

American Electoral Politics

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****Draft****

Learning Objectives: In this chapter you should learn the following:

1. The difference between primary elections and general elections.
2. The different types of primary elections.
3. What is gerrymandering in general, and what are partisan gerrymandering and racial gerrymandering, and what types of gerrymandering are legal and which illegal.
4. The difficulties with the presidential primary system, and what makes it difficult to find solutions.
5. How the right to vote has expanded throughout U.S. history.
6. What influences a person's likelihood of voting.

TYPES OF ELECTORAL SYSTEMS, AND WHAT TYPE(S) THE U.S. USES

There are many different electoral systems—ways of electing public officials—that are democratically legitimate. The systems used in the U.S. are also legitimate, but should not be thought of as “the right way”—instead, they should be thought of as one of several right ways. Without going into extensive detail, let's look briefly at several of those alternative electoral systems.

- *Single-member plurality* (also known as “first past the post”): The country is divided into districts, with one representative from each district. The winner in the election is whichever candidate gets the most votes, regardless of whether they get a majority (for example, if candidate Smith gets 45%, candidate Hernandez gets 30%, and candidate Chen gets 25%, Smith wins, despite a majority voting against her).
- *Runoff voting*: In cases where the rules require a majority of votes to win, and the first round of voting only provides a plurality winner, a runoff between the top two candidates determines the winner. Using our example above, Smith is the plurality winner, so she must face the second-place candidate, Hernandez, in a runoff. Whether Smith wins the runoff depends on how many of the third place candidate's supporters shift their support to her, and how many favor Hernandez. As this shows, the winner of the election may be determined not by which voters most favor which candidate, but on which voting method is used.

As real world examples of how the choice of electoral method can determine the winner, in the 2014 Texas Republican Party primary election, candidate Ralph Hall won the first round vote, so if it had been a plurality election he would have been the winner of the election. However he fell short of a majority, so he had to face the second place candidate in a runoff, where he lost to John Ratcliffe. Similarly, in the same year in Mississippi, in the Republican party's senatorial primary, Chris McDaniel narrowly edged Thad Cochran in the first round, but was beaten solidly by Cochran in the runoff.

Runoffs can be done either by a separate election or instantly. The first approach (commonly used in the U.S.) has a separate second round of voting that may occur weeks later. The instant runoff requires candidates to list not only their favorite candidate, but to rank order the candidates from most-preferred to least-preferred, and if a voter's most-preferred candidate is at the bottom, their vote is transferred to their second most-preferred candidate, then if necessary to their third-most preferred candidate, until one candidate has accumulated a majority of the votes.

- *Proportional representation*: In this system districts have multiple representatives (sometimes the whole country is a single large district), and voters vote for their preferred party, rather than for a single candidate. The parties then get a number of seats in the legislature that is proportionate to their share of the vote, and they choose the members of their own party who will serve. For example, let's say the (completely made up) country of Vulgaria¹ has a 100 seat parliament. If the Social Democrats get 48% of the votes, they earn 48 seats. The Green Party wins 30% of the vote, they will get 30 seats, and so on. (In the real world, it's slightly more complex, because parties that fall below a threshold, often 5% of the vote, will not get any seats, but we don't need to dig into such details here.)
- Some countries, including Germany and New Zealand, use a combination system called *mixed-member proportional*, in which some seats in the parliament are filled through proportional representation, while the rest are filled by representatives elected from districts. We don't need to go into details about that system, but you should recognize that it's a legitimate alternative used by at least two stable democracies.

In the United States' federal government, all elected positions (House seats, Senate seats, and the presidency) are elected from single member districts. The plurality system is most commonly used, with runoff voting also used frequently.

The House

The Constitution does not require that each member of the House of Representatives be elected from a single-member district, so constitutionally a state could elect all of its House

Representatives “at-large,” from a single district that covers the state. However Congress has required single-member districts by statute. According to Fairvote.org (<http://archive.fairvote.org/?page=526>), most states elected all their Representatives from a single district in the very first congressional elections (1789). In 1842, 6 of the then-31 states were still using multi-member districts, but that year Congress passed its first statute requiring single-member districts. Some thought the law went beyond Congress’s authority, and it was ignored by 4 of those 6 states in the next election. By 1967 only two states—Hawai’i and New Mexico, still used multi-member districts, and Congress passed a new statute requiring single-member districts, which has controlled the state’s House elections ever since.

These House districts often change shape over time. The Constitution requires a census every 10 years, the main purpose of which is to figure out how many people live in each state, so that each state can get the appropriate number of Representatives. This means states sometimes lose or gain Representatives, in a process called *reapportionment* (re-apportioning the total number of Representatives among the states). This means they have to add or subtract the same number of seats through *redistricting*. This requires redrawing the boundaries of their districts, either to fit a new one in or to extend other districts to cover the territory of the one that is lost. Redistricting can happen even if the state’s number of representatives does not change, because some areas of the state may grow in population more than other areas, causing the districts to have unequal numbers of people, in which case they have to be redrawn to make them equal again.

The Senate

In the Senate, each state has two senators, each of whom represents the whole state. In one sense this could fairly be called a multi-member district, but political scientists don’t think of them that way because while these two Senate districts are the same geographically—each covering the whole state—they are not the same temporally (in time). Each lasts 6 years, but not for the same 6 years. For example, one of a state’s Senate seats might be up for election in 2016, for a term that runs from 2017-2020, while the other one is not up for election until 2018, for a term that runs 2019-2022. It’s unusual for most people to think of a political district as existing in time, as well as having a geographical existence, but keep in mind the redrawing of House districts (*redistricting*)—as the boundaries of a district change, it’s no longer truly the same district it was in prior years.

The Presidency

The U.S. Presidential election could be mistaken for a plurality system, because presidents frequently win with less than 50% of the popular vote (the votes cast by citizens). But it is actually a majority system because the voters are technically casting their votes for *electors*, who subsequently cast their votes for president in the *electoral college*, and it requires a majority in the electoral college to win the presidency. If no candidate receives a majority of electoral votes there is no run-off; instead the 12th Amendment to the Constitution requires

that the House of Representatives select from the top 3 vote-getters (with the delegation from each state getting 1 vote, which could be very interesting if the state's delegation was split equally between Republicans and Democrats).

The State and Local Level

Multi-member districts are still used at the state and local level. In many municipalities the city councilmembers are elected “at-large,” meaning they all are elected from a single city-encompassing district. And 10 states still use multi-member districts in their state legislatures. (ballotpedia.org/State_legislative_chambers_that_use_multi-member_districts). None of them use proportional representation, though.

Partisan Gerrymandering

State legislatures have authority to draw the congressional districts. These districts have to meet 4 criteria to be legal. 1) They must be contiguous—that is, each district has to be all one piece, and cannot have any parts that are separate from the rest of the district. 2) They must be compact—that is, they cannot sprawl out too far, although the Supreme Court has never created a rule for defining what constitutes compactness, and many actual districts would, at a glance, seem to violate this rule; still, districts have been ruled invalid for being non-compact. 3) They must be equal in population. 4) They must not discriminate against minority voters (*racial gerrymandering*—see below).

In some states the legislature has delegated this authority to non-partisan redistricting commissions, to limit the influence of politics. But in other states, the party that is in power in the state capital often tries to draw the districts so as to boost the chances of their party winning a majority of the state's House seats. This is called *partisan gerrymandering*.

To gerrymander is to draw the districts to benefit some candidate or some particular group of people. This word, now used internationally, originated in early American politics. Elbridge Gerry, a powerful Massachusetts politician, drew a district to benefit his supporters, and a

newspaperman drew wings, claws, and a face on it (one of America's earliest known political cartoons). As the story goes, he likened it to a salamander, but one of his friends dubbed it a Gerrymander, and the name has stuck.



A *partisan gerrymander* is a gerrymander done to promote the interests of one political party while harming the interests of another political party. While many people argue that these partisan

gerrymanders are harmful to democracy, the Supreme Court has ruled that they are constitutionally allowable. Two techniques are used to discriminate against the disfavored party: *cracking* and *packing*. To “crack” a party means to break up its voters across different districts, where they will be a minority in each one. There might be enough people clustered together to draw a district around them that that party could win, but by splitting them up their voting power is diluted. To *pack* means to clump a large number of voters from the disfavored party into one district. This means surrendering that district to a candidate from that party, but it means the majority party’s own supporters can be made the majority in a larger number of districts. Gerrymandering commonly makes use of both techniques, in different locations.

Although the party that loses out on redistricting resents their loss of influence, the candidate from that party who represents a packed district generally is not too unhappy because he has a very secure seat. Many congressmembers regularly win 70-90% of the vote when running for re-election, and some run without any opposition from a candidate from the other major party. Some of these are in the party that has done the gerrymandering, and they surely appreciate what their party has done for them. But others are in the party that is discriminated against, and their own party’s loss is their gain.

Racial Gerrymandering occurs when districts are drawn to favor or disfavor the voters of one race. When this is done to discriminate against ethnic minorities, to keep their candidates out of office, it is illegal (although in 2013, the Supreme Court ruled in *Shelby County v. Holder* that part of the Civil Rights Act that governed redistricting was no longer valid law—at present, it remains to be seen whether this will produce more racially discriminatory districts, as critics of the ruling fear). When it is done to benefit minority voters, by creating “minority-majority” districts, it is often—although not always—legal.

It is often said that politics makes strange bedfellows, and racial gerrymandering is a case in point. Although black Americans tend to vote for the Democratic Party, Republicans often support the creation of minority-majority districts that help guarantee the election of a black Democrat because it means there are fewer Democrats in other districts, making them more winnable for Republicans. Democrats find these districts problematic, because while they are guaranteed to win them, it diminishes their chance of winning in other districts, but they don’t like to object too much because doing so can alienate black voters, who are an important constituency.

PRIMARY V. GENERAL ELECTIONS

Many elections in the United States, especially at the state and national level, occur in a two-stage process, with a *primary election* coming first, followed by a *general election*. In the primary election (also known just as “primaries”) each party selects its candidate, who then faces off against the other parties’ candidates in the *general election*.

Primary Elections

The primary election system in the United States has changed dramatically in the past half-decade, demonstrating that even without making any amendments to the Constitution the American political system continues to evolve. The trend has been from primaries being tightly controlled by individual parties to being more regulated by the state governments and being more open to all voters. Put another way, the trend has been from a less democratically inclusive system of primaries to a more democratically inclusive system. The types of primaries we will discuss are 1) closed, 2) open, 3) blanket, and 4) blanket non-partisan.

1. *Closed Primaries*

In a closed primary, only registered members of the party can participate. That is, only registered Democrats can vote in the Democratic primary, only registered Republicans can vote in the Republican primary, and so on. This structure makes sense, as the primary election is where the party selects its candidate for the general election, so it is logical to only let people affiliated with the party participate.

But the U.S. has undergone a significant degree of party *dealignment*, where an increasing number of voters register as independents, rather than registering with any party. Some of these voters, despite not wanting to register with any political party, still wanted to participate in the selection of candidates for the general election. There is also an argument that having strictly limited participation in the selection of candidates that the public will choose from among in the general election is undemocratic. This has led to a shift away from closed primaries in the past several decades. At this writing 12 states used closed primaries.

2. *Semi-Closed Primaries*

Some states allow unaffiliated, independent, voters to choose which party’s primary they would like to participate in. Some states allow these voters to remain independent, while others require that participating in a party’s primary changes a voter’s registration to that party (unless and until the voter re-registers as independent). Voters who are registered with a party may only vote in that party’s primary.

3. *Open Primaries*

Whereas in a semi-closed primary only independent voters can choose which party's primary to vote in, in an open primary any voter can participate in any party's primary election. For example, a Democrat could choose to vote in the Republican primary, and vice versa (this is called *crossover voting*). When a voter goes to the polling place, she asks for the primary ballot for whichever party's primary she wants to participate in, and can only vote on that party's ballot. At this writing 14 states used an open primary.

Some people worry that open primaries could lead to strategic voting, where, for example, registered Democrats might cross-over to the Republican primary to try to help the weakest candidate win the Republican nomination, so that the Democratic nominee has a better chance to win in the general election. However studies generally show that when people do cross-over they do so to vote for a candidate in the other party that they like better than any of the candidates in their own party. Even if some members of one party do want to try to undermine the other party, they face a collective action problem in doing so, as many of their party's voters might like that outcome, but knowing that their strategic vote wouldn't make a difference, are more likely to cast an honest (non-strategic) vote for the candidate they like best, which will most often be someone in their own party.

4. *Blanket Primary*

In a blanket primary, all candidates for each office are listed on one ballot. So instead of a voter asking for one party's ballot, they get a single ballot with all parties' candidates for all offices listed on it. But each office has the candidates of each party listed together, separate from the candidates of the other parties. For each office the voter can vote for only one candidate, but can vote for different parties' candidates for different offices. For example, a voter could vote for one of the Republican candidates in the governor's primary, for one of the Democratic candidates in the Senate primary, and for a Green Party candidate in the primary for the House of Representatives. For each office, the top vote-getter from each party advances to the general election to face off against each other.

The Supreme Court rules blanket primaries unconstitutional in 2000, in *California Democratic Party v. Jones*. The grounds for the ruling was that the blanket primary violated the political parties' First Amendment rights to Free Association, with the Court writing that it

"forces political parties to associate with—to have their nominees, and hence their positions, determined by—those who, at best, have refused to affiliate with the party, and, at worst, have expressly affiliated with a rival,"

5. *Nonpartisan Blanket Primary*

After the Supreme Court struck down their blanket primary, California shifted to the nonpartisan blanket primary (also called the jungle primary). In this system all candidates for each office are listed on the same ballot, but no party affiliations are listed. For each office, the top two vote-getters move on to face each other in the general election, meaning that instead of a Democrat, and Republican, and a Green Party member facing off against each other, the general election could feature two members of the same party. This is in fact what happened—in California in 2012, 8 congressional districts' primaries produced general election candidates from the same party, 6 of them having two Democrats facing each other, and the other 2 having two Republicans facing off in the general election. While at first glance this may seem as unconstitutional, like the regular blanket primary, because the candidates do not have their party affiliations listed on the general election ballot, no party is forced to endorse a candidate it does not support. In *California Democratic Party v. Jones*, the Supreme Court said a nonpartisan blanket primary would be constitutionally legitimate, because

[t]his system has all the characteristics of the partisan blanket primary, save the constitutionally crucial one: Primary voters are not choosing a party's nominee.

Presidential Primaries

In presidential election years, each state's primary elections will also include the parties' presidential primaries, but presidential primaries add some different dynamics to the primary process. These are that 1) presidential primaries are cumulative, instead of one-shot events, and 2) that this leads to competition among the states to hold their primaries first.

First, presidential primaries differ from other primaries in being cumulative. In a primary election for a state's governor or U.S. Senator, for example, the party's candidates are selected in either a single plurality-winner election, or in a run-off between the top two candidates (depending on the state's rules). But even though the President will represent the whole country, there is no single nation-wide presidential primary—instead there is a primary in each state, with the results adding up cumulatively to determine each party's presidential nominee. These primaries are stretched out over several months, with presidential aspirants hop-scotching around the country, focusing now on the states whose primaries are coming up next, and after that election immediately shifting their attention to the states with the next primary election date.

Candidate's success in the states with the earliest primary election dates influences their chances for success in later primaries, but it's not simply a matter of whether they win or

lose. A candidate who does better than expected, even if they only come in third, may gain support and increased fundraising that could help them perform better in the next set of primaries. But a candidate who performs below expectations—sometimes even if they win, but not by as much as expected—could find that their support and donations decline, harming their chances in future primaries. In each primary the candidates get a number of delegates to the party's national convention, and the party's nominee will be the candidate that gains a majority of the delegates. From a strategic perspective, candidates want to gain as many delegates as early as possible, hoping to create an aura of inevitability that shifts donations towards their campaign and deters challengers. In some cases candidates try to raise so much money even before the primaries begin that potential challengers give up before the first primary is held. The less competition they have in primaries, the stronger they appear, and the more money they have left in their campaign war chest, when they get to the general election. This, for example, is likely to be the case with Hilary Rodham Clinton in 2016, as after a close loss to Barack Obama for the Democratic nomination it is widely seen as being her turn for the party's nomination, so that while more liberal elements of the party dislike her, no serious challenger is expected to compete against her. Even when no candidate is able to do this, since the mid-1970s it has always been the case that one of the candidates has won a majority of delegates before the last of the primary elections, and has gone to the party's national convention already having secured the party's nomination.

The competing candidates often represent different factions within the party. For example one candidate in the Republican presidential primaries may represent the party's pro-business faction, another may represent the party's social conservative faction, and a third may represent the party's libertarian-leaning faction. At times these battles can reveal very sharp divisions within a party, demonstrating that America's two-party system produces major parties that are not representative of any single clear ideological perspective, but are coalitions of interests that would probably split into separate parties in a multi-party system.

Presidential Primaries and Presidential Power

This presidential primary system only developed in the 20th century, and has had a profound effect on the growth of presidential power. Prior to primary system delegates for the national convention were selected by their state or local parties organizations, and at the convention they would argue and vote until a candidate emerged with a majority of support. Because the delegates came supporting a variety of candidates, it often took many votes over a number of days before the party's nominee was determined. Supporters of candidates who showed strength would lobby for the support of delegates whose candidates were doing poorly, until support had coalesced around few enough candidates that one could win a majority (or in the case of the Democrats, a supermajority of 2/3 of the delegates).

The convention system tended to weed out strong leaders, because strong leaders generally make enemies, and while they would come to the convention with a contingent of staunch supporters they would also enter it with a large contingent of staunch opponents. Frequently the conventions could not agree on a candidate until they settled on someone who was

inoffensive to all sides, which generally meant someone who was not strong and independent. When both parties chose such relatively weak figures as their candidate, whichever won the presidency was—usually—not an aggressive and dominating president, and not as likely to try to expand the powers of the presidency.

The shift to the primary system changed the type of candidate who could win the nomination. To battle through a succession of 50 primaries over several months and win the support of the public—many of whom are not even committed party supporters—a candidate generally has to be strong and determined, exactly the type of person who normally was squeezed out in the convention system. So today, with both parties selecting relatively strong figures as their candidate, whichever wins the presidency is—usually—a strong figure, intent on being a dominant leader and willing to push to expand the powers of the presidency to achieve their goal.²

This is not the only cause of the increase in presidential power through the 20th and into the 21st century, but it is one of the important actors. This effect could be reversed by eliminating primaries and having parties select their presidential candidates through conventions once again, but the public would likely see that as an undemocratic restriction of their rights of political participation, and reject such a proposal. At any rate, such an idea is not on the national agenda.

The second effect of presidential primaries being a cumulative process is that every state wants to have their primaries early in the process, when the candidate pool is still being winnowed down, rather than late in the game when the nominee has already been decided, making those state's primaries meaningless. In recent election years this has led to states trying to leapfrog each other to get their primary earlier in the process. By tradition, Iowa (which, like a few other states, actually has a caucus system, as described below) and New Hampshire always come first, and they jealously guard those positions of influence. So whenever any state set a primary date ahead of theirs, they automatically bumped theirs up to stay ahead (this is even written as a requirement in their state laws). This has led to the primary election season starting ever earlier, stretching out the presidential election campaigns by several months. A process that used to begin in April, and determine a winner by mid-summer, now begins in January and can determine a winner as early as March, 8 months before the general election. At one point, in the leadup to the 2008 presidential election, it began to appear that the first primaries might actually occur in December of the year *before* the general election. This did not happen then, but the pressure on states to try to be first—to be influential—has not abated.

There is near unanimity among political observers that it would be better to start the primaries later, so that the general election campaign did not stretch on for so long. However doing so is a very difficult political problem. Constitutionally, the federal government has no authority to regulate this system, so restructuring it requires coordination among the states, which is difficult because no state benefits from accepting a place at the end of the line.

Some people have called for a national primary, to be held on a single day. This would radically change the dynamics of the presidential nomination process, because candidates could not either gain or lose momentum by performing better or worse than expected in early primary states—instead it would be a case of win or lose all on one single day. This would also be hard on the candidates, because instead of focusing on a few states at a time, they would have to focus on covering the whole country at one time in the months leading up to the national primary. Put into a sports analogy, the current system is something like a sports-season composed of individual competitions, where a team sometimes does better, sometimes worse, throughout the season, while a national primary would be like the Super Bowl, where you have just that one winner-take-all game. Also, this would require Iowa and New Hampshire to give up their role as the first states in the system—they take great pride in “vetting” the candidates over a period of months, as candidates criss-cross those states meeting and greeting with voters. While these two states have no enforceable right to be first in line, they are unlikely to surrender that privilege.

Another proposal has been for a series of regional primaries, modeled on the example set by the South in the 1980s, when 9 southern states agreed to hold their primaries on the same day, to maximize their influence. A series of regional primaries set several weeks apart would allow candidates to focus their efforts on one region at a time, instead of the whole country at once. To give all states the chance to be influential, the regions would rotate their primaries, with the region that leads off election year falling to the back of the pack the next, then working its way back to the front one election season at a time. Even if Iowa and New Hampshire refused to join, and kept their elections first, this would reduce the travel strain on candidates and allow other states to have their share of influence. However it would require all states to join in voluntarily, and states that were moving from first place to the last place primaries would have to be willing to accept their temporary demotion in importance.

As the matter stands now, despite a number of proposals, the lack of central coordinating power to move the states toward agreement means no definite structural change in the presidential primary process is likely in the near future.

ELECTORAL PARTICIPATION

Electoral participation in the United States has two notable characteristics. 1) It has undergone a process of expanding inclusiveness over the course of U.S. history. 2) It is lower than in many other democratic countries.

1. Expanding Inclusiveness

The original text of the Constitution leaves control over voting rights in the hands of the states. Article 1, §2 says,

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors

in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

So whatever restrictions the state put on eligibility to vote for its large state legislative chamber would also be the restrictions on eligibility to vote for the state's Representatives in the House. (The Senate was originally selected by the state legislatures, not by the public.)

In regards to the presidency, the votes that count are the votes of the electors, and according to Article II of the Constitution, each state's electors would be appointed "in such manner as the Legislature thereof may direct." Originally, many state legislatures just appointed electors themselves, and as late as the Civil War, South Carolina still did. In 2000, with confusion over who had won the presidential balloting in Florida, to determine which party's nominee won that state's electoral votes, the state legislature was considering replacing the vote of the public with its own slate of electors. But in general, over the years states came to allow the public to select the electors, with the same restrictions on voting eligibility as applied to elections for the House of Representatives.

Property Ownership

In the first decades of the republic, most states restricted voting based on 4 factors: age, sex, race, and property ownership—in short, only adult white male property owners could vote. The last of these may seem most unusual today, but much of a state's revenue was based on property taxes, and income taxes did not yet exist. It was commonly believed that only those who paid taxes had a real stake in the governing of the state, and it was also feared that non-property owners might vote for the confiscation and redistribution of the property (primarily real estate) of the property-owning class. This may strike us as un-democratic, but in that era the understanding of democracy was akin to what we might call mob-ocracy—people without the means of acquiring property were seen as rabble, who could not be trusted and who lacked the knowledge or intelligence to participate in politics.

Race

But by the 1930s this belief was changing, and property qualifications were being eliminated. Soon all adult white males were eligible to vote. The next restriction to fall, at least legally, was the race-based restriction. Following the Civil War, the 15th Amendment was ratified in 1870. It reads,

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Despite this constitutional requirement, many states, particularly in the South, continued to find ways to restrict the voting rights of black people. They used literacy tests, grandfather clauses (allowing people to vote only if their grandfather was eligible to vote), and lynchings of blacks who registered to suppress the black vote. Despite section 2 of the 15th Amendment, Congress did not make any laws to enforce black voting rights until almost a century later, when it passed the 1965 Voting Rights Act. One useful way to look at this is to realize that 95 years passed from the 15th Amendment until passage of the Voting Rights, while as of this writing, only 50 years have passed since passage of the Voting Rights Act.

There are two continuing controversies over the voting rights of minorities. One concerns the drawing of congressional districts to benefit candidates of a particular race, as discussed above. The other is alleged efforts to suppress minority voting, including reports of polling places being open for fewer hours in precincts with large number of minorities, and the growing number of states requiring voters to show photo ID, which poorer people are less likely to have. The actual effects of these on minority voter turnout remains incompletely determined at the time of writing this chapter.

We can say, however, that, for various reasons (some considered later in this chapter), minorities overall vote at lower rates than white Americans. But there are different sets of minorities. Asian-Americans tend to vote at the same rates as white Americans, due largely to education and income. Black women vote at rates not far behind. But Latinos and black men tend to vote at much lower rates, although the rate of voting among Latinos is increasing. However it should be noted that in 2012, with Barack Obama running for re-election to the presidency, for the first time in history black turnout rate exceeded white turnout, 66% to 64%.

Sex

One of the earliest battles of women's right pioneers was to gain *suffrage*, the right to vote. Through the late 19th and early 20th centuries victories were won in a series of states, and in 1920 the 19th Amendment—barring states from denying citizens the right to vote based on sex, was passed. Initially many men worried that women would vote as a single bloc, while men split their votes between the parties. As it has actually turned out, women are just as individualistic in their views as men, and also split their votes between the parties. However as things stand these days there is a disparity between the sexes, with the Democratic Party gaining a larger share of women's votes than the Republican Party, and the Republicans gaining a larger share of men's votes than the Democrats. Although the precise numbers vary election-by-election, depending on the candidates and what issues are most prominent to voters, in the

2012 presidential election, Democrat Barack Obama won the female vote 55-44%, while Republican Mitt Romney won the male vote 52% to 45%. As can be seen, despite the disparity, both parties get substantial numbers of voters of each sex. Importantly, though, women today are slightly more likely to vote than men.

Related to voting rights is the election of women to office. Although there are slightly more female voters than male voters, men still hold a majority of the seats in both chambers of Congress. But while women are still less likely to run for office than are men, when they do run their odds of winning are about equal with men's chances.

Age

The original text of the Constitution says nothing about age requirements for voting, and state by state those have varied over time, although they did not tend to be greater than a minimum age of 21. This was changed in 1971 by the 26th Amendment, which set a national minimum age of 18 for voting (states could allow a lower voting age, although none do, but not a higher minimum age). This amendment was driven by student protests and concerns about being drafted to fight in the Vietnam War. It was widely seen as inappropriate that people under 21 could be drafted to fight and possibly die halfway around the world, but not be able to participate politically. After being passed by Congress, this amendment was ratified by the states in just over 3 months, the fastest ratification of any amendment to the U.S. Constitution.

Other Efforts to Expand Voter Participation: Vote-by-mail (postal voting) and Early Voting

In the 1990s Oregon became the first state to experiment with vote-by-mail. This came about through a series of gradual changes in state election laws. First the state made it easier to register for absentee voting, which gives a voter a ballot to mail-in, rather than go to the polls in person. Traditionally people registering as absentee voters had to prove they would be out-of-state on election day, but the law changed this so that Oregon citizens could register as absentee voters without having to provide any reason. Such a large number of citizens—most of whom were not out of state on election day—took advantage of this year after year that eventually the state further changed the rules so that people could register as permanent absentee voters. Such a large number of people took advantage of this that the state's elections were taking place in large part, although not completely, through the mail. So eventually the state experimented with running an election wholly by mail, with no in-person voting, trying it first in a small election with mostly local offices being voted on, and no national-level offices being involved. The effort was successful enough that soon after, in 1998, voters approved a citizen initiative to hold all elections by mail. One of the goals was to encourage greater participation, but while those gains have been small, it has lowered the costs of conducting elections. Colorado and Washington state have since followed Oregon's lead.

Other states have also expanded absentee balloting, and in recent years many have expanded their use of early voting, where voters can cast their ballots for some period of time—from 4 to 50 days, depending on the state—before the official election day. Some of these states require the ballots to be delivered by hand, while others allow them to be mailed in. Although this is still controversial, nearly 1/3 of presidential ballots are now cast this way.

Limitations on Voting: Felons

One factor that severely constrains voting among a subset of the population is state-level restrictions on voting by convicted felons. In most states, voting rights are lost for life, even after the convicted felon has served their prison sentence and been released. Because felony convictions are disproportionately high among minority males, these rules have the effect of disenfranchising large numbers of black and Latino men, many of whom committed their crimes when they were young, and who have been law-abiding citizens since. This issue is growing in the public's attention, but to date there is little traction among the states to change their laws to restore voting rights to felons who have served their time.

2. *Voter Turnout in the U.S.*

Voter turnout is lower in the U.S. than in most economically developed democratic countries, and some see this as a national embarrassment. Various proposals have been made to increase turnout, from making voting mandatory, as some countries do, to shifting voting to the weekends, instead of on a weekday, to making election day a national holiday (although vote-by-mail and early-voting should be as effective in reducing the constraints of voting on a weekday as much or more than shifting election day would). Others note that the requirement to register to vote seems to limit turnout, and propose to eliminate voter registration requirements and allow all citizens to appear on election day to sign up to vote, without having to register in advance. Many, however, fear that this would make it easier to engage in voter fraud, although others note that not only do some other democracies manage this without increased voter fraud, but so does North Dakota.

Another line of thought about low voter turnout in the U.S. blames the frequency of elections in the U.S. In the late 19th and early 20th centuries, many states shifted their elections for governor and state legislature to different years than congressional and presidential elections, and many localities have elections that occur separately from state elections. This means citizens are asked to vote as often as twice a year, with most elections affecting only a small number of issues and political offices. By contrast, most democracies have many fewer elections, with each election focused on a larger set of issues. It is argued that if states and localities would synchronize their

elections with the national election cycle, turnout might increase simply because we are asking less of citizens and each election matters more.

Why Do People Vote?

From one perspective, voting is a collective action problem. All Americans (one hopes) want democratic elections, which requires some significant amount of voter turnout. And most people want one candidate rather than the other to win. But no one person's vote can turn dangerously low turnout into acceptably democratic high turnout, nor, except in the smallest of local elections, can one person's vote determine the outcome of the election. So why vote? In fact many people believe that their vote is important to determining the outcome of the election, which is a delusion. Many other people—and many of the same ones—answer that voting is a civic duty, but of course there is no way to prove that there is such a thing as a civic duty to vote—that is a belief, not an empirical fact. But the fact that people hold that belief goes a long way toward explaining why they vote. And our educational system makes a concerted effort to inculcate the idea of a civic duty from an early age, so that people deeply internalize the belief and act accordingly.

But we can also see that different groups of people vote at different frequencies. Race and ethnicity matter, as discussed above, as does—at a much smaller level—sex. Other determinants are 1) age, 2) education, and 3) income.

1. Age

In general, younger people are less likely to vote than older people. As a person gets older, they become more likely to vote, until they reach approximately their mid-30s. At that point their participation declines with age, due to increasing infirmity and mental decay. In 2004, Democrat Howard Dean was the first candidate to use the internet to tap into fundraising from young people, many of whom donated from \$5-20 electronically. Based on this unprecedented engagement from youth, many political observers assumed Dean would capture a large youth vote in the primaries, which might carry him to the Democratic nomination. But it proved easier to get young people to click buttons on a computer than to get them out to the polls—the youth vote never turned out and Dean's campaign flamed out early.

In 2008, though, Barack Obama did win an unprecedented turnout among young voters. But in 2012 youth turnout declined again, and in the 2014 congressional elections—without a charismatic presidential candidate to inspire their participation—their participation returned to traditional low levels. Whether their turnout can be increased significantly in future elections remains unknown.

2. Education

Increasing education is also a significant factor in likelihood of voting. As a general rule, the more education a person has the more likely they are to vote. Those with a high school diploma are more likely to vote than those who do not complete high school; those with some college are more likely to vote than those with a high school diploma; those with a college degree are more likely to vote than those with some college; and those with advanced degrees are more likely to vote than those with college degrees.

3. *Income*

Increasing income is also associated with greater likelihood of voting, although those at the very top end of the income scale may not bother with voting at all (preferring to influence the process through donations, rather than through their vote).

Summary

While much more could be said about electoral politics in the U.S., and while many worry that money (about which we have said nothing here) is undermining American democracy, the general trend through U.S. history has been the expansion of participation in U.S. elections.

¹ The made-up country of Vulgaria is the setting of English author Lawrence Durrell's entertaining stories about Antrobus, a fictional British diplomat. See *Antrobus Complete*.

² See, generally, Crenson, Matthew, and Benjamin Ginsberg. *Presidential Power: Unchecked and Unbalanced*.