

**Albuquerque Election Financing:
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I. Personal Background

I am an associate professor of political science (with tenure) at the University of Vermont. I have been a professor at the University of Vermont for over eight academic years. Prior to that I held a research position at the Social Science Research Institute at Northern Illinois University. I earned a doctorate in political science at the University of Kentucky in 1989. I am a nationally recognized scholar on the financing of campaigns.

As indicated in my curriculum vitae, my areas of academic expertise are campaign finance, elections, and political parties. Since 1989, I have authored two books and authored or co-authored about a dozen academic articles and book chapters related to the subject of financing elections. The second and most recent book, *Money Rules: Financing Elections in America*, was published in January 2000. Additionally, I have been the co-principal investigator on grants from the National Science Foundation and the Joyce Foundation for the purpose of studying campaign finance at the state and local level. The project funded by the National Science Foundation involved a group of scholars collecting campaign finance revenues from 18 states over 4 election cycles. The Joyce Foundation funded project was a study of the financing of city elections in Chicago, Illinois.

I. Introduction: Albuquerque’s Government and Campaign Finance Law

Albuquerque voters adopted campaign-spending limits in 1974 as part of a revision to the city’s charter. Proposition 2—the ballot question that established the election code and the limits—passed with over 90% of the vote.¹ The fact that Albuquerque has had campaign spending limits since the 1970s affords us a unique opportunity to test the claims of those who oppose such limits. Opponents of campaign spending limits argue that spending limits protect incumbents by reducing the amount challengers can spend in their attempts to unseat incumbents and they argue that spending limits restrict candidates’ ability to communicate with voters and that reduces interest and thus participation in elections. The analysis in this report will demonstrate that the reality of Albuquerque elections contradicts the claims of opponents of spending limits, and that democracy in Albuquerque is actually as healthy, if not healthier than in other cities due in part to Albuquerque’s campaign finance regulations. Incumbents are more vulnerable in Albuquerque than is typical for city elections, incumbents have less of a campaign spending advantage, and voter turnout is as high or higher than in the typical city. At the same time, this report will show that the limits set under the Albuquerque statute are not overly stringent, that many candidates do not spend the maximum allowed and that, while spending may be lower than in other local elections, a greater proportion of what is spent in Albuquerque elections is spent on voter contact.

II. Methodology

The analysis in this report is based in part on campaign finance records filed with the Board of Ethics & Campaign Practices and provided by the Legal Department of the City of Albuquerque. The itemized spending, spending totals, revenue totals, and election information

¹ Marc Bernabo, “Election Code, Code of Ethics Win Approval,” *Albuquerque Journal*, Wednesday, February 27, 1974, p. A1.

were entered into a Microsoft Access file by my research assistant and checked over by me.

From the Access file I created additional files in Excel and SPSS for the purpose of the analysis.

Regarding voter contact spending: itemized spending was coded as being for the purpose of voter contact if it was for the following purposes

- direct mail spending (postage/printing)
- newspaper advertising
- television and radio advertising
- campaign signs
- bumperstickers
- voter lists
- web site design/work
- literature/pamphlets
- materials for signs and design/layouts for ads
- and, phone banks.²

In addition to data on Albuquerque, information about financing, voter turnout, competitiveness and incumbency success rates in local elections elsewhere were culled from a number of different sources—including major studies of the financing of California and New Jersey local elections and of the City of Seattle, which were sponsored or produced by those governments, as well as a study of Chicago elections conducted by this author. These studies will be cited when presented in the report below. It is important to note that it is impossible to use all of these elections in each comparison made because the information available from these sources is limited.

IV. Electoral Competition

Incumbency Success Rates, Contested Races and Competition

Albuquerque's spending limits do not seem to have harmed competition for city offices nor have they made it more difficult to unseat an incumbent. In terms of incumbency, Albuquerque's spending limits have clearly not acted as incumbent protection. Since 1974 no

² These categories of voter contact spending match the categories used by the studies of California and New Jersey local elections, which will be compared with Albuquerque spending later in this report.

incumbent has won reelection to the mayor's office in Albuquerque (4 have tried). Compare that 0% incumbency success rate to the 1999 mayoral races in the US:

“Election returns tabulated by the Conference showed a remarkable rate of incumbency—88 percent—for Mayors who sought reelection” (Iallonardo and Welfley 1999).

And the 2000 mayoral races:

“The U. S. Conference of Mayors compiled election results from 180 cities around the country; of those, incumbents ran for re-election in 140 mayoral races. In the races where the incumbent mayor was up-for re-election, citizens re-elected the incumbent in 126 races—more than 4 out of 5 times” (Headley and Welfley 2000).

Clearly the spending limits do not protect incumbent mayors from strong challenges in elections.

For city council races, between 1989 and 1999, 14 incumbents have sought reelection and 10, or 71%, have won. The average reelection rate for city council members between 1988 and 1996 nationwide was 86% (MacManus 1999). Here too it is very clear that Albuquerque's campaign spending limitations have not made it harder to unseat incumbents, indeed, it seems that incumbents are actually more vulnerable in Albuquerque than are the typical incumbents in mayoral or city council races.

Since 1974, no Albuquerque mayoral contest has gone without serious competition. The average margin of victory was 5.4% in the first round and 7.4% in the second (median margin of victory in first round was 4% and 4.3% in the second round). Between 1989 and 1999, 23 out of 27 contests for city council were contested, that is 85.2% of contests for the city council had at least two serious competitors. Seventeen, or 63% of the contests would be considered competitive (with margin of victory within 20 percentage points) and 11, or 56% considered close (a margin of victory under 10 percent). While there is no comparable data on other city elections an examination of New Mexico legislative races (which have no expenditure limits) is instructive. Between 1968 and 1995 only 60% of state legislative races were contested and only

30 percent were considered competitive, that is, with a margin of victory of 20% or less (Hamm and Moncrief 1999, p. 157).

Voter Turnout

Opponents of campaign expenditure limits often argue that the limits impede candidate contact with voters and thus will limit the information voters have, voters' interest and ultimately their participation in elections. Voter turnout statistics for Albuquerque elections clearly show that the city's voter participation has not been hurt, and indeed may have been improved, by the spending limits. In Figure 1 you will find voter turnout as a percent of registered voters for the 1974 to 1999 elections. The average turnout for all city elections in this time frame was 40.2%. Compare that to turnout rates for city elections across the country, which are "typically in the 25- to 35-percent range" (MacManus 1999, p. 175). Localities that hold their elections separately from presidential or congressional elections, as Albuquerque does, have even lower turnout. Turnout in Pasadena in May of 1987 was 20% and in Sacramento in September of 1987 it was 33% (California Commission on Campaign Finance 1989).³

A comparison of voter turnout as a percent of registered voters for a number of cities for which data are available can be found in Figure 2. Voter turnout in Albuquerque is much higher than turnout in Austin, Texas and Pensacola, Florida for the 1988 to 1999 time period.

Albuquerque turnout compares favorably to larger cities as well: voter turnout for city elections in Los Angeles between 1989 and 2001 averaged 23.9% of registered voters (City of Los

³ It should be noted that the downward trend apparent in Figure 1 reflects the downward trend in voter turnout in the US in general. Thus the most valid way to assess voter turnout in Albuquerque is to make comparisons over similar time periods with other cities that hold their elections in odd numbered years. For evidence and discussion of the downward trend in voter turnout in the US in general see almost any book on voter turnout in US elections including William H. Flannigan and Nancy H. Zingale, *Political Behavior of the American Electorate*, Ninth Edition (Washington, D.C.: Congressional Quarterly Press, 1998).

Angeles, Office of the City Clerk-Elections Division 2001); and, voter turnout in Boston for city elections between 1991 and 1999 averaged 35% (Boston VOTES 2001). Turnout in Albuquerque between 1989 and 1999 was 35.1%; it was 37.7% if the 1997 election (in which the spending limits were enjoined) is excluded. My research failed to uncover any city holding elections in odd numbered years that had higher turnout than Albuquerque.

A survey conducted by Lake Snell Perry & Associates, suggests that the relatively high turnout in Albuquerque elections is due in part to the spending limits. Fifty-nine percent of the random sample of city residents believe that the spending limits law has “made Albuquerque elections more fair and honest” (a finding that crosses party lines among the electorate), and this belief that spending limits improve the honesty and integrity of elections grew after respondents heard arguments for and against spending limits (Lake Snell Perry & Associates 1998). Additionally the survey found that voters don’t believe that “debate among candidates will be more vigorous if spending limits were removed or that they will get more information on the candidates if spending limits are removed” (Lake Snell Perry & Associates 1998). It is also interesting to note that the lowest voter turnout for an election with a mayoral contest, 33%, occurred the year that the spending limits were enjoined, 1997.

V. Spending

Spending as a percent of spending limits

If Albuquerque’s spending limits were overly restrictive, one would expect to find almost all candidates spending the maximum allowable with no candidates winning contested races who did not spend close to the maximum allowable. The history of spending by candidates in Albuquerque from 1989 to 1999 shows that that is not the case. Figure 3 shows the total

spending (including in-kind contributions)⁴ of all city council candidates from 1989 to 1999. Candidates are ordered by district and within district in descending order of the votes received; the black shaded bars represent spending by winning candidates. The horizontal lines represent the spending limit for that year (calculated as 10% of the mayor's salary for that year). Figure 4 shows the council candidates' spending relative to the spending limit (the spending limits minus the total spent by the candidates). Bars below the \$0 line show the amount candidates fell short of the spending cap, bars above represent the amount exceeding the cap.

The first thing to note from both Figures 3 and 4 is that most city council candidates spend well below the maximum allowed by Albuquerque's law. When one looks just at the competitive candidates, it is clear that many of them, including many of the victorious candidates spent less than the spending limit (candidates are ordered from left to right within districts in descending order of votes received). In 1999, for example, three of the four council contests were won by candidates who spent substantially less than the spending limit (more than \$2,500 below the spending cap). Additionally, the winning candidate was not the candidate who spent the most in all cases; this was the case in 12 of the 25 contested races.

Figures 5 and 6 tell the story of spending in mayoral contests between 1989 and 1997 (formatted the same as Figures 3 and 4). A number of competitive candidates in 1989 and 1993 (the years when the limits were legally binding) did not spend the maximum allowed, and, the winning candidate in all three years was not necessarily the candidate who spent the most money (in 3 out of the 5 contests—1989 regular and runoff elections, and the 1997 election—the winner was not the top spender).

⁴ Since in-kind contributions—that is donations of items of value to a campaign, such as computers—are items a candidate would have had to spend money on to utilize, these contributions are counted as expenditures.

Spending per voter comparison

In 1989, the California Commission on Campaign Financing found that

“[I]n most localities, large and small, a pattern of increasing expenditures may become self-perpetuating as communities become used to higher and higher local campaign costs. . . . In many cases, when candidates project costs for upcoming campaigns, they take the top spending levels in the last election as the starting point for their new budgets” (California Commission on Campaign Financing 1989, p. 60).

When compared with California cities, it is clear that Albuquerque’s expenditure limits have succeeded in preventing the development of this “arms race” mentality evident in the quote above and have kept the costs of elections relatively low. For all Albuquerque contests in regular elections between 1989 and 1999 the median spending per vote was \$2.47 (it was \$1.36 for runoff elections). The median spending per vote for council races was \$2.12 per vote (\$1.24 for runoffs) and for mayoral contests it was \$4.72 (\$1.54 for runoffs). Compared to median spending per vote in mayoral and city council races for a sample of California medium sized local governments (with populations between 150,000 and 1,000,000 in population) of \$8.46 in the previous decade⁵, it is clear that costs of running in Albuquerque elections is much lower than typical. The median spending per voter in Albuquerque is even lower than the median of \$5.62 for a sample of small California local governments (population under 150,000).⁶

Keeping the costs of running for office down has a number of benefits. Studies have found that the increasing costs of campaigns affects the type of candidate that is able to run in the elections. One study found that the high costs of campaigns “tends to reduce the numbers of lower-income and lower-middle-income citizens who can run with some expectations of winning” (Welch and Bledsoe 1988, p. 113; also see California Commission on Campaign Financing 1989). Evidence that high spending campaigns act as a deterrent to running is even

⁵ California figure from California Commission on Campaign Financing (1989). If adjusted for inflation alone, the figures for California would be even higher in the 1990s.

⁶ California Commission on Campaign Financing (1989).

evident among incumbents (candidates who traditionally have little problem raising money); a sample of Florida city council members found 23.1% citing fund raising and 21.5% citing campaign costs as deterrents to running for the city council (MacManus 1999, p. 190). And, finally, another survey of city council members in the US found that “rising campaign costs” was cited as a source of frustration by 49% of respondents (Svara 1991).

Incumbent v. Challenger Spending

One of the greatest barriers to competitive elections is the often times enormous gap in financial resources between incumbent candidates and those who challenge them (this is a well-documented fact in the extant literature on campaign finance). Some examples: in each election since 1984, challengers running for the US house have been unable to spend even 50% of the amounts incumbents spent and in 1998 the median spending for challengers was 25% of that of incumbents; a study of state legislative contests in 18 states found the median spending of challengers well below that of incumbents and in 12 of the states amounted to less than 50% of incumbent spending; in New Mexico legislative races in 1996, the average house challenger spent 47.1% of the average amount spent by house incumbents while senate challengers averaged 69.7% of incumbent spending⁷; and, in Chicago aldermanic races incumbents outspend challengers 4 to 1 (see Gierzynski 2000 for evidence from national, state and local elections as well as references to additional literature supporting this point).

Since the connection between spending and votes is well documented in the literature, this spending gap between incumbents and challengers is very important because it diminishes competitiveness in elections. And, to quote one of the most respected political scientists in the history of the discipline,

⁷ Calculated by author from data published by Re-Visioning New Mexico, “Money in New Mexico Politics: Escalating Costs, 1988-1996,” February 1998.

[a]bove everything, *the people are powerless if the political enterprise is not competitive.* It is the competition of political organizations that provides the people with the opportunity to make a choice. Without this opportunity popular sovereignty amounts to nothing.⁸

Albuquerque's expenditure limits have been very successful in preventing an incumbent spending gap in city elections. In Figure 4 you will find the median spending for incumbents, challengers and open seat candidates for city council and mayoral races from 1989 to 1999. The typical city council incumbent spent only \$431 more than the typical challenger for a spending ratio of 1.1 to 1. The gap between incumbents and challengers in mayoral races was only \$3,738 for a spending ratio of 1.1 to 1. The ratio of incumbent spending to challengers' spending in California medium sized cities was 4.5 to 1. For Chicago Aldermanic races the ratio of incumbent spending to challengers' spending was 5.7 to 1 in 1991 and 4.3 to 1 in 1995 (Gierzynski, Kleppner and Lewis 1998). In Seattle city council races in 1997 and 1999, the ratio of median incumbent spending to median challenger spending was 14.5 to 1 (calculated by this author from data provided by the Seattle Ethics & Elections Commission 2001). In Massachusetts,

“[i]ncumbents and candidates in the 30 contested [mayoral] races in 1999 once again showed substantially higher medians than non-incumbents and unopposed candidates.” (Commonwealth of Massachusetts Office of Campaign and Political Finance, June 13, 2000, Press Release, “OCPF Study Finds \$3.3 Million in Spending by 1999 Mayoral Finalists”)

In light of these figures and those discussed above and widely available in the literature on campaign finance, it is clear that, in essence, the spending gap between incumbents and challengers that is the norm of elections in the US does not occur in Albuquerque elections. The uniqueness of this finding is undoubtedly due to the uniqueness of Albuquerque campaign finance law, it being the only city with mandatory spending limits. The absence of an

⁸ E. E. Schattschneider, *The Semi-Sovereign People: A Realist's View of Democracy in America* (New York: Hold, Rinehart and Winston, 1960) p. 140.

incumbent-challenger spending gap is also undoubtedly largely responsible for the fact (discussed above) that Albuquerque incumbents are much more vulnerable to electoral defeat than incumbents of other offices.

Spending on Voter Contact

The most important purpose of spending in elections is to purchase contact with voters and through that contact persuade enough of eligible voters to vote for you (or against your opponent, or, sometimes, not to vote at all). Not all spending in elections, however, is spent on voter contact. Candidates spend money on overhead (office space, equipment, staff), contribute money to other candidates or organizations, and spend money trying to raise more money (see California Commission on Campaign Financing 1989, Hogan 1997, and Herson 1998). In many cases, “candidates spend surprisingly little money actually communicating with the voters” (California Commission on Campaign Financing 1989, p. 2). Additionally, a lot of money that is raised is not actually spent. “Much of what candidates now collect in campaign contributions is used to build war chests and deter serious challengers” (California Commission on Campaign Financing 1989, p. 7).

Given what is known about candidate spending, it is possible that the effect of spending limits would not be to reduce the amount spent on voter contact (it being unquestionably the most important thing to spend money on), but instead to reduce the amounts spent for overhead, contributions to other candidates or organizations, and what is spent to raise more money. In effect, spending limits may provide an incentive for more efficient spending, i.e., spending a greater proportion of one’s money on voter contact.

A comparison of spending on voter contact for a number of cities can be found in Figure 5.⁹ From that figure it is clear that Albuquerque candidates spend a greater proportion of the campaign money on voter contact. Overall, 74% of the money spent by Albuquerque candidates was spent on voter contact, 74% of council candidate spending and 85.6% of mayoral candidate spending. A study of New Jersey local elections found that local candidates in the 1990s spent about 68% of their money on voter contact (New Jersey Election Law Enforcement Commission 2000). Only about 68% of the spending by California candidates in medium sized cities and Seattle candidates was on voter contact.

Candidates in Albuquerque often spend below the amounts allowed by the law and spend a larger proportion of their money on voter contact. These two findings suggest that the spending limits have not impeded candidates in their attempt to communicate their messages to voters. They appear to have cut back on the spending that goes to purposes other than communicating with voters—overhead, contributing to other candidates or organizations, and fund raising—and candidates often don't spend as much as they could.

VI. Conclusions

The analysis presented in this report shows that concerns that Albuquerque's spending limits would interfere with the functioning of its elections are clearly unfounded. Incumbents are more, not less, vulnerable in Albuquerque elections, due in large part to the fact that the spending limits appear to have prevented a large spending gap from opening up between incumbents and challengers. Few Albuquerque elections are uncontested and most are quite competitive. As indicated in a survey of Albuquerque citizens, voters do not suffer from a lack of information about the candidates and they feel that the elections are more fair and honest because of the

⁹ See methodology section for a discussion of what was considered voter contact spending.

limits. All of this is reflected in the fact that turnout in Albuquerque is relatively high for local elections held at times with no national or state campaigns. Candidates often spend less than what the spending limits allow and are more efficient in their spending, spending a greater proportion of their money on voter contact than candidates in any other comparable elections for which data is available.

While Albuquerque has kept spending down and maintained competitive elections with its spending limits in place, campaigns in the rest of the US has struggled with the problems that accompany lightly regulated privately funded campaigns.

“The heavy campaign costs once associated only with state and federal elections are now apparent in many California cities and counties. As a direct result, local jurisdictions have witnessed diminished competition, increased incumbent dominance and an accompanying decline in campaign expenditures applied to voter communication methods” (California Commission on Campaign Financing 1989, p. 69).

The great gaps in spending that appear in other races, from Congressional to state legislative, to city councils, reduces the competitiveness of elections, engenders cynicism among the public, and ultimately weakens the institutions of elections as a mechanism for representation (Gierzynski 2000).

“The flood of money from business interests to incumbent mayors, city council members and county supervisors has given many members of the public the impression that campaign contributions improperly influence votes. This is particularly prevalent concerning developer contributions and local land use decisions” (California Commission on Campaign Financing 1989, p. 15).

The lessons afforded by campaign finance practices over the past several decades are clear and leave large majorities of the public wishing to see some campaign finance reform and the lessons from Albuquerque show that spending limits are an important component of that reform. The Commission that studied California elections acknowledged the importance of spending limits.

“The Commission believes that expenditure ceilings must be the cornerstone of effective campaign finance reforms. Spending caps free candidates from the constant necessities

of fundraising, the fear of last-minute spending blitzes and the temptation to exchange votes for contributions. At the same time, expenditure ceilings encourage newcomers to enter political contests, increase the time candidates have to address relevant issues and abate the fundraising wars” (California Commission on Campaign Financing 1989, p. 24).

Given the analysis presented in this report and the knowledge that comes from researching campaign finance over the past 12 years, it is clear to me that the minimal costs of Albuquerque’s restrictions on campaign spending are far outweighed by the benefits those limits provide in terms of healthy functioning elections. The citizens stand to lose much more of their voice in government from the removal of the limits than they would gain, and the survey results show that they know this.

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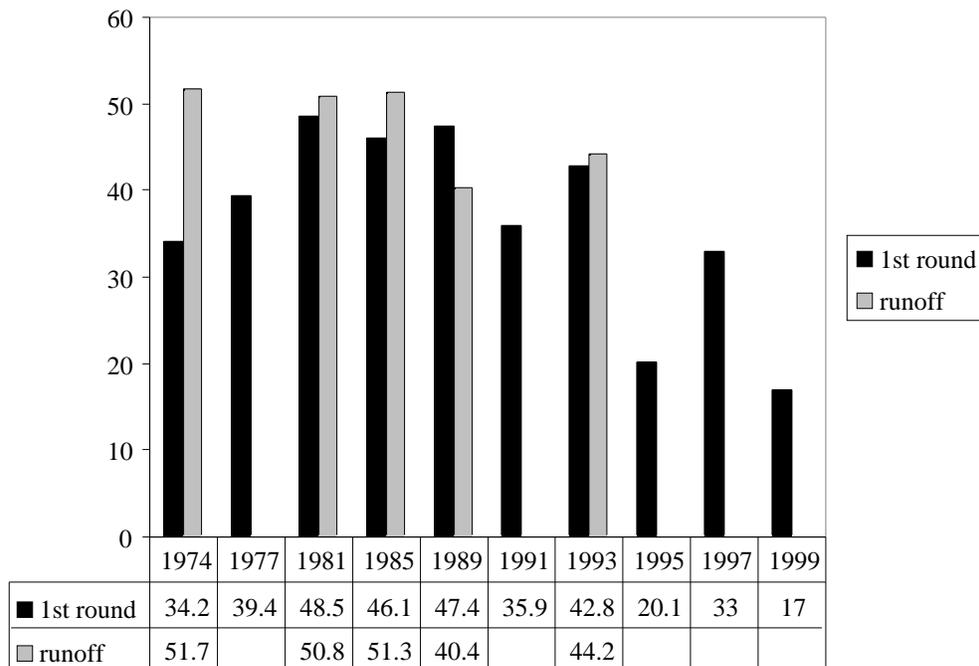


Figure 1: Voter turnout as a percentage of registered voters for Albuquerque elections, 1974 to 1999.

Source: City of Albuquerque City Clerk via fax from Legal Department on June 29, 2001.

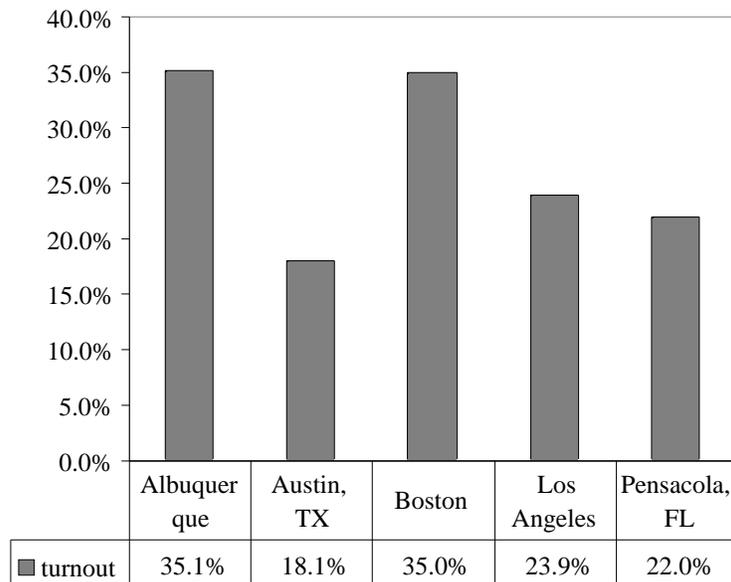


Figure 2: Voter turnout for selected cities, 1988-1999.

Sources: Albuquerque data from the same source as in Figure 1; City of Los Angeles, Office of the City Clerk-Elections Division 2001; Boston VOTES 2001; Austin City Clerk’s office; and James A. Robinson, Clarence C. Elebash, and Andrea C. Hatcher, “Pensacola Votes by Mail: A Report on Pensacola’s January 2001 Referendum,” The University of West Florida.

Note: All of these cities, but Austin, hold their elections during odd number years. Austin holds its municipal elections in both odd and even-numbered years.

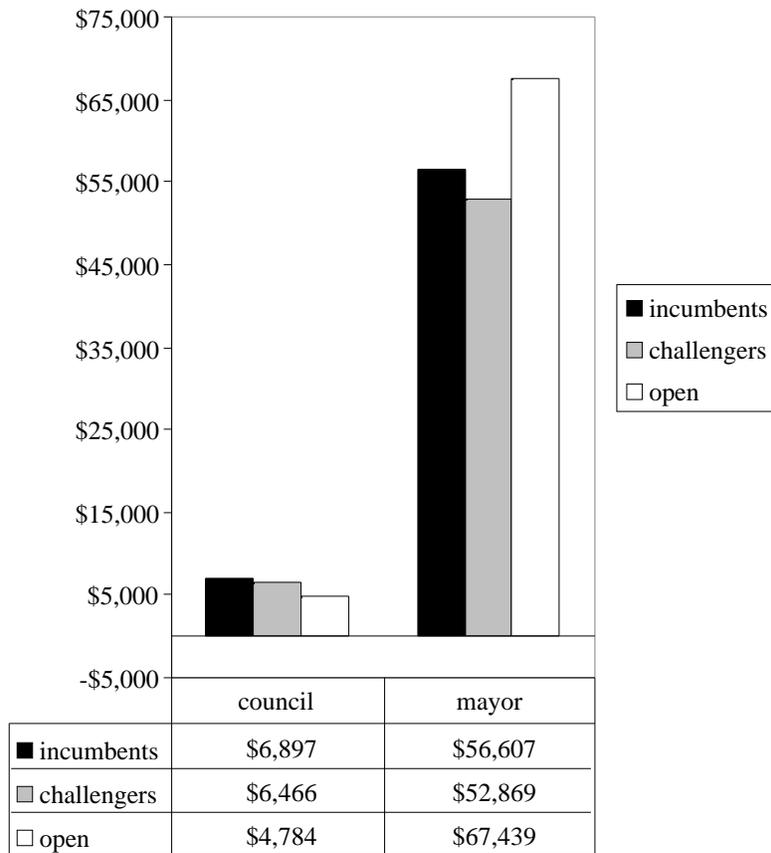


Figure 7: Median spending by council and mayoral candidates by incumbency status, 1989-1999.

Source: Calculated by the author from records filed with the Albuquerque Board of Ethics & Campaign Practices.

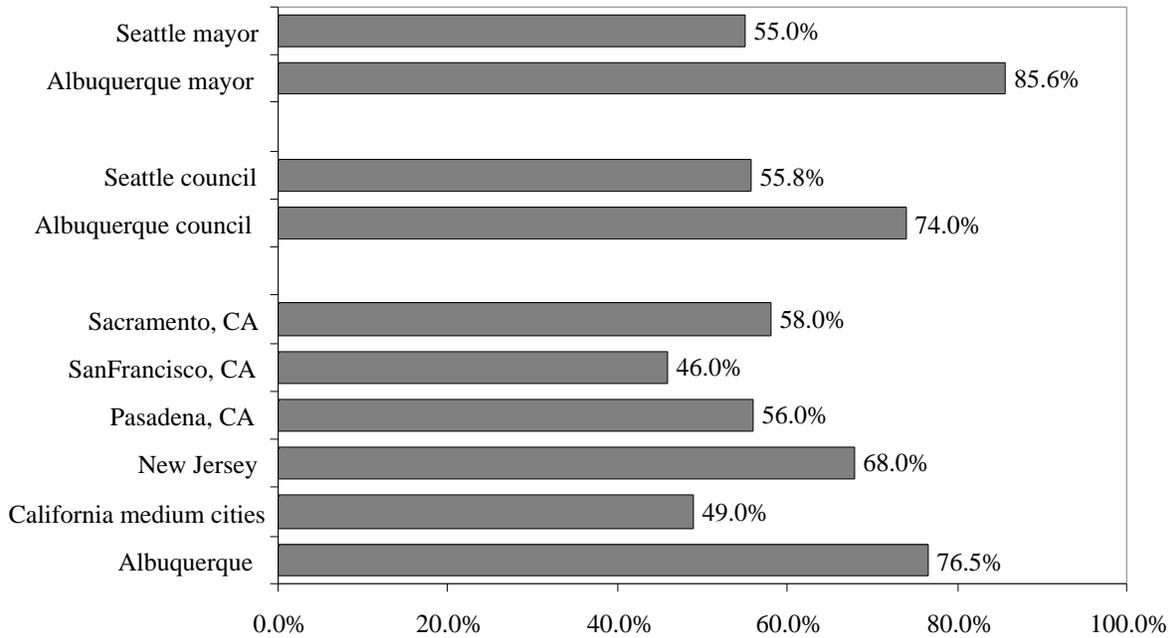


Figure 8: Percent of candidate spending spent on voter contact for Albuquerque, Seattle, California and New Jersey cities.

Sources: New Jersey Election Law Enforcement Commission, Seattle Ethics & Elections Commission, California Commission on Campaign Financing, and Albuquerque Board of Ethics & Campaign Practices.

Note: Bottom set of bars include executive plus council contests.

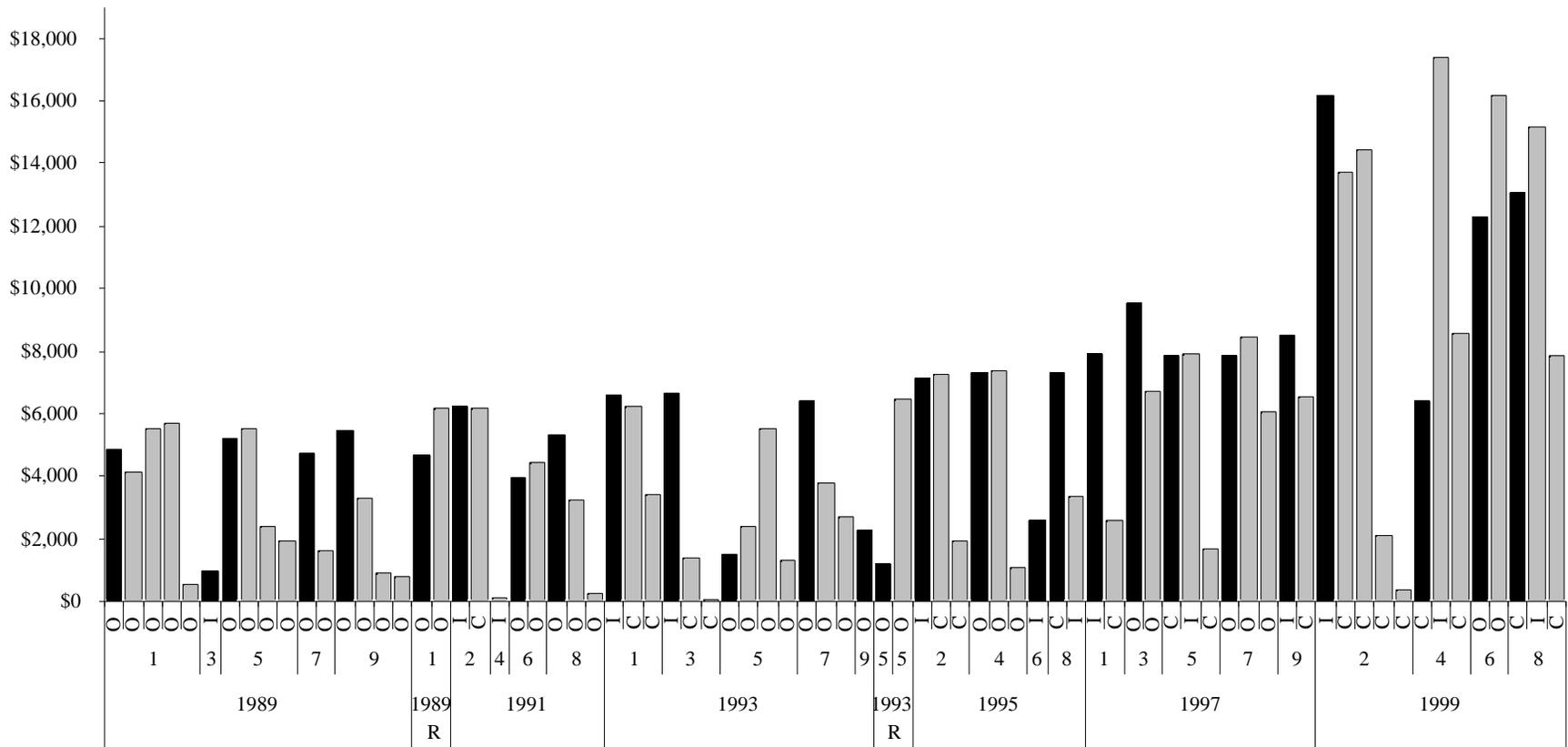


Figure 3: Total spending (including in-kind contributions) by city council candidates 1989 to 1999.

Note: Winning candidates' spending is shaded black, all others gray. Candidates are ordered from left to right within districts in descending order of votes received. The O, I and C underneath the bars indicate whether the candidate was an open-seat candidate (O), that is, no incumbent in the race, an incumbent (I), or a challenger C). The Numbers below O, I, and C are the council district numbers. Below them are the years of the election with an 'R' signifying a runoff election.

Spending limits:	1989: \$5,951	1995: \$7,380
	1991: \$6,248	1997: \$7,947
	1993: \$6,758	1999: \$16,200

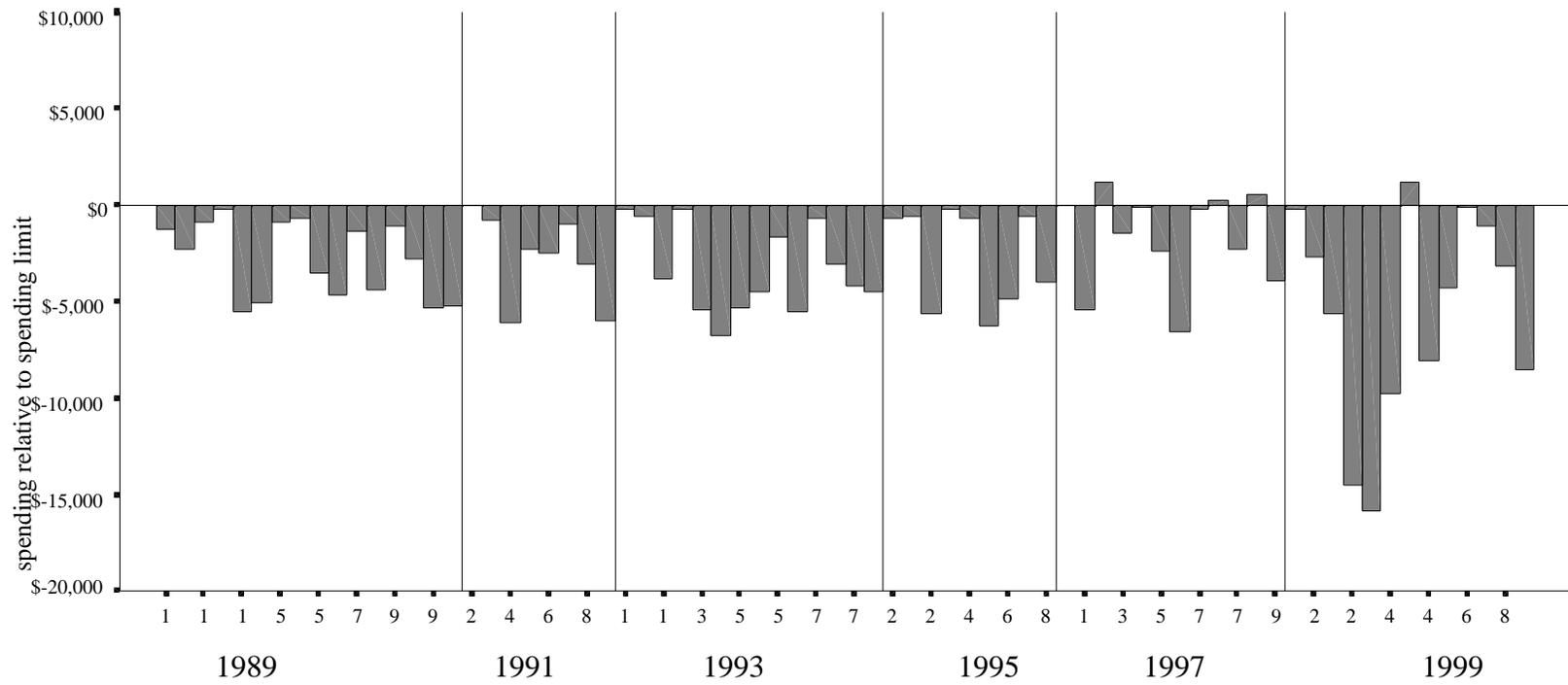


Figure 4: Spending cap minus total spending (including in-kind contributions) by Albuquerque city council candidates, 1989-1999

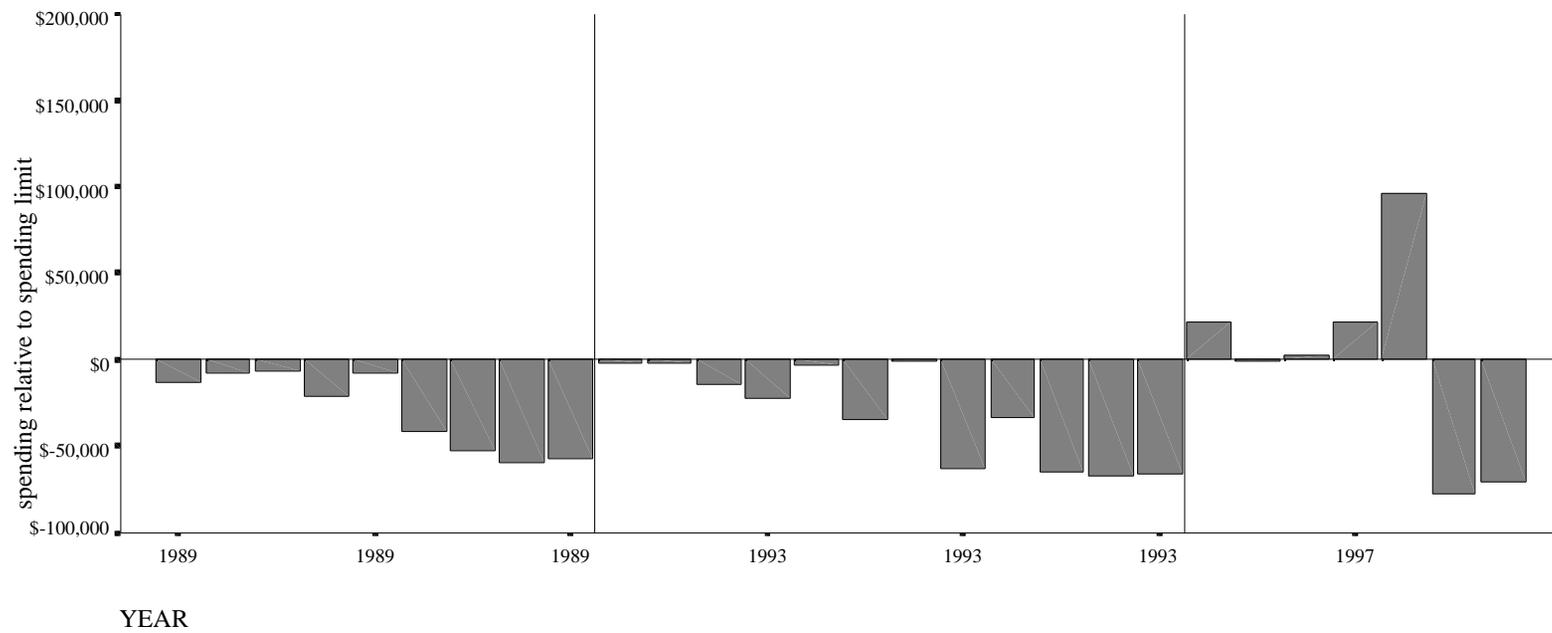


Figure 6: Spending cap minus total spending (including in-kind contributions) by mayoral candidates, 1989-1997