

RUBRICS FOR FREE-RESPONSE QUESTIONS

1. Using the chart above answer the following:

- a) Describe an electoral swing state and explain one reason why the U. S. electoral system magnifies the importance of swing states.
- b) Explain one way the voter turnout may vary in a swing state versus a non-swing state.
- c) Explain two ways that swing states may affect the campaign strategies of candidates.

General Comments

This question asks students to demonstrate their knowledge of the role of swing states and their role in U. S. elections. In part (a) the student must describe a swing state and explain one reason why the U. S. electoral system magnifies the importance of them. In part (b) the student must explain one way voter turnout may vary in a swing state versus a non-swing state. In part (c) the student must explain two ways that swing states may affect the campaign strategies of candidates during an election.

Question Scoring Guidelines: 5 points total

- a) Describe an electoral swing state and explain one reason why the U. S. electoral system magnifies the importance of swing states *2 points*

Possible Descriptions may include:

- During an election a swing state is one that is so close that it is difficult to determine which candidate may win.
- A swing state is one that could ultimately support any candidate as polling indicates no one candidate is supported by a large number of voters.

Possible explanations may include:

- The U. S. electoral system magnifies the importance of swing states because according to the rules of the electoral college, in most states, the candidate who gets the most votes wins all the electoral votes for that state, so even a few votes one way or the other, can change the results of the election. In presidential elections, some swing states have large numbers of electoral votes, such as Florida and Ohio, which are important states to win.
- The U. S. electoral system magnifies the importance of swing states in presidential elections because the candidates who do not win the plurality of votes loses all the electoral votes for that state. To lose some of the key swing states, such as North Carolina, Virginia and Wisconsin collectively, may mean the candidate will lose the election, even though he or she may garner the most popular votes, as happened to Al Gore in 2000.



b) Explain one way the voter turnout may vary in a swing state versus a non-swing state *1 point*

Possible explanations may include:

- Voter turnout may be higher in a swing state than in a non-swing state because the voters may feel that it is more important to vote due to the unpredictable outcome of the election.
- Voter turnout may be higher in a swing state than that in a non-swing state because voters may feel their vote counts more because of the closeness of the election in their state.
- Voter turnout in non-swing states may be lower than that in a swing state because the election outcome of their state is predictable.

c) Explain two ways that swing states may affect the campaign strategies of candidates *2 points*

Possible explanations may include:

- Spending more time personally campaigning in the swing states that the candidate feels he/she may be able to win.
- Spending more money for advertising that will focus on concerns of the swing states in order to gain more votes.
- Focusing more on swing state issues in the candidate's political goals or speeches in order to increase support in the swing state.
- Building a large campaign staff presence across the swing states in order to increase voter awareness of the candidate in the state.

NOTE: While not necessary for the points, students may refer to specific swing states and non-swing states in their responses.



2. **Campaign finance reform has been a goal of some politically active groups in the United States.**

- a) Describe two major provisions in the Federal Election Campaign Act of 1974.
- b) Describe one campaign finance reform provision included in the Bipartisan Campaign Finance Act, 2002 (McCain-Feingold Bill).
- c) Explain how one of the following court cases has impacted campaign finance reform.
 - *Buckley v Valeo*
 - *Citizens United v Federal Election Commission*
 - *McCutcheon v Federal Election Commission*
- d) Explain one argument that supports additional campaign finance reform.
- e) Explain one argument that opposes additional campaign finance reform.

General Comments:

Students must demonstrate knowledge of campaign finance reform in the United States. In (a) the student is to describe two major provisions on the Federal Election Campaign Act of 1974. Part (b) requires the student to describe one campaign finance reform provision in the Bipartisan Campaign Finance Act of 2002. In (c) students must explain how one of the court cases listed has impacted the issue of campaign finance reform. In (d) the student must explain one argument that supports campaign finance reform and in (e) the student must explain one argument against it.

Question Scoring Guidelines: 6 points total

- a) Describe two major provisions in the Federal Election Campaign Act of 1974 **2 points**

Possible descriptions may include:

- Established the Federal Election Commission to enforce federal law regarding campaigns and/or have authority to write regulations in support of the law.
- Provided for partial federal funding—matching funds—for presidential candidates.
- Limited both campaign contributions and campaign expenditures for all candidates for federal office.
- Limited political committees with regard to campaign contributions and campaign expenditures.
- Permitted corporations and unions to establish and operate PACS.

- b) Describe one campaign finance reform provision included in the Bipartisan Campaign Finance Act, 2002 (McCain-Feingold Bill). **1 point**

Possible descriptions may include:

- Placed limits on issue advocacy ads that name a federal candidate within 30 days of a primary or caucus or 60 days of the general election.
- Placed limits on “soft money” (money raised by parties for party use) by prohibiting national party committees from raising or spending any money not subject to federal limits by law.
- Allowed national party committees to only use “hard money” specifically for federal election activity.
- Limited fundraising by federal and nonfederal candidates on behalf of party committees, other candidates and nonprofit organizations.
- Allowed national party committees to solicit funds or make donations to “527 organizations” only if they are political committees registered with the FEC.



- c) Explain how one of the following court cases has impacted campaign finance reform *1 point*

Possible explanations may include:

Buckley v Valeo, 1975

- The Court found that government restrictions of independent expenditures in campaigns violated the First Amendment.
- The Court found that government restrictions limiting total campaign expenditures violated the candidate's First Amendment rights.

NOTE: The response should include in their explanation that the ruling associated money in campaigns to speech (protected by the First Amendment) and could not be restricted in some cases.

Citizens United v Federal Election Commission, 2010

- Corporation funding of independent political broadcasts in candidate elections cannot be limited because of First Amendment rights.
- First Amendment protections extend to corporations, not just to individuals, in their right to fund political broadcasts in candidate elections.

McCutcheon v Federal Election Commission, 2013

- The Court ruled that the limit placed by the Bipartisan Campaign Reform Act on two year aggregate campaign contributions was unconstitutional.
- The Court ruled that limits placed on an individual two year campaign contribution cycle was a violation of First Amendment rights.

NOTE: The response should note that the ruling involved aggregate spending which refers to the total amount of money donors can give to all candidates, committees and political parties during an election cycle. The term—aggregate spending—is not necessary for the point yet the concept must be expressed.

- d) Explain one argument that supports additional campaign finance reform *1 point*.

Possible explanations may include:

- Limits could help candidates remain focused on issues and not as much on fund raising.
- Unlimited funds to campaigns disproportionately represent a particular issue or view in society if overly funded by one point of view.
- Campaign contributions, especially from large donors, make winning candidates beholden to those donors. In essence, critics say that elections are bought by the donors.
- Unlimited funds from non-voters like corporations or unions could impair the democratic process as candidates will be accountable to corporations or unions, not voters.
- Unlimited funds may provide a corrupt connection, or the appearance of corruption, between big donors and political leaders, not the people as a whole.



e) Explain one argument that opposes additional campaign finance reform *1 point*

Possible explanations may include:

- Limits favor incumbents who have better name recognition and don't need to spend as much. It makes it hard to challenge them in an election.
- Limits can favor incumbents as they have access to past supporters to raise money, making it easier to get the money needed, whereas challengers must focus on organizing financial supporters rather than campaigning.
- Limits could deprive citizen's access to information that could influence voters.



3. The founding fathers included bicameralism as a Constitutional provision in order to balance power in the new United States government.

- a) Define bicameralism.
- b) Describe a unique Constitutional power of the House of Representatives. Describe a unique Constitutional power of the Senate.
- c) For the power you identified in (b) explain the reason why that power was placed in the House.
- d) For the power you identified in (b) explain the reason why that power was placed in the Senate.
- e) Explain how divided government can make it difficult for the House of Representatives and the Senate to work together.

General comments:

Students must demonstrate knowledge concerning the bicameral nature of the U.S. governmental system and how this system can result in divided government. In (a) the student must define bicameralism. In (b) the student must describe the unique powers held by both the House of Representatives and the Senate. In (c) the student must explain the reason for the exclusive power identified in (b) for the House. In (d) the student must explain the reason for the exclusive power identified in (b) for the Senate. For (e) the student must explain how divided government can make it difficult for the House and Senate to work together.

Question Scoring Guidelines: 6 points total

- a) Define bicameralism *1 point*

Definition:

A bicameral legislature is made up of two separate houses or chambers.

- b) Describe a unique Constitutional power of the House of Representatives. Describe a unique Constitutional power of the Senate *2 points*.

Possible descriptions may include:

House of Representatives:

- The power to initiate all revenue bills
- The power to present impeachment charges
- The power to name the president when no candidate wins the electoral college

Senate:

- The power to approve all treaties
- The power to approve presidential appointments—judicial and bureaucratic
- The power to conduct impeachment trials

- c) For the power you identified in (b) explain the reason why that power was placed in the House *1 point*.

Possible explanations may include:

- The House is more closely tied to the people through more frequent elections, and so bills of revenue should be initiated by this body.
- The House representation is based on population and so matters that impact citizens directly (such as taxation) should be decided by the House.



- Since large states are better represented in the House, popular opinion about presidential choice or impeachment should originate in the House.

d) For the power you identified in (b) explain the reason why that power was placed in the Senate **1 point**.

Possible explanations may include:

- Since the Senate is the senior house, the president should consult senators, but not representatives, about treaties with foreign countries.
 - Since the Senate is the senior house, senators, but not representatives, should have the power to approve or disapprove of presidential appointments.
 - The Senate, as a cooler, more deliberate body than the House, has the right to conduct impeachment trials, so that the House does not have the authority to remove a president from office without Senate approval.
- e) Explain how divided government can make it difficult for the House of Representatives and the Senate to work together **1 point**.

Possible explanations may include:

- Gridlock may occur, especially when the branches are not controlled by the same party, making it difficult to compromise on issues.
- Even when the same party controls both houses, in a divided government it is hard for the two houses to coordinate their opposition to the president on important, controversial issues.
- Divided government increases the likelihood of disagreement on important issues, and leaders of the two houses cannot always coordinate a cohesive agenda.



4. **The federal bureaucracy purpose is to help enforce and carry out federal legislation.**

- a) Describe the discretionary power of the federal bureaucracy.
- b) Explain why bureaucrats are given discretionary power.
- c) Explain two checks that Congress has on the power of the bureaucracy.
- d) Explain two checks that the President has on the power of the bureaucracy.

General Comments:

The question requires students to demonstrate knowledge of the U. S. federal bureaucracy, its use of discretionary power and how the president and Congress may check that power. In part (a) the student must describe the discretionary power held by the federal bureaucracy. Part (b) requires the student to explain why bureaucrats are given discretionary power. Part (c) requires the student to explain two checks that Congress has on the power of the bureaucracy while part (d) requires the student to explain two checks that the President has on the power of the bureaucracy.

Question Scoring Guidelines: 6 points total

- a) Describe the discretionary power of the federal bureaucracy *1 point*.

Possible descriptions may include:

- The authority that bureaucrats and agencies have to take action and make policies not specified in the laws
- Power granted to a bureaucrat or agency to apply the law, make policy and take action when it deems necessary within the broad parameters of the law
- The ability of a bureaucrat or agency to choose a course of action and to interpret policies that are not specified in law

- b) Explain why bureaucrats are given discretionary power. *1 point*

Possible explanations may include:

- Bureaucrats are seen as experts in their field rather than members of Congress who may not be experts.
- As employees of the executive branch, they have the responsibility to execute the law, which requires them to decide the ins and outs of how laws should actually be implemented.

- c) Explain two checks that Congress has on the power of the bureaucracy *2 points*

Possible explanations may include:

- “Power of the Purse”—Congress is responsible for approving the budget of the bureaucracies which may reward or punish a bureau through the appropriations process.
- Senate approval of presidential bureaucratic appointments—“advise and consent”
- Power of oversight—public hearings held by sub-committees in Congress to review the work of bureaucracies to be sure they are following the law.
- The ability to write new law that must be applied by the bureaucracy.



d) Explain two checks that the president has on the power of the bureaucracy **2 points**

Possible explanations may include:

- The president appoints department and bureaucratic heads that align with his philosophy.
- The president designs the budget that is submitted to Congress which can reward or punish a bureau or agency.
- The president may issue executive orders that have the force of law for the bureaucracy.