters should ask the same questions about the candidate's motivation and ethical decision making.

Maisel also proposes that candidates should consider the impact that negative attack ads have on democracy in general. Studies have shown that negative attacks not only have the intended effect of lowering trust in the target of the attack, but also have the consequence of lowering trust in the attacker. Maisel concludes, the overall result is increased public disapproval of politicians as a group and of the political process in general.²⁸

Substance

There has been a troubling trend in recent years where candidates are advised to provide as little information as possible regarding their policy solutions. The purported idea is to allow the candidate's positions to evolve during the course of the campaign, which is hampered if the positions are "engraved in stone." The actual reason for being less than forthright about positions is to avoid creating a record of ideas with which the electorate can find fault. In other words, these candidates are being advised not to give their opponents ammunition they can use for an attack or a reason for voters to say no.

We as voters should demand substance, not sound bites, from those seeking office. Failure to disclose positions is the antithesis to the ideal of creating an informed electorate. Above all else, campaigns should be a clash of ideas, not a battle of personalities. The ethical campaign has substantive position statements presented on the campaign website. The ethical candidate responds in detail to interviewers and doesn't dodge debate questions. Many ethical candidates engage with their voters in town hall campaign events, taking questions from the audience. They

also create blog posts communicating directly to the voters about their ideas.

True, Fair, and Relevant: Applying the Criteria

Recently, I was asked to comment on a race for a law enforcement position where one candidate claimed that his opponent, a law enforcement officer, was caught up in a police sweep of a brothel in Las Vegas more than 11 years ago. My gut reaction was, "How awful! How could an officer of the law violate the law by visiting a house of prostitution?" Then I paused and thought to myself that before I let my gut make political decisions for me, I should run this charge through the same analysis I advise voters to make when deciding whether a political communication is ethical.

I researched the brothel story to see if it was true, fair, and relevant in order to determine if the charge was fair game in this political race. It turns out, the candidate *had* been caught up in a police sweep of a brothel in Las Vegas. So it WAS true. Case closed? Not so fast.

Researching further, it turned out that the candidate was not inside the brothel, as claimed by his opponent. He never went inside. Rather, he was outside waiting for his boss. He was never charged with any crime. So, while it was true he had been caught up in the sweep, the implication that he had violated the law was not fair.

Now knowing the facts, I asked myself, "Is it relevant to my voting decision whether 11 years before, the candidate exercised questionable judgment by waiting for his boss outside of a brothel?" The relevance question is truly a subjective one that each of us will answer differently. However, the ability to answer that question requires a knowledge of all the facts.

So the next time you see a negative charge in a political race (and I promise you that in the weeks before any election you will), take a moment to do a

little research. You may find that political accusations often tell you more about the ethics of the accuser than about the accused. And that is information you can use at the polls.

TAKE-AWAYS

Here are ten things to look for when assessing ethical campaign communications:

- 1. Is the candidate truthful in his or her communications?*
- 2. Has the candidate vetted claims before making accusations against the opponent?*
- 3. Does the candidate have evidence supporting negative statements?*
- 4. Are the candidate's statements fair in addition to being truthful?*
- 5. Are the candidate's communications about topics that are relevant to the issues in the race?*
- 6. Does the candidate help inform the electorate by developing substantive policy positions?*
- 7. Does the candidate have an informative website?*
- 8. Does the candidate interact with voters?*
- 9. Is the candidate available to the press?*
- 10. Is the candidate willing to debate with his or her opponent?*

CASE

During a primary campaign for the state senate, the candidate sends out a glossy campaign brochure featuring a photograph of himself sitting at a desk with the state seal hanging on the wall behind him. There is a credenza behind him that contains what look to be family portraits. It is a beautiful shot conveying competence and authority. The candidate looks like the officeholder that he wishes to become.

When the brochure is received by the public, some individuals notice that the photographs on the credenza are actually those of the governor's family. This revelation leads to speculation as to whether the governor let the candidate use his office for a political photo shoot in violation of state law and whether he was implicitly endorsing the candidate. The opponent has the photograph analyzed and asserts that the picture was digitally altered by superimposing a picture of the candidate over a photo of the governor.

In his defense, the candidate claims that he doesn't remember when the photograph was taken, but that he had been in the Governor's office many times as a citizen volunteer. He says that the photo must have been taken on one of those occasions. He disavows any knowledge that the picture was digitally altered, saying that the brochure was created by his political consultant. He says that if it was altered, it was done without his consent. He asserts that this issue is just a smokescreen by the opponent to divert attention from the real issues facing the state.

Is the candidate's conduct ethical? Why or why not?

CHAPTER 3

DOES THE CANDIDATE MAKE ETHICAL CAMPAIGN PROMISES?

Are you a politician or does lying just run in your family?

— Fannie Flagg, “Fried Green Tomatoes at the Whistle Stop Cafe”

Ethical campaign promises should be realistic, clearly articulated, made with the intent to fulfill the promise, and capable of being accomplished. An ethical candidate doesn't make promises about something that he or she does not have the power to achieve. For example, a state legislator has limited authority in an area under the purview of the federal government and therefore can't make a promise to do something that is solely within the jurisdiction of Congress. As another example, a person in an executive position cannot promise to bring about a result that can only be achieved through legislation.

Ethical campaign promises should also be consistent. Candidates who promise one group one thing and another group the opposite lose all credibility and demonstrate a lack of integrity. In the days before the internet, social media, and the 24-hour news cycle, politicians may have been more able to get away with being “flexible” in their commitments. Today a politician who makes inconsistent promises will most likely find him- or herself explaining on the nightly news.

Where a campaign might be tempted to make inconsistent promises is when seeking endorsements from various interest groups. A current standard practice is for interest groups to require candidates to answer questionnaires prior to endorsing. In concept this is perfectly reasonable, as groups want to ensure that the candidate's interests are aligned with theirs prior to giving their support. However, candidate responses to questionnaires are often kept confidential – purportedly to allow the candidate to feel more

comfortable answering. But when a campaign really needs an endorsement, secret responses provide the temptation to answer one way for one group of endorsers and entirely differently for another group.

Another problem with confidential questionnaire responses is that candidates are in essence creating secret obligations on matters about which voters have a right to know. Voters and the news media should demand that candidates make all responses to questionnaires public. If an endorsing group does not want their questions and the candidate's responses to be made known, it should give voters cause to question the endorser's – and the candidate's – motives to keep this knowledge from the voters. Are the endorsing groups creating an obligation that they know voters won't like but that can be used to put pressure on the candidate once in office?

TAKE-AWAYS

Here are five things to look for when evaluating the ethics of campaign promises:

- 1. Does the candidate make promises with the good-faith intent to fulfill them?*
- 2. Are the candidate's promises realistic?*
- 3. Is fulfilling the promise within the jurisdiction of the office the candidate is seeking?*
- 4. Does the candidate make contrary promises depending upon the recipient of the promise?*
- 5. Is the candidate's promise-making transparent so the voters know to whom and to what he or she is committed?*

CASE

The candidate is running for office in a three-way race. One of his opponents has just announced that she will not sign any pledges or answer any questionnaires propounded by special interest groups because to do so will tie her hands later and leave her without the benefit of hearing from all sides of a legislative issue. She calls upon all candidates in the race to do the same. A prerequisite to receiving endorsements from a number of these special interest groups is to first answer their questionnaires. The other opponent in the race is answering as many questionnaires as he can and is racking up endorsements. The candidate decides to answer the questionnaires but makes his responses public on his website.

Is the candidate's conduct ethical? Why or why not?

CHAPTER 4

DOES THE CANDIDATE RAISE AND SPEND CAMPAIGN MONEY THE RIGHT WAY?

Washington is like a strip club. You got people tossing dollars, and people doing the dance.

— Mike Huckabee, former Republican governor of Arkansas

Campaigns are expensive. A campaign must be able to get the candidate's name and message out to the people, and that takes money. Given our current campaign finance system, unless a candidate is a self-funder, he or she will have to ask others for contributions. Even self-funders sometimes ask for money because the press uses amounts raised by a campaign as an indication of a candidate's popularity. Debate organizations use fundraising numbers to determine whether a candidate qualifies to get on the debate stage. The old adage, "money begets money," was never as true as in political fundraising.

The problem with our current system is that we generally distrust candidates who receive money from others, fearing that the mere fact of a political contribution creates a bias in favor of the contributor.²⁹ The fact that a candidate has received a contribution and later takes an official action in favor of the contributor may not be evidence in and of itself of corruption. However, the public may nevertheless believe that the candidate is in the pocket of the donor.

Most politicians are not corrupt. They are civic-minded people who want to enter public service and enact change for the common good. Regrettably, they are faced with the unenviable dilemma of having to "beg" for campaign contributions before they can help their communities. And because of this,

they are vilified before they even begin. How can you identify candidates who are fundraising honestly and spending campaign contributions properly? The following line of inquiry may help.

Does the Candidate Maintain Independence from Contributors?

Most elected officials don't engage in the type of quid pro quo politics where a candidate or official says to a donor, "If you give me money, I will do X for you personally." That, of course, would be illegal extortion. The flip side, when a contributor says, "If you do X for me, I will give you campaign funds," is also illegal. That's bribery. Although these illegal activities do occur, it's often in other more subtle and legal ways that money influences policy.³⁰ Accordingly, this is not an area where the law alone should inform actions, but rather the candidate's ethics.

Public officials take on certain ethical duties when they enter public service, including the duty of impartiality. This means they have an ethical responsibility to treat all constituents equally, not just those who donated to their campaign. Ethics requires that a candidate be willing to risk his or her financial relationships, and possibly the ability to get elected, by maintaining independence, not substituting their donors' judgment on issues for their own. Candidates must be committed to the people alone, not to moneyed interests.

As a voter, watch out for any candidate that changes campaign positions not because of a heartfelt belief that the policy will serve the common good, but rather because the change in policy will result in campaign contributions. If the candidate is an office holder, determine whether he or she has a record of favoring donors over other constituents or is unduly influenced by donors in creating policy once elected. It's always possible that the public's interest

and the donor's interest align, but that conclusion should only be reached after honest reflection on the official's true motivations.

It's helpful to have a framework to evaluate the candidate's actions. The Markkula Center for Applied Ethics has developed the "Framework for Ethical Decision Making," which has been used by professionals the world over. By posing a series of questions, the framework provides ethical filters for looking at ethical dilemmas. The framework can be found in the Appendices of this guide or online at www.scu.edu/ethics/framework.

Does the Candidate Manage Donor Expectations?

Since the common wisdom seems to be that "money talks" in politics, it should not be surprising when donors believe that their money will "speak" to the candidate and successfully sway the candidate toward their point of view. What should you look for to determine if the candidate counters this belief by managing donor expectations?

Check to see if the candidate is forearmed with clearly articulated positions. The candidate should be prepared with substantive policy statements on the campaign website. The candidate's positions should be reinforced by consistent messaging in ads, campaign events, statements to the press, responses to debate questions, and answers to candidate questionnaires. Well-publicized policy objectives will make it less likely for donors to believe the candidate will change his or her mind because of financial incentives.

How does the candidate ask for money? When making solicitations, the ethical campaign is clear that the only reason a person should contribute is that on balance, the donor supports the candidate's policy objectives. For those matters yet to be anticipated, the candidate should use best judgment based on experience, knowledge, and values. A general statement on the

campaign website regarding the candidate's philosophy on contributions is one indication that the candidate is educating donors about what they can expect. Another would be a friendly disclaimer on campaign solicitation materials that alerts donors to the fact that campaign contributions will not provide greater access or influence. An example of a disclaimer might be:

Dear Friend,

We are grateful to you for your contribution! By contributing you have joined your neighbors and friends who believe that together we can bring about a better future for our children. Your generous contribution will help pay for the campaign-related expenses necessary for our success on Election Day. Of course, no outcome is guaranteed, nor is greater access or influence promised as a result of a political contribution. What I do promise is to always use my best judgment to take actions that further the common good. Thank you for your belief in me.

The fact that a candidate sends a loud and clear message that he or she cannot be bought or influenced by contributions may be a helpful indicator that the candidate will be an independent, impartial public official once in office.

Does the Candidate Disclose Donor Information?

Voters are distrustful of anonymous contributors. We want to know to whom a candidate is beholden and who might be trying to exert influence. If a candidate is afraid to be publicly aligned with a particular donor for fear it will hurt his or her chances with the general electorate, the candidate should not be tempted to take the contribution in the first place. Ethical campaigns hire professionals knowledgeable in the political reporting requirements

governing the candidate's chosen office to make sure proper disclosures are made.

Ethical dilemmas regarding disclosure also arise when donations are not made directly to a candidate, but rather to an independent expenditure committee (I.E.) that indirectly supports the candidate. Some independent expenditures are made by organizations that don't have to disclose their members.³¹ It may be difficult for a candidate to know of the existence of an I.E. or the contributors to it. However, the candidate should always be forthright about the need for transparency in campaign finance and encourage disclosure on the part of any group raising money and acting on the candidate's behalf.

Does the Candidate Refrain from Using Public Resources for Campaigning?

An ethical dilemma peculiar to those candidates who already hold office is the temptation to use public resources to help defray campaign costs. Public officials have an ethical duty of loyalty to the public they serve. This means they must put the public's interest before their personal political pursuits. Implicit in this ideal is the principle that a public official cannot use taxpayer-funded public resources for political gain. For example, a candidate cannot use government office space, equipment, vehicles, or email accounts for campaign-related activities. Nor should an official use any indicia of office, such as agency letterhead or the agency seal, on campaign materials. The same holds true for using official public meeting time as an opportunity to make a campaign speech.

An incumbent cannot use his or her government franking privilege or mass mailing budget for campaign purposes. In fact, many jurisdictions have restrictions on incumbent mass mailings or other official contact with voters

– even for governmental reasons – close to an election. Other rules prevent images of uniformed law enforcement in campaign materials or commercials. Candidates who disregard these guidelines are showing they cannot be trusted with public resources.

Also, be wary about government staff participation in political campaigns. Government staffers owe their allegiance to the public that pays their salaries. They too are considered a public resource. They are hired to help all constituents, not just those who support the official's election. Some may argue, correctly, that staffers have an independent First Amendment right to support their boss's campaign if they wish. However, they must not be coerced into helping, and they must do so voluntarily on their own time and on their own dime. Because it is so easy for the lines to become blurred, many incumbents have a strong firewall between government and politics, and don't allow their staff members to participate at all in their campaigns. You may want to give "extra credit" to a candidate with a thick wall, where there is no chance that staff will perceive any implied coercion.

It is also unethical for a candidate to ask government staff to contribute to his or her campaign. Staffers may feel an implied threat that if they don't contribute to their boss's campaign, they will lose their job. By soliciting campaign funds from staff, the official may be sending a message to employees that staff loyalties should be to the official first rather than to the public that they were hired to serve.

Note too that it would be a misuse of public resources for a candidate to ask government staff to look into a matter that would benefit the campaign. A good rule of thumb, as stated by California's Institute for Local Government, is, if the candidate wouldn't ask staff to look into a matter if he or she wasn't running for re-election, it isn't appropriate to ask staff to look into it when the candidate is.³²

Is the Candidate a Good Steward of Donated Campaign Funds?

When people donate funds to a cause, be it a political campaign or a nonprofit, they expect the funds to be used to further the organization's mission. In the case of campaign contributions, the expectation is that the funds will be used for legitimate campaign operations to help get the candidate elected. That is why outrage erupts when contributors learn that their donations have been used for personal purposes such as flying the family pet rabbit across the country (the way Republican Duncan Hunter did³³) or purchasing Michael Jackson memorabilia (the way Democrat Jesse Jackson Jr. did³⁴).

When campaign funds are used for the candidate's personal benefit with the donor's permission, the appearance is that the funds are a blatant attempt to wield influence. The donation looks more like a gift (or a bribe) rather than a legitimate political contribution.

For these reasons, many jurisdictions have legislated parameters on appropriate campaign spending. For example, in California, expenditures of state campaign funds are highly regulated and must be "reasonably related to a political, legislative, or governmental purpose." The rules require, among other things, that mileage spent for travel is reimbursable if related to the campaign, but clothing is a personal expense and campaign funds generally cannot be used for attire. A campaign may use funds to purchase office equipment, but if it purchases any vehicles, the title must be held by the campaign committee. A campaign meal that is less than \$200 can be reimbursed if "reasonably related" to a campaign activity. If the meal costs more than \$200, there must be a direct connection between the meal and the campaign.³⁵ As you can see, these rules are very specific and can become quite complicated. If you think a candidate is violating campaign

finance rules, consider contacting the agency overseeing campaign ethics laws in your jurisdiction—and consider withholding your support.

TAKE-AWAYS

Here are five things to look for when assessing whether a candidate raises funds and pays for his or her campaign ethically:

- 1. Does the candidate maintain independence from funders?*
- 2. Does the candidate manage donor expectations?*
- 3. Does the candidate disclose donors?*
- 4. Does the candidate use public resources for political purposes?*
- 5. Is the candidate a good steward of donated campaign funds?*

CASE

The candidate is an incumbent state legislator seeking re-election. She has a group of eight old college friends who get together in Napa every year to reminisce, catch up, and drink good wine. The group always stays at the wine country home of one of the friends. The host's husband is a successful paving contractor and the couple always pays for everything associated with the weekend.

This year, the host and her husband are additionally planning to hold a fundraiser for the candidate's re-election campaign during the winetasting weekend. Six weeks before the event, the candidate and the host get together to discuss the fundraiser invitation list in the candidate's government office. The host tells the candidate that she will induce others to make a significant donation to the candidate's campaign at the event, and then the host casually mentions that her husband plans to bid on a significant state contract for the first time. The candidate doesn't say anything, smiles, and turns her attention back to the guest list.

Is the candidate's conduct ethical? Why or why not?

CHAPTER 5

DOES THE CANDIDATE'S CAMPAIGN ORGANIZATION HAVE AN ETHICAL CULTURE?

It is a terrible thing to look over your shoulder when you are trying to lead and find no one there.

— Franklin Roosevelt

As with any organization, it is important for the leaders to set the ethical tone at the top. In the campaign setting, the leaders are the candidate, campaign manager, strategic political consultants, and senior staff. To see if a campaign organization is being run ethically, it's useful to know if the candidate has articulated a clear set of standards by which the campaign is to be run. The campaign leaders need to model the ethical behavior that the standards represent. The campaign leaders should make it known that the standards are applicable to all staff, volunteers, and anyone acting on the candidate's behalf whether they are associated with the campaign or not.

One sign of an ethical campaign would be if the organization has a campaign code of conduct. Certainly, a campaign can be managed ethically without one, but a code of conduct will inform the candidate's strategy and establish clear guidelines for the candidate, staff, and volunteers. Voters can then see if the code is guiding the candidate, even in the heat of the battle when ethical lapses are most likely to occur.

A code of conduct should reflect the core values of the candidate. For example, the code might take into consideration commitment to the public good, honesty, transparency, accountability, integrity, and fairness. The code should establish what kind of campaign conduct comports with these

identified values. The code of conduct should make it clear that it applies to anyone involved in the campaign.

To get an idea of what codes can entail, it is helpful to look at a few campaign ethics codes enacted by state legislatures to serve as guides. California, for example, has a voluntary Code of Fair Campaign Practices that is given to all candidates when they file to run for office. California Election Code §20440 provides, in pertinent part:

CALIFORNIA CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammelled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties that merit this criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections, or that hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group that resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics that I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.”

Campaign codes often provide a place for the candidate to sign. When you are assessing the ethics of a candidate it is helpful to find out not only whether the candidate has signed a code of conduct, but also whether all staff and volunteers have committed to run an ethical campaign. A good indicator of a candidate’s commitment to ethics is whether he or she makes sure that all associated with the campaign are educated about the candidate’s values and vision for how the campaign should be run.

Ethical campaigns often have one person who is designated as the de facto ethics officer. Note that this is a separate individual from campaign legal counsel. The ethics officer is a staffer or associate who is prepared to act as an advisor to the candidate when ethical dilemmas arise. The ethics officer is generally responsible for vetting all communications issued by the campaign to ensure they comport with the campaign’s values. If a communication is negative, the ethics officer should confirm that the topic is true, fair, and relevant and that there is documentation supporting the allegations. If the campaign communication creates a deceptive inference, it is up to the ethics officer to advise against it. The ethics officer will also oversee actions of consultants, staff, and volunteers to ensure compliance with the code of conduct and should have authority to recommend consequences arising as a result of a violation of the code.

There are many rules and regulations governing campaigns including campaign finance, report filing, signature gathering, advertising content, and signage. These rules are often complicated and provide traps for the unwary.

It's not unusual for unscrupulous opponents to anonymously file ethics complaints so that the headlines scream, "Ethics Complaint Filed Against [Candidate X]!" Even if the accused candidate is exonerated, the damage is often done just by virtue of the fact that a complaint has been filed.

Knowing that ethics claims can be used as a weapon in a political campaign, you may want to research the filed complaint to determine whether the existence of the complaint is relevant to your voting decision. Determine who filed the complaint. What was their motive? Was it an honest mistake due to the complexity of the laws, or was it an egregious ethical violation?

Finally, does the candidate demonstrate an honest commitment to ethics? Does his or her announcement speech emphasize the candidate's commitment to running an ethical campaign? Does the candidate publicize a commitment to ethics both on the campaign website and in public interviews? Does the candidate post a signed campaign code of conduct on the campaign website? Has the candidate taken a course on government and/or campaign ethics? When the candidate debates, does he or she provide respectful and substantive responses to debate questions?

When asked by the press to comment negatively about an opponent, does the candidate refuse the bait if the topic is not true, fair, or relevant to the race? Does the candidate try to steer the conversations with the press back to the true issues in the race? Does the candidate challenge the opponent to run an ethical campaign? Does the candidate seem sincerely interested in raising the level of political discourse? Does the candidate have the ability to disagree without being disagreeable?

TAKE-AWAYS

Here are five things to look for in assessing the ethical culture of the campaign organization:

- 1. Does the candidate set the ethical tone at the top of the organization?*
- 2. Does the campaign have a written code of conduct signed by the candidate, staff, and volunteers?*
- 3. Does the campaign have a designated ethics officer?*
- 4. Has the campaign retained professional counsel on campaign ethics laws?*
- 5. Does the candidate demonstrate a commitment to ethical campaigning?*

CASE

According to the pundits, the chances are about fifty-fifty the candidate is going to lose re-election. A good friend has told the candidate that he has decided to spend \$1,000,000 in independent expenditures on the candidate's behalf. The candidate gives his friend immense thanks but lets him know that the law prohibits the campaign from coordinating with any Independent Expenditure Committees. The candidate tells his friend that this is the last that they can ever speak of it.

Delighted, however, the candidate mentions the good news to his campaign manager in confidence. The next day there appears new content on the campaign website. It is an open letter to supporters from the campaign manager detailing a campaign wish list of items that their contributions will help buy. The wish list includes the content of potential ads and details about potential ad buys in different media markets, information that could prove very helpful to an Independent Expenditure Committee wondering how best to help the campaign. Reasoning that neither he nor the campaign have actually coordinated with the Independent Expenditure Committee, the candidate says nothing to his campaign manager about the new content on the website and does not instruct the webmaster to take it down.

Is the candidate's conduct ethical? Why or why not?

CHAPTER 6

DOES THE CANDIDATE DEMONSTRATE ETHICAL LEADERSHIP?

By Ann Skeet

Ten soldiers wisely led will beat a hundred without a head.

— Euripides

If you've read to this point, you have most of the tools you need to assess the leadership practices of a candidate for elected office. Many of this publication's previous chapters touch on leadership fundamentals that can be applied from the Practice of Ethical Leadership³⁶, a model that explores ways leaders reinforce ethical leadership across all sectors.

Leadership ethics is the study of ethical issues and dilemmas faced by people in leadership roles. It includes who we vote for in elections, since leadership ethics is about issues of leadership and followership.

Ethical leadership is doing the right thing as a leader. How does one determine what is the "right thing" for a leader to do at a certain point in time? First, there are specific actions people in formal leadership positions can take to promote ethical behavior. Second, a leader's character *and* her actions combine to create the impact she can have in her role. This combination of being and doing define the impact a leader can have in her position.

The Candidate as a Role Model

For many voters, a fundamental material element in deciding to vote for someone centers on the candidate's character. While this may appear to be less true in recent election cycles, this publication begins by asking the

reader to consider whether or not the candidate takes the high road. That is the heart of the “character question.”

Leaders spend most of their time learning how to do their work and helping other people learn how to do theirs, yet in the end, it is the quality and character of the leader that determine the performance and results.

— Frances Hesselbein

We have seen leaders with tremendous expertise and years of experience in elected office plagued by questions of integrity and character that ultimately undermine their ability to accomplish lofty goals. We have also seen leaders with sterling reputations, frequently referred to as being a “good guy,” but without experience or expertise to excel in leadership roles.

You want the candidate with both the ability to be a role model and to accomplish great things. There are those who suggest, however, that one should focus on character over competence, since skills can be taught, but integrity and trustworthiness tend to be ideals a person holds and represents or does not. Following the same truism that one should hire for character, so voters, too, should place significant weight on this aspect when considering candidates for elected offices.

It’s often noted that power corrupts people. Thus, one can expect that public office holders face a significant test of moral character since elected positions carry with them significant powers of the office. These are valid reasons to consider character the cornerstone of a person’s candidacy for elected office.

The Candidate as a Community Builder

In chapter 5, we explored the hallmarks of ethical campaign organizational cultures. To help leaders consider what they can do to foster healthy

culture³⁷, I suggest they focus on building a community of supported relationships. We know that individuals thrive when part of such relationships. The steps leaders take to create healthy cultures inevitably lead to organizations that function in ways that respect all aspects of the organization, where the people working in them think about their work in positive ways. The strongest cultures are integrated ones, where people work collaboratively together. How well a campaign functions indicates how well the candidate can lead people in different roles and expertise. It is one proxy for the candidate's ability to build and maintain healthy communities.

What can the voter look for to know if the candidate places a priority on building healthy communities? First, the candidate should have a clear message around what she wants to accomplish in office. Think of this as a corollary to an organization's mission or vision: what does this person want to accomplish as an elected official? In chapter 2 and 3, we explored the nature of the candidate's communications and the promises made. These are both good barometers of the worthiness of the candidate's goals. Voters should listen for cues that the candidate wants to serve the office and not the other way around.

Voters should look for evidence that candidates are committed to building strong communities. People especially adept at community building can identify various stakeholders, forge agreements between them, and remain committed to those agreements over time.

Candidates who bring their personal stories to the campaign trail to signal their values, their goals, and their personal practices are exemplifying a strong leadership practice. It is another way to forge relationships between the candidate and the constituency they hope to lead and signals openness – a willingness to be known – that is critical in establishing authentic relationships.

The Candidate Encourages Ethical Conduct

People serving in formal leadership roles accept responsibility for proactively creating an environment of trust within an organization and between an organization and its constituents. Candidates demonstrate their commitment to moral behavior by encouraging moral behavior.

There are certain activities that leaders can undertake to encourage ethical conduct. They can build moral awareness, recognizing when a situation raises ethical issues by identifying them and naming them as such. Often people especially skilled in this way reframe issues to bring ethical considerations to the forefront. They practice moral decision-making, explicitly taking care and time to determine which course of action is ethically sound. They demonstrate moral intent, identifying which values are taking priority as they make decisions. And they act morally by following through on ethical decisions.

Look for a candidate who demonstrates an understanding of these powerful, explicit acts, but also one who understands that we are all human and that, sometimes, being human gets in the way of moral, ethical behavior. This pragmatic understanding means that a candidate is more likely to support conditions in her campaign and managing herself that will prevent moral missteps. For example, people are more likely to make ethical lapses when they are tired and physically compromised. Does the candidate take reasonable care of herself and promote a practice of doing so in her campaign?

Another blind spot to ethical conduct is moral fading – failing to recognize when an issue or decision is an ethical one and allowing it to be recast as a business or political decision. Look for candidates who invite others to challenge their thinking and are comfortable walking through their decision-

making processes. Many of us make judgments using our intuition rather than our reasoning. Though this works well for many people, it also may allow biases we have to be exploited. A candidate who reverses herself because she has paused to reason or received new information is a sign of candidate with disciplined decision-making and personal courage. She is willing to accept correction or new information causing her to change her mind or position. And she is tough enough to handle the criticism.

The Candidate Plays Her Position

At the heart of an ethical leadership practice is the leader's commitment to representing the correct interests as called for by the position, or office, one holds. A modern-day sports analogy works well for capturing the essence of this objective. In the leadership model I've developed, I refer to this as playing one's position.

For officeholders, this is one of the clearest distinctions the model offers. Elected officials take oaths as they enter office and those oaths lay out with precision the interests the official is committing to uphold. Sometimes these oaths even make clear an order of preference of various interests that must be supported by the officeholder.

In modern-day politics, a great challenge to this simple principle comes from the system developed in the United States and other countries to advance candidates toward election, the political party system. Originally envisioned as a means to an end, in some people's minds party affiliation has become an end itself. We have countless examples where elected officials continue to pursue loyalty to party at the expense of the interests they have vowed to uphold when entering office. This weakens a system built on serving these oaths, such as democracies. Voters contribute to this problem when they demand absolute fealty to points of view advanced during elections and push

the person who is now in office to place promises made on the campaign trail above the interests outlined in the oath of office.

The challenges faced in office often appear quite different once a candidate is now the officeholder. She now has additional information, a new perspective and growing expertise. This shift is examined in a report prepared by a business CEO, Katherine Gehl, and an academic strategist, Michael Porter, "Why competition in the politics industry is failing America: A strategy for reinvigorating our democracy."³⁸ In the report, the two apply a model Porter developed as a professor at Harvard Business School to the political party system, which they analyze as an industry. They conclude that the parties are committed to their continuing existence more than they are committed to producing candidates who will uphold oaths of office. The report identifies the problems this creates and some recommended remedies.

When Things Go Wrong, the Candidate Acts to Clarify

We learn a lot about people by how they respond in adverse circumstances. For candidates, this can be when they make a mistake, misspeak on the campaign trail, or when someone in their campaign organization falters. These moments offer leaders a chance for a "do over," if you will, a chance to correct errors or reset expectations among staff and followers.

Since leadership ethics explores the ethical dilemmas faced by leaders and followers, these moments when an error has been made become critical moments in followership. What should you look for in your candidate? The leaders with the strongest ethical practices will lean on the original vision or purpose they have laid out for their candidacy and accept responsibility for what has happened. Moving forward, they will make clear the behaviors they will not tolerate on behalf of their candidacy.

This is an opportunity to clarify the culture of the campaign, to reset the priorities and values the candidate is running on, signaling to those working on the campaign and following it what the candidate herself stands for. The candidate might continue to support certain goals but eschew specific tactics to reach those goals, if the tactics do not meet the standards they have set for the campaign. Followers should listen for some evidence of self-reflection and learning on the part of the candidate and a clear explanation for what will be different going forward. Suggestions that others outside the campaign are to be blamed, or that opponents forced the candidate's hand to act this way, may be signs that the candidate is not completely comfortable with the leadership position she is seeking.

The Candidate Contributes to Improving the System

It is a rare leader who can, in addition to fulfilling the obligations of her role, contribute to improving the ecosystem in which the role exists. For business leaders this might look like addressing systemic issues in employment, such as improving pay equality and developing more inclusive work environments. For the elected official, this is someone who has the capacity to contribute to addressing necessary changes in the political system.

This is very different than introducing legislation or regulation aimed at meeting commitments on the campaign trail. Often those most effective at systemic reform have experience in the position and have developed reputations for commitment to the process of politics more than to the goals of a political party. Sometimes, the leader capable of affecting this kind of change is willing to personally sacrifice in a way that has political cost to her or her constituents to serve a larger purpose of reform. In the political realm, this is often someone who can identify the common good and show followers why they should also be committed to it.

If a candidate is running for office for the first time and does not have a track record that offers voters insight into this capacity for redesigning complex systems, it can be difficult to evaluate the candidate's potential in this area. Past performance in other roles; rhetoric that offers a future, improved vision; and sacrifice of personal goals over common goals are things that voters can look and listen for to evaluate potential leadership capacity in an individual.

The Impact of a Strong Ethical Leadership Practice

The power of each voter's contribution to an election outcome is one of the most compelling attributes of healthy democracies. Armed with information to assess the ethical leadership practice of any candidate, a voter has a method for assessing the potential impact of that candidate once they reach office.

Think of the model as one of cumulative effect, which a visual aid on the website of the Markkula Center for Applied Ethics³⁹ reinforces. Character is the cornerstone of the model. If the candidate suffers from weak moral character, all actions that person takes will be undermined by the doubt those weaknesses represent in followers' minds. Conversely, if the candidate has a strong character, this provides confidence to followers.

Not all candidates will be equally strong in all the various actions that can be taken to sustain ethical leadership: creating community, encouraging ethical conduct, playing one's position, clarifying culture, and designing healthier systems. Candidates who can contribute in all these areas have the greatest potential for impact. This is the benefit the follower, or voter, can work to assess. Combined with the candidate's character, these abilities point to achievements this candidate can contribute to once in office.

I've often heard voters identify weaknesses in candidates and then acknowledge that it is a weakness they also share. This can sound like making the statement, "Well, I'm not any good at that either, but that's why I'm not running for office." Within this self-reflection is the notion that those of us with flaws should not run. We should not be looking for perfect people to hold office, however, because they don't exist. We should be looking for people who want to serve the office they seek, to uphold the commitments they make, rather than people seeking to gain power for their own personal satisfaction or interests. In this way, the voter's character and actions contribute to the political process in much the same way as the candidates', and the practice of ethical leadership can offer as much to the person voting as it can to the person seeking office.

CHAPTER 7

WHAT CAN YOU DO TO ENCOURAGE ETHICAL CAMPAIGNS?

Public sentiment is everything. With public sentiment nothing can fail; without it nothing can succeed.

— Abraham Lincoln

According to a CBS News Poll in 2017, 68 percent of people surveyed believed that "the overall tone and civility in American politics over recent years" is getting worse.⁴⁰ Since politicians sadly don't seem to be willing to rein themselves in, it is up to us to send them a message that we want them to conduct civil and ethical campaigns. Here are a few suggestions on how you can do just that.

Publicize Your Commitment to Ethics in Political Campaigns

Contact campaigns in your area and let the candidate know that so long as you agree with the candidate's policies, you are planning on casting your vote for the candidate who runs the most ethical campaign. Most campaign websites have a contact form where you can provide comments such as these to the candidate.

Write letters to the editor of your local paper telling them of your commitment to ethical campaigning. In your letter let your neighbors and the candidate know that all things being equal, you will be voting for the candidate you deem most ethical at the end of the campaign.

Create a Campaign Ethics Report Card

Another suggestion is to grade candidates on their ethics and send them a report card. The report card would evaluate the candidates on a scale from

one to ten with ten being the most ethical. The total amount would represent the candidate's campaign ethics score. The higher the score, the more ethical the candidate.

At the beginning of the campaign, share the report card criteria with candidates and alert them to the fact that they will be graded. In your letter to the editor described above, you can also share your intent to grade the candidates. The completed report card would then be sent to the candidate and the media a month before Election Day, as early voting begins.

We suggest that candidates be evaluated on the following criteria:

CANDIDATE ETHICS REPORT CARD

Is the candidate respectful to his or her opponent?

Does the candidate have a code of conduct for his or her campaign?

Does the candidate discourage dirty tricks?

Does the candidate stick to the issues and refuse to engage in mudslinging?

Are the candidate's ads and other assertions true, fair, and relevant?

Does the candidate provide substantive information about his or her policy positions?

Is the candidate willing to debate his or her opponent(s)?

Does the candidate publish his or her answers to candidate questionnaires?

Does the candidate refrain from using public resources for political purposes?

Is the candidate a good steward of campaign funds?

Ask Others to Encourage Ethical Campaigning

Wouldn't it be great to start a campaign ethics movement? One way to get the ball rolling is to enlist your friends and associates on social media. Explain your interest in improving the campaign process. Share your campaign ethics scorecard and suggest that they too grade the candidates on their campaign ethics.

If you are associated with any endorsing groups, you might want to ask them to include questions about campaign ethics in the candidate questionnaires. For example, the candidate can be asked about whether he or she has a code of conduct in place for their campaign. Or the candidate might be asked what his or her strategy is for responding to political attacks.

You can also reach out to newspaper editorial boards and ask them to include questions about campaign ethics in their endorsement interviews.

Contact well-regarded government groups, such as the League of Women Voters, and share with them your ethical scorecard template so their members can also judge candidates on their ethics.

You may want to contact the local leadership of the political party with which you are affiliated and ask the party to include campaign ethics as part of their party platform.

Consider contacting organizations that are sponsoring debates and asking them to include questions about campaign ethics in the debate questions.

Encourage Ethical Political Debates

Political debates, particularly for presidential races, often leave us begging for more. The sound bites and zingers tossed around on the debate stage give us very little information about what a candidate stands for or how he or she will react in any given situation. It is like we are buying a car simply by viewing it through the showroom window. *The Bachelorette* has more information choosing a mate than we do when choosing a president, and that is a pretty low bar! Based on the premise that our political process is born out of the ethical ideal of creating an informed electorate, the Markkula Center for Applied Ethics has developed the following 15 suggestions for improving the political debate process:

1. Candidates should agree to ethical rules of engagement before being granted permission to debate.
2. Eliminate the live audience except in town hall-style debate formats. (This will help to eliminate the circus atmosphere, discourage grandstanding, and allow more time to be devoted to candidate responses.)
3. There should be more debates, with smaller groups of candidates. (This will help eliminate the yelling from the candidates on the ends trying to get recognized.)
4. The debates should be more conversational and less confrontational, perhaps with moderators and candidates sitting around a table.
5. Each debate should focus on a few specific topics.
6. Candidates should be given the opportunity to respond if his or her policy or record is attacked.
7. All participants should be allotted the same amount of speaking time.
8. Time limits should allow for thoughtful and complete answers, not sound bites.

9. Assuming candidates are allowed sufficient time to respond to the moderator or fellow candidate(s), microphones should be turned off if a candidate exceeds the allotted time.
10. If, after three warnings, a candidate continues to violate debate time or conduct rules, the candidate's stage lighting should be turned off for the duration of the debate.
11. Debates should be taped with a two-hour delay for broadcast, so fact-checking can be accomplished and displayed at the same time television audiences are viewing debate. (This will, it is hoped, result in more honest exchanges.)
12. There should be more interaction between candidates and citizens in town hall formats, and audience members should be allowed follow-up questions.
13. Moderators should ask questions that identify both (a) widely endorsed public goals and (b) how those goals compete with each other in certain policy questions, asking the candidate to explain how they would prioritize or balance those goals in their proposed policy. (This would identify and compare the various trade-offs included in each candidate's proposals.)
14. There should be hypothetical questions which will reveal the principles that inform a candidate's decision-making. (Let's find out what makes them tick.)
15. Moderators should not ask candidates to raise hands to support or oppose a position without opportunity for follow-up, because such questions suggest the framework for the question is set and simplistic.

The Markkula Center for Applied Ethics has also developed the following ethical rules for debate engagement that, if followed, will help inform the voters:

The Markkula Rules of Engagement

Candidates should show respect for the electorate:

They should provide substantive answers to the moderator's questions.

They should be honest, fair, and civil in all their responses.

They should only make promises that are consistent, capable of being achieved, and within the jurisdiction of the office being sought.

Candidates should show respect for their opponents:

They should criticize policies and the record of their opponents, not the opponents personally.

They should refrain from name-calling or other insults.

They should not engage in irrelevant attacks against either their opponents or their opponents' family or associates.

Candidates should show respect for the debate process:

They should not interrupt or shout down fellow candidates or the moderator.

They should answer the question asked.

They should stay within allotted time limits.

You may wish to contact debate sponsoring organizations and ask that they require candidates to operate under these rules of engagement. Ask candidates to agree to these standards of debate conduct—and request that they demand that their opponents do so, as well.

Vote for Ethics

If you have followed the above suggestions, you have told the candidates that you want them to conduct civil and ethical campaigns. You have warned them that you will be grading their campaign based on criteria provided to them. And you have followed their campaign conduct and evaluated their ethics. Election Day is the day to show the candidates that you mean it. If one candidate stands out as the more ethical campaigner – and, of course, if you agree with his or her policies – then by all means, vote for Ethics!

TAKE-AWAYS

Here are five things you can do to encourage ethical campaigns:

- 1. Publicize your commitment to ethics in political campaigns*
- 2. Create a campaign ethics scorecard*
- 3. Start an ethical campaign movement by enlisting others*
- 4. Encourage debate sponsors to adopt ethical rules of engagement*
- 5. Vote for ethics!*

CASE

The daughter of a long-time donor has a paid staff position on the candidate's campaign. One of her tasks is to recruit college student volunteers and supervise them when they show up for campaign events. At the state convention she has organized a "spontaneous" rally providing great optics for the press on how the youth vote supports the candidate. The students are invited to all of the Saturday night convention parties and are provided tickets for free alcohol, even though they are underage.

The morning after these parties, all of the opponent's signs, displays, and materials have mysteriously disappeared. The evidence strongly suggests that the culprits were the candidate's student volunteers, led by the donor's daughter. Not wanting to offend the donor, the candidate does not reprimand the donor's daughter.

Later at a debate, the opponent accuses the candidate of having his volunteers destroy the opponent's campaign materials. The candidate blows up, saying, "How dare you accuse me of that! Everyone knows that YOU are the one who associates with known criminals! You might as well put on the orange jumpsuit now!"

Is the candidate's conduct ethical? Why or why not?

CONCLUSION

The course of history is directed by the choices we make, and our choices grow out of the ideas, the beliefs, the values, the dreams of the people.

— Eleanor Roosevelt

Ethical conduct in political campaigns, as in other human endeavors, requires information, preparation, and personal reflection. With the overarching goal of strengthening democracy, ethical candidates engage in campaign practices that will inform the electorate, restore trust in government, and fulfill ethical duties owed to us, the people the candidate seeks to represent. Candidates who establish early on a set of principles and ethical guidelines for their campaign will help inform their decision-making when confronted with the ethical choices all candidates face in the course of a political race.

Never forget that political candidates are, in essence, applying for a job, and we the voters are their future employers. The job that they seek is a position of trust: we, as future constituents, should be able to trust them to be a good steward of public funds, trust them to always act on our behalf, and trust them to always act in the public's best interest, not their own. When candidates enter public service, they will assume fiduciary duties of loyalty, care, and fairness as a result of the trust we have placed in them. In order to get the job, a candidate's campaign should demonstrate that he or she understands these duties and that the candidate is committed to working for the common good. Political campaigns are often the first time, and sometimes the only way, the public learns about would-be elected officials. If a candidate campaigns with integrity, he or she will send a clear signal to us as to how the candidate will govern.

To borrow from John Adams, imagine a political world where “greatness, not meanness” is the norm, where people trust their elected officials, and where public service is once again considered a noble calling. By dedicating yourself to increasing ethical behavior in political campaigns, you have taken the first step in helping make that vision a reality. So let’s start that ethical campaign movement. Let’s tell the world that we vote for ethics.

END NOTES

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- ¹ Donna Brazile, "Russian DNC Narrative Played Out Exactly As They Hoped," *Time*, March 17, 2017, <http://time.com/4705515/donna-brazile-russia-emails-clinton/>
- ² Katie Reilly, "Read Hillary Clinton's 'Basket of Deplorables' Remarks About Donald Trump Supporters," *Time*, September 10, 2016, <http://time.com/4486502/hillary-clinton-basket-of-deplorables-transcript/>
- ³ Nolan D. McCaskill, "Trump Accuses Cruz's Father of Helping JFK Assassin," *Politico*, May 3, 2016, <https://www.politico.com/blogs/2016-gop-primary-live-updates-and-results/2016/05/trump-ted-cruz-father-222730>
- ⁴ Derek Hawkins, "No, You Can't Text Your Vote. But These Fake Ads Tell Clinton Supporters to Do Just That," *Washington Post*, November 3, 2016, https://www.washingtonpost.com/news/morning-mix/wp/2016/11/03/no-you-cant-text-your-vote-but-these-ads-tell-clinton-supporters-to-do-just-that/?utm_term=.f8f57a9121f4
- ⁵ Ryan Lizza, "Ted Cruz's Iowa Mailers Are More Fraudulent than Everyone Thinks," *The New Yorker*, January 31, 2016, <https://www.newyorker.com/news/news-desk/ted-cruzs-iowa-mailers-are-more-fraudulent-than-everyone-thinks>
- ⁶ Alexandra Jaffe, "Donald Trump Has 'Small Hands,' Marco Rubio Says," *NBC News*, February 29, 2016, <https://www.nbcnews.com/politics/2016-election/donald-trump-has-small-hands-marco-rubio-says-n527791>
- ⁷ Steve Eder and Jonathan Martin, "Videos Put Democrats on Defensive About Dirty Tricks," *New York Times*, October 20, 2016, <https://www.nytimes.com/2016/10/21/us/politics/video-dnc-trump-rallies.html>
- ⁸ Jenna Johnson, "Timeline of Donald Trump and Ted Cruz Bickering About Their Wives," *Washington Post*, March 24, 2016, https://www.washingtonpost.com/news/post-politics/wp/2016/03/24/timeline-of-donald-trump-and-ted-cruz-bickering-about-their-wives/?utm_term=.3f414a66c38c
- ⁹ Robert S. Mueller, III, *Report on the Investigation into Russian Interference in the 2016 Presidential Election*, <https://apps.npr.org/documents/document.html?id=5955997-Muellerreport> (U.S. Department of Justice, March 2019)
- ¹⁰ United States Election Project, "2016 November General Election Turnout Rates," *United States Election Project Website*, *Electproject.org*, <http://www.electproject.org/2016g>
- ¹¹ Drew De Silver, "U.S. Trails Most Developed Countries in Voter Turnout." *Pew Research Center Website*, *PewResearch.org.*, May 21, 2018, <http://www.pewresearch.org/fact-tank/2017/05/15/u-s-voter-turnout-trails-most-developed-countries/>
- ¹² Christine Trost and Matt Grossmann, eds., *Win the Right Way: How to Run Effective Local Campaigns in California* (Berkeley: Berkeley Public Policy Press, Institute of Governmental Studies, 2005)
- ¹³ Letter from John Adams to James Warren, 22 April 1776, *National Archives: Founders Online*, <https://founders.archives.gov/documents/Adams/06-04-02-0052>

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- ¹⁴ Joseph Cummins, *Anything for a Vote: Dirty Tricks, Cheap Shots, and October Surprises in U.S. Presidential Campaigns* (Philadelphia: Quirk Books, 2015), Kindle Edition.
- ¹⁵ Cummins, *Anything for a Vote: Dirty Tricks, Cheap Shots, and October Surprises in U.S. Presidential Campaigns*
- ¹⁶ Bob Greene, “Mudslinging Campaigns Hurt the Country,” *CNN*, September 2, 2012, <http://www.cnn.com/2012/09/02/opinion/greene-campaign-mud-slinging/index.html>
- ¹⁷ Frank Newport, “Most in U.S. Say Politics in Washington Cause Serious Harm,” *Gallup*, January 7, 2013, <https://news.gallup.com/poll/159728/say-politics-washington-cause-serious-harm.aspx>
- ¹⁸ Joe Guzzardi, “Goldwater Refused to Exploit a Sex Scandal Involving Top LBJ Assistant,” *Lodi News-Sentinel*, August 31, 2007, https://www.lodinews.com/opinion/columnists/joe_guzzardi/article_7b3adeaf-cbc4-5d0f-a0ce-24de05e9adc7.html
- ¹⁹ Katharine Q. Seelye, “The 2000 Campaign: The Debate; Gore Aide Receives, Then Lets Go Of Hot Potato,” *New York Times*, September 14, 2000, <https://www.nytimes.com/2000/09/14/us/the-2000-campaign-the-debate-gore-aide-receives-then-lets-go-of-hot-potato.html>
- ²⁰ Jonathan Martin and Amie Parnes, “McCain: Obama Not An Arab, Crowd Boos,” *Politico*, October 10, 2008, <https://www.politico.com/story/2008/10/mccain-obama-not-an-arab-crowd-boos-014479>
- ²¹ “Read Barack Obama’s Eulogy of John McCain,” *New York Times*, September 1, 2018, <https://www.nytimes.com/2018/09/01/us/politics/barack-obama-john-mccain-funeral-eulogy.html>
- ²² Commission on Presidential Debates, “October 21, 1984, debate transcript,” *Commission on Presidential Debates website, Debates.org*, October 21, 1984, <http://www.debates.org/index.php?page=october-21-1984-debate-transcript>
- ²³ Robin Abcarian, “Michelle Obama’s Stunning Convention Speech: ‘When They Go Low, We Go High,’” *Los Angeles Times*, July 25, 2016 <http://www.latimes.com/politics/la-na-pol-michelle-speech-20160725-snap-story.html>
- ²⁴ American Association of Political Consultants, “AAPC Board of Directors’ Declaration Regarding ‘Push Polling,’” *The American Association of Political Consultants Website, TheAAPC.org*, <https://theaapc.org/about-us/policy-statements-2/push-polling-statement/>
- ²⁵ Dana Radcliffe, “The Cost of Deceptive Politics,” *Huffington Post*, November 9, 2012 (updated January 9, 2013), https://www.huffingtonpost.com/dana-radcliffe/political-lies_b_2094820.html
- ²⁶ Native Advertising Institute, “Native Advertising Defined,” *Native Advertising Institute Website, NativeAdvertisingInstitute.org*, <https://nativeadvertisinginstitute.com/resources/native-advertising-definition/>
- ²⁷ L. Sandy Maisel, “Candidates: Promises and Persuasion,” in *Shades of Gray: Perspectives on Campaign Ethics*, eds. Candace J. Nelson, David A. Dulio, and Stephen K. Medvik (Washington, D.C.: Brookings Institution Press, 2002), 55
- ²⁸ Maisel, “Candidates, Promises and Persuasion,” 55
- ²⁹ See generally, Lawrence Lessig, *Republic, Lost: How Money Corrupts Congress—and a Plan to Stop It* (New York: Twelve, Hachette Book Group, 2011)

³⁰ See Lessig, *Republic, Lost*

³¹ Nonprofits organized under Internal Revenue Code Section 501(c)(4) or 501(c)(6) do not have to disclose members. For more information see, https://www.opensecrets.org/outsidespending/nonprof_summ.php

³² Institute for Local Government, "Campaigning for Re-election: Legal and Ethical Red Flags," *Institute for Local Government Website, CA-ILG.org*, August, 2010; updated April, 2014, http://www.ca-ilg.org/sites/main/files/file-attachments/7-red_flags_august_2014_update.pdf

³³ Ricky Young, "Congressman Spent Campaign Funds for Rabbit Air Travel," *Los Angeles Times*, January 5, 2017, <http://www.sandiegouniontribune.com/news/watchdog/sd-me-hunter-rabbits-20170103-story.html>

³⁴ Michael S. Schmidt, "Lavish Lifestyle of a Lawmaker Yields Federal Charges," *New York Times*, February 15, 2013, <http://www.nytimes.com/2013/02/16/us/politics/jesse-jackson-jr-charged-in-misuse-of-campaign-money.html>

³⁵ California Fair Political Practices Commission, "Information for State Candidates, Their Controlled Committees, and Primarily Formed Committees for State Candidates," California Fair Political Practices Commission Website, FPPC.org, August, 2018, Manual 1, Chapter 6, http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/TAD/Campaign%20Manuals/Manual_1/Entire-Manual-1.pdf

³⁶ Ann Skeet, "The Practice of Ethical Leadership." The Markkula Center for Applied Ethics at Santa Clara University, April 2017.

³⁷ Ann Skeet, "Defining Healthy Organizational Culture." The Markkula Center for Applied Ethics at Santa Clara University, October 2019.

³⁸ Katherine Gehl and Michael Porter, "Why Competition in the Politics Industry is Failing America." Harvard Business School, September 2017 <https://www.hbs.edu/competitiveness/Documents/why-competition-in-the-politics-industry-is-failing-america.pdf>

³⁹ Ann Skeet, "The Practice of Ethical Leadership" infographic. The Markkula Center for Applied Ethics at Santa Clara University, April 2017.

⁴⁰ Jennifer De Pinto, Fred Backus, Kabir Khanna and Anthony Salvanto, "Poll: Americans say U.S. political debate is increasingly uncivil," June 20, 2017 <https://www.cbsnews.com/news/poll-americans-say-u-s-political-debate-is-increasingly-uncivil/>

APPENDIX A

A FRAMEWORK FOR ETHICAL DECISION MAKING FROM THE MARKKULA CENTER FOR APPLIED ETHICS

We all have an image of our better selves, of how we are when we act ethically or are "at our best." We probably also have an image of what an ethical community, an ethical business, an ethical government, or an ethical society should be. Ethics really has to do with all these levels--acting ethically as individuals, creating ethical organizations and governments, and making our society as a whole ethical in the way it treats everyone.

What is Ethics?

Simply stated, ethics refers to standards of behavior that tell us how human beings ought to act in the many situations in which they find themselves--as friends, parents, children, citizens, businesspeople, teachers, professionals, and so on.

It is helpful to identify what ethics is NOT:

- Ethics is not the same as feelings. Feelings provide important information for our ethical choices. Some people have highly developed habits that make them feel bad when they do something wrong, but many people feel good even though they are doing something wrong. And often our feelings will tell us it is uncomfortable to do the right thing if it is hard.
- Ethics is not religion. Many people are not religious, but ethics applies to everyone. Most religions do advocate high ethical standards but sometimes do not address all the types of problems we face.
- Ethics is not following the law. A good system of law does incorporate many ethical standards, but law can deviate from what is ethical. Law can become ethically corrupt, as some totalitarian regimes have made it. Law can be a function of power alone and designed to serve the interests of narrow groups. Law may have a difficult time designing or enforcing standards in some important areas and may be slow to address new problems.

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- Ethics is not following culturally accepted norms. Some cultures are quite ethical, but others become corrupt or blind to certain ethical concerns (as the United States was to slavery before the Civil War). "When in Rome, do as the Romans do" is not a satisfactory ethical standard.
 - Ethics is not science. Social and natural science can provide important data to help us make better ethical choices. But science alone does not tell us what we ought to do. Science may provide an explanation for what humans are like. But ethics provides reasons for how humans ought to act. And just because something is scientifically or technologically possible, it may not be ethical to do it.

Why Identifying Ethical Standards is Hard

There are two fundamental problems in identifying the ethical standards we are to follow:

1. On what do we base our ethical standards?
2. How do those standards get applied to specific situations we face?

If our ethics are not based on feelings, religion, law, accepted social practice, or science, what are they based on? Many philosophers and ethicists have helped us answer this critical question. They have suggested at least five different sources of ethical standards we should use.

Five Sources of Ethical Standards

The Utilitarian Approach

Some ethicists emphasize that the ethical action is the one that provides the most good or does the least harm, or, to put it another way, produces the greatest balance of good over harm. The ethical corporate action, then, is the one that produces the greatest good and does the least harm for all who are affected: customers, employees, shareholders, the community, and the environment. Ethical warfare balances the good achieved in ending terrorism with the harm done to all parties through death, injuries, and destruction. The utilitarian approach deals with consequences; it tries both to increase the good done and to reduce the harm done.

The Rights Approach

Other philosophers and ethicists suggest that the ethical action is the one that best protects and respects the moral rights of those affected. This approach starts from the belief that humans have a dignity based on their human nature per se or on their ability to choose freely what they do with their lives. On the basis of such dignity, they have a right to be treated as ends and not merely as means to other ends. The list of moral rights--including the rights to make one's own choices about what kind of life to lead, to be told the truth, not to be injured, to a degree of privacy, and so on--is widely debated; some now argue that non-humans have rights, too. Also, it is often said that rights imply duties--in particular, the duty to respect others' rights.

The Fairness or Justice Approach

Aristotle and other Greek philosophers have contributed the idea that all equals should be treated equally. Today we use this idea to say that ethical actions treat all human beings equally--or if unequally, then fairly based on some standard that is defensible. We pay people more based on their harder work or the greater amount that they contribute to an organization and say that is fair. But there is a debate over CEO salaries that are hundreds of times larger than the pay of others; many ask whether the huge disparity is based on a defensible standard or whether it is the result of an imbalance of power and hence is unfair.

The Common Good Approach

The Greek philosophers have also contributed the notion that life in community is a good in itself and our actions should contribute to that life. This approach suggests that the interlocking relationships of society are the basis of ethical reasoning and that respect and compassion for all others, especially the vulnerable, are requirements of such reasoning. This approach also calls attention to the common conditions that are important to the welfare of everyone. This may be a system of laws, effective police and fire departments, health care, a public educational system, or even public recreational areas.

The Virtue Approach

A very ancient approach to ethics is that ethical actions ought to be consistent with certain ideal virtues that provide for the full development of our humanity. These virtues are dispositions and habits that enable us to act according to the highest potential of our character and on behalf of values like truth and beauty. Honesty, courage, compassion, generosity, tolerance, love, fidelity, integrity, fairness, self-control, and prudence are all examples of virtues. Virtue ethics asks of any action, "What kind of person will I become if I do this?" or "Is this action consistent with my acting at my best?"

Putting the Approaches Together

Each of the approaches helps us determine what standards of behavior can be considered ethical. There are still problems to be solved, however.

The first problem is that we may not agree on the content of some of these specific approaches. We may not all agree to the same set of human and civil rights.

We may not agree on what constitutes the common good. We may not even agree on what is a good and what is a harm.

The second problem is that the different approaches may not all answer the question "What is ethical?" in the same way. Nonetheless, each approach gives us important information with which to determine what is ethical in a particular circumstance. And much more often than not, the different approaches do lead to similar answers.

Making Decisions

Making good ethical decisions requires a trained sensitivity to ethical issues and a practiced method for exploring the ethical aspects of a decision and weighing the considerations that should impact our choice of a course of action. Having a method for ethical decision making is absolutely essential. When practiced regularly, the method becomes so familiar that we work through it automatically without consulting the specific steps.

The more novel and difficult the ethical choice we face, the more we need to rely on discussion and dialogue with others about the dilemma. Only by careful exploration

of the problem, aided by the insights and different perspectives of others, can we make good ethical choices in such situations.

We have found the following framework for ethical decision making a useful method for exploring ethical dilemmas and identifying ethical courses of action.

Recognize an Ethical Issue

1. Could this decision or situation be damaging to someone or to some group? Does this decision involve a choice between a good and bad alternative, or perhaps between two "goods" or between two "bads"?
2. Is this issue about more than what is legal or what is most efficient? If so, how?

Get the Facts

3. What are the relevant facts of the case? What facts are not known? Can I learn more about the situation? Do I know enough to make a decision?
4. What individuals and groups have an important stake in the outcome? Are some concerns more important? Why?
5. What are the options for acting? Have all the relevant persons and groups been consulted? Have I identified creative options?

Evaluate Alternative Actions

6. Evaluate the options by asking the following questions:
 - Which option will produce the most good and do the least harm? (The Utilitarian Approach)
 - Which option best respects the rights of all who have a stake? (The Rights Approach)
 - Which option treats people equally or proportionately? (The Justice Approach)
 - Which option best serves the community as a whole, not just some members? (The Common Good Approach)
 - Which option leads me to act as the sort of person I want to be? (The Virtue Approach)

Make a Decision and Test It

7. Considering all these approaches, which option best addresses the situation?
8. If I told someone I respect--or told a television audience--which option I have chosen, what would they say?

Act and Reflect on the Outcome

9. How can my decision be implemented with the greatest care and attention to the concerns of all stakeholders?
10. How did my decision turn out and what have I learned from this specific situation?

APPENDIX B

CODES OF CAMPAIGN CONDUCT

AAPC Code of Professional Ethics

As a member of the American Association of Political Consultants, I believe there are certain standards of practice which I must maintain. I, therefore, pledge to adhere to the following Code of Professional Ethics:

1. I will not indulge in any activity which would corrupt or degrade the practice of political consulting.
2. I will treat my colleagues and clients with respect and never intentionally injure their professional or personal reputations.
3. I will respect the confidence of my clients and not reveal confidential or privileged information obtained during our professional relationship.
4. I will use no appeal to voters which is based on racism, sexism, religious intolerance or any form of unlawful discrimination and will condemn those who use such practices. In turn, I will work for equal voting rights and privileges for all citizens.
5. I will refrain from false or misleading attacks on an opponent or member of his or

her family and will do everything in my power to prevent others from using such tactics.

6. I will document accurately and fully any criticism of an opponent or his or her record.

7. I will be honest in my relationship with the news media and candidly answer questions when I have the authority to do so.

8. I will use any funds I receive from my clients, or on behalf of my clients, only for those purposes invoiced in writing.

9. I will not support any individual or organization which resorts to practices forbidden by this code.

_____ Signature

_____ Date

MICHIGAN REPUBLICAN PARTY CAMPAIGN CODE OF CONDUCT

Every candidate for public office has an obligation to observe and uphold certain basic principles of decency, honesty and fair play. In order to demonstrate the commitment of the Republican Party to these principles, and in the spirit of President Reagan's famous 11th Commandment, "Thou shalt not speak ill of fellow Republicans," this Code of Conduct is set forth for all candidates seeking the Republican nomination for federal, state, and local elective office in the State of Michigan. This Code of Conduct shall also apply to the chair of a political committee in support or opposition to a question of public policy.

I will conduct my campaign openly and publicly, and limit charges against my opponent* to legitimate challenges regarding his or her opinions, record, qualifications, experience, conduct, and past positions held.

I will at all times tell the truth, with documentation from legitimate, verifiable sources for any charges I make against my opponent.

I will not use or condone any misrepresentations, distortions, malicious untruths,

unfounded accusations or innuendos about my opponent or my opponent's family. I will neither use nor permit any appeal to bigotry based on a candidate's race, ethnicity, gender, sexual orientation, religion or national origin.

I will not undertake or condone any dishonest or unethical practice that tends to corrupt or undermine our American system of free elections or that hampers or prevents the full and free expression of the will of the voters.

I will defend and uphold the right of every qualified and duly registered Michigan voter to full and equal participation in the electoral process.

I will immediately and publicly repudiate any use by others of methods and tactics that I have pledged not to use or condone. I will do everything possible to ensure that those supporting my candidacy adhere to the principles outlined in this Code, and I shall dismiss any subordinate who violates any provision of this Code or the laws governing elections.

If I am not successful in my candidacy, I will not actively, publicly, or financially do anything that in any way will jeopardize the candidacy of the Republican nominee.

I will participate in unity events. I will endorse and support the ticket.

I will at all times adhere to both the letter and spirit of the law and this Code of Conduct.

I, the undersigned, do hereby accept the Michigan Republican Party Campaign Code of Conduct and agree to adhere to its principles and conduct my campaign accordingly.

INSTITUTE OF LOCAL GOVERNMENT

PLEDGE OF FAIR CAMPAIGN PRACTICES

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 the public office that the candidate seeks. 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 that those candidates seek. THEREFORE, as a candidate for public office, I pledge to conform my campaign to the following principles:

-
1. 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.
 2. Fairness. The timing of my communications will be such that my opponents will 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.
 3. Relevance. Irrelevant information includes appeals to prejudices based on race, sex, sexual preferences, religion, national origin, physical health status, or age, as well as information concerning the candidate's family.
 4. 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.
 5. 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 which are inconsistent with this pledge of campaign conduct.
 6. Respect. I will treat my opponents with courtesy and civility, even when we disagree about what is best for voters served by the office I seek.

Candidate's Signature

Date

http://www.ca-ilg.org/sites/main/files/file-attachments/resources_ILG_Pledge_of_Fair_Campaign_Practices.pdf

APPENDIX C

A NON-EXHAUSTIVE LIST OF ETHICAL QUESTIONS YOU MIGHT FACE ON THE CAMPAIGN TRAIL

(From the Markkula Center for Applied Ethics at SCU.EDU/Ethics)

Ethical Dilemmas Involving Honesty

- Are you truthful about your record, background, and accomplishments?
- Are you truthful about your opponent's record, background, accomplishments, or malfeasance?
- Do you ensure that campaign staff, consultants, surrogates, or others speaking on your behalf are always truthful?
- Do you imply endorsements where none have been given?
- Do you Photoshop images to enhance messages that are not entirely truthful?
- Are you honest about what you can and will do once in office?
- Do you deceive the public by using push polling to deliver campaign messages under the guise of legitimate research?
- Are you honest about the signatures you have gathered?
- Do you report truthfully on all campaign reports?
- Are you honest about your relationships with Independent Expenditure Groups?
- Are your answers on political questionnaires consistent?

Ethical Dilemmas Involving Fairness

- Even if an allegation against an opponent is true, is it fair under the circumstances? For example, did the alleged event occur in the distant past?
- Are you distorting your opponent's voting record by taking a vote out of context? For example, does your opponent have a favorable record on an issue, but voted for a necessary appropriation bill that included a section not favorable on that issue?
- Are negative allegations against your opponent relevant to the office being sought? For example, do allegations against the opponent's family further the political debate or only serve to demean the opponent in the public's view?
- Do you buy up the majority of available airtime, thus drowning out the voices of your opponents?
- Do you hire more political consultants than necessary, thus ensuring that they cannot work for your opponent?
- When making a negative comment about your opponent, do you give your opponent reasonable time to respond, or do you hold information back, planning for an "October surprise"?
- If you are already an officeholder, do you use public resources not available to your opponent? For example, do you use government staff, offices, supplies and/or equipment for political purposes?
- As an officeholder, do you use governmental meetings as an opportunity to

campaign?

- Do you encourage or condone the destruction of your opponent's campaign materials by staff and/or volunteers?
- Do you interfere with the voting process by discouraging voter turnout?

Ethical Dilemmas Involving Transparency

- Do you make all your responses to special interest questionnaires publicly available?
- Do you disclose all your donors in compliance with campaign finance regulations?
- Do you disclose financial interests?
- Do you provide your tax returns when asked?
- Do you disclose promises made to donors and supporters?

Ethical Dilemmas Involving Substance

- Have you developed policy positions on the issues facing the electorate?
- Do you provide the public with access to all your policy positions?
- Do you honor requests to debate?
- Do your allegations about your opponent(s) serve to educate the public about your differences or do they merely serve to attack your opponent?
- Are your political advertisements mere fluff pieces or do they actually inform the voters about your stance on the issues?
- Do you conduct political town hall meetings so your views can be made known?
- Do you stand open to questions from your future constituents?
- Do you respond to emails and other correspondence from voters?
- Do you answer questions from the press and participate in editorial board meetings?

Ethical Dilemmas Involving Independence

- Do you pre-commit yourself by promising that you will take positions on legislation prior to having the benefit of public hearings and proper governmental deliberation? For example, do you make promises in your responses to campaign questionnaires that bind you to a certain course of action once elected? Do you sign pledges?
- Do you make promises to donors in exchange for contributions?
- Do you make promises to supporters in exchange for endorsements?
- Do you exercise your own judgment when devising policy or do you feel you

must be in lockstep with your party in order to get party support?

- Do you take donations from a group that has business before you if you are an incumbent or will likely have business before you should you get elected? For example, if you are running for a seat on the city council, do you take money from developers?

Ethical Dilemmas Involving Campaign Contributions

- As campaign finance laws are designed to eliminate corruption and undue influence, do you follow all pertinent campaign finance laws and regulations?
- If you are given funds in excess of contribution limits, do you return them or do you work with the donor to circumvent the campaign finance rules? For example, do you advise the donor to divide up the funds among family members who then donate to you?
- Do you directly, or indirectly, coordinate with independent groups campaigning on your behalf?
- Do you send former political staffers to work on independent expenditure committees?
- If you are an incumbent, do you seek contributions from government staff?
- If you are in business, do you seek contributions for your political campaign from your employees?

APPENDIX D

ADDITIONAL RESOURCES

Campaign Legal Center

<http://www.campaignlegalcenter.org>

Center on Civility & Democratic Engagement

<https://gspp.berkeley.edu/centers/ccde>

Citizens for Responsibility and Ethics in Washington

<https://www.citizensforethics.org>

Federal Election Commission

<https://www.fec.gov/>

Flack Check

<http://flackcheck.org>

Maplight

<https://maplight.org>

Markkula Center for Applied Ethics

<https://www.scu.edu/ethics/>