Voting and Elections 7



FIGURE 7.1 In 2019, Andy Beshear was narrowly elected governor of Kentucky after serving as attorney general in the state. After winning reelection by a wider margin in 2023, he and Lieutenant Governor Jacqueline Coleman remain Kentucky's only Democratic statewide elected officials, and the state has consistently voted Republican in subsequent Presidential and Congressional elections. (credit: modification of "Press Conference with Senator Mitch McConnell and Gov. Andy Beshear" by SPC Georgia Napier/DVIDS, Public Domain)

CHAPTER OUTLINE

7.1 Voter Registration
7.2 Voter Turnout
7.3 Elections
7.4 Campaigns and Voting
7.5 Direct Democracy

INTRODUCTION Lawyer Andy Beshear became the attorney general of Kentucky in 2016 after defeating the incumbent by fewer than 2,000 votes. A Democrat in a Republican-dominated state, he engaged in widely publicized lawsuits against the governor, Matt Bevin. Beshear challenged the governor on issues related to overstepping gubernatorial authority, such as restructuring teacher pensions, replacing university boards, and similar actions, without the involvement of the state legislature. While he was only successful in some cases, Beshear elevated his reputation and gained support against Bevin, whom polls indicated was the least popular governor in the nation. Beshear also filed landmark lawsuits against pharmaceutical companies for their roles in the Kentucky's (and the nation's) opioid crisis; several of those companies settled the suits for massive

sums.

Beshear ran against Bevin in the 2019 election. While he had gained popularity and recognition, winning an election in a Republican state was a challenge. Beshear navigated sensitive issues such as gun rights and abortion by taking positions that appealed to Democrats in Kentucky's urban areas and were generally were acceptable to moderate Republicans. For example, he indicated he would not pursue an assualt weapons ban. Beshear defeated Bevin in what was the closest governor's race in Kentucky history. In 2023, he ran for and won reelection by a wider margin: approximately 5 percent.[1]

7.1 Voter Registration

LEARNING OBJECTIVES

By the end of this section, you will be able to:

- Identify ways the U.S. government has promoted voter rights and registration
- Summarize similarities and differences in states' **voter registration** methods
- Analyze ways states increase voter registration and decrease fraud

Before most voters are allowed to cast a ballot, they must register to vote in their state. This process may be as simple as checking a box on a driver's license application or as difficult as filling out a long form with complicated questions. Registration allows governments to determine which citizens are allowed to vote and, in some cases, from which list of candidates they may select a party nominee. Ironically, while government wants to increase voter turnout, the registration process may prevent various groups of citizens and non-citizens from participating in the electoral process.

VOTER REGISTRATION ACROSS THE UNITED STATES

Elections are state-by-state contests. They include general elections for president and statewide offices (e.g., governor and U.S. senator), and they are often organized and paid for by the states. Because political cultures vary from state to state, the process of voter registration similarly varies. For example, suppose an 85-year-old retiree with an expired driver's license wants to register to vote. He or she might be able to register quickly in California or Florida, but a current government ID might be required prior to registration in Texas or Indiana.

The varied registration and **voting laws** across the United States have long caused controversy. In the aftermath of the Civil War, southern states enacted literacy tests, grandfather clauses, and other requirements intended to disenfranchise Black voters in Alabama, Georgia, and Mississippi. Literacy tests were long and detailed exams on local and national politics, history, and more. They were often administered arbitrarily with more African Americans required to take them than White people.[2] Poll taxes required voters to pay a fee to vote. Grandfather clauses exempted individuals from taking literacy tests or paying poll taxes if they or their fathers or grandfathers had been permitted to vote prior to a certain point in time. While the Supreme Court determined that grandfather clauses were unconstitutional in 1915, states continued to use poll taxes and literacy tests to deter potential voters from registering.[3] States also ignored instances of violence and intimidation against African Americans wanting to register or vote.[4]

The ratification of the Twenty-Fourth Amendment in 1964 ended poll taxes, but the passage of the Voting Rights Act (VRA) in 1965 had a more profound effect (Figure 7.2). The act protected the rights of minority voters by prohibiting state laws that denied voting rights based on race. The VRA gave the attorney general of the United States authority to order federal examiners to areas with a history of discrimination. These examiners had the power to oversee and monitor voter registration and elections. States found to violate provisions of the VRA were required to get any changes in their election laws approved by the U.S. attorney general or by going through the court system. However, in *Shelby County v. Holder* (2013), the Supreme Court, in a 5–4 decision, threw out the standards and process of the VRA, effectively gutting the landmark legislation.[5] This decision effectively pushed decision-making and discretion for election policy in VRA states to the state and local level. Several such states subsequently made changes to their voter ID laws and North

Carolina changed its plans for how many polling places were available in certain areas. This is the legal avenue though which legislators in scores of U.S. states in 2021 have introduced legislation to make voter registration requirements more stringent and to limit options in terms of voting methods. The extent to which such changes will violate equal protection is unknown in advance, but such changes often do not have a neutral effect.



(a) (b)

FIGURE 7.2 The Voting Rights Act (a) was signed into law by President Lyndon B. Johnson (b, left) on August 6, 1965, in the presence of major figures of the civil rights movement, including Rosa Parks and Martin Luther King Jr. (b, center).

The effects of the VRA were visible almost immediately. In Mississippi, only 6.7 percent of Black people were registered to vote in 1965; however, by the fall of 1967, nearly 60 percent were registered. Alabama experienced similar effects, with African American registration increasing from 19.3 percent to 51.6 percent. Voter turnout across these two states similarly increased. Mississippi went from 33.9 percent turnout to 53.2 percent, while Alabama increased from 35.9 percent to 52.7 percent between the 1964 and 1968 presidential elections.[6]

Following the implementation of the VRA, many states have sought other methods of increasing voter registration. Several states make registering to vote relatively easy for citizens who have government documentation. Oregon has few requirements for registering and registers many of its voters automatically. North Dakota has no registration at all. In 2002, Arizona was the first state to offer online voter registration, which allowed citizens with a driver's license to register to vote without any paper application or signature. The system matches the information on the application to information stored at the Department of Motor Vehicles, to ensure each citizen is registering to vote in the right precinct. Citizens without a driver's license still need to file a paper application. More than eighteen states have moved to online registration or passed laws to begin doing so. The National Conference of State Legislatures estimates, however, that adopting an online voter registration system can initially cost a state between $250,000 and $750,000.[7]

Other states have decided against online registration due to concerns about voter fraud and security. Legislators also argue that online registration makes it difficult to ensure that only citizens are registering and that they are registering in the correct precincts. As technology continues to update other areas of state recordkeeping, online registration may become easier and safer. In some areas, citizens have pressured the states and pushed the process along. A bill to move registration online in Florida stalled for over a year in the legislature, based on security concerns. With strong citizen support, however, it was passed and signed in 2015, despite the governor's lingering concerns. In other states, such as Texas, both the government and citizens are concerned about identity fraud, so traditional paper registration is still preferred.

HOW DOES SOMEONE REGISTER TO VOTE?

The National Commission on Voting Rights completed a study in September 2015 that found state registration laws can either raise or reduce voter turnout rates, especially among citizens who are young or whose income falls below the poverty line. States with simple voter registration had more registered citizens.[8]

In all states except North Dakota, a citizen wishing to vote must complete an application. Whether the form is online or on paper, the prospective voters will list their name, residency address, and in many cases party identification (with Independent as an option) and affirm that they are competent to vote. States may also have a **residency requirement**, which establishes how long a citizen must live in a state before becoming eligible to register: it is often thirty days. Beyond these requirements, there may be an oath administered or more questions asked, such as felony convictions. If the application is completely online and the citizen has government documents (e.g., driver's license or state identification card), the system will compare the application to other state records and accept an online signature or affidavit if everything matches up correctly. Citizens who do not have these state documents are often required to complete paper applications. States without online registration often allow a citizen to fill out an application on a website, but the citizen will receive a paper copy in the mail to sign and mail back to the state.

Another aspect of registering to vote is the timeline. States may require registration to take place as much as thirty days before voting, or they may allow same-day registration. Maine first implemented same-day registration in 1973. Fourteen states and the District of Columbia now allow voters to register the day of the election if they have proof of residency, such as a driver's license or utility bill. Many of the more populous states (e.g., Michigan and Texas), require registration forms to be mailed thirty days before an election. Moving means citizens must re-register or update addresses (Figure 7.3). College students, for example, may have to re-register or update addresses each year as they move. States that use same-day registration had a 4 percent higher voter turnout in the 2012 presidential election than states that did not.[9] Yet another consideration is how far in advance of an election one must apply to change one's political party affiliation. In states with closed primaries, it is important for voters to be allowed to register into whichever party they prefer. This issue came up during the 2016 presidential primaries in New York, where there is a lengthy timeline for changing your party affiliation.

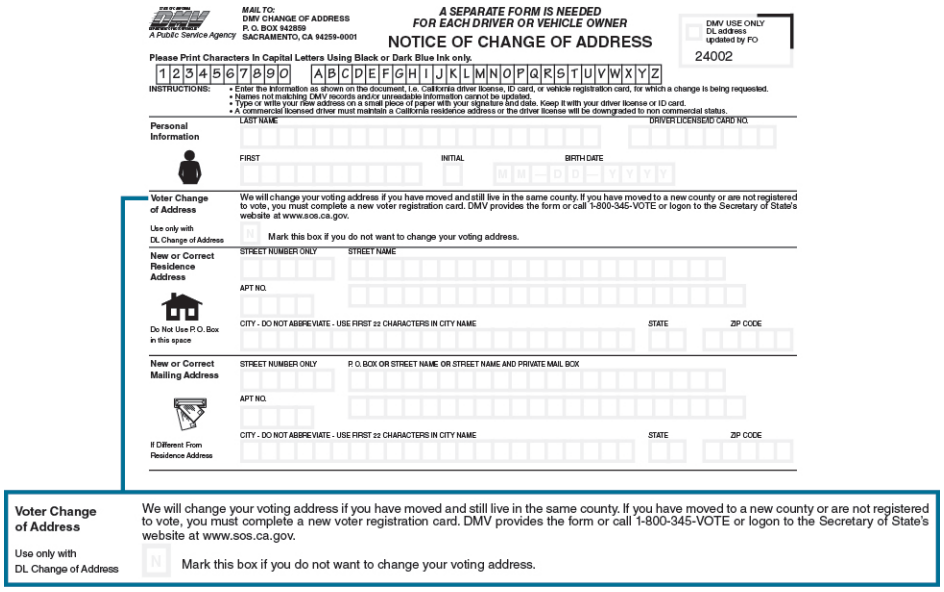


FIGURE 7.3 Moving requires a voter to re-register or update their address in the system. Depending on the state, this notification can sometimes be completed through the Department of Motor Vehicles, as in California. Many states now have online forms.

Some attempts have been made to streamline voter registration. The National Voter Registration Act (1993), often referred to as Motor Voter, was enacted to expedite the registration process and make it as simple as possible for voters. The act required states to allow citizens to register to vote when they sign up for driver's licenses and Social Security benefits. On each government form, the citizen need only mark an additional box to also register to vote. Unfortunately, while increasing registrations by 7 percent between 1992 and 2012, Motor Voter did not dramatically increase voter turnout.[10] In fact, for two years following the passage of the

act, voter turnout decreased slightly.[11] It appears that the main users of the expedited system were those already intending to vote. One study, however, found that preregistration may have a different effect on youth than on the overall voter pool; in Florida, it increased turnout of young voters by 13 percent.[12]

In 2015, Oregon made news when it took the concept of Motor Voter further. When citizens turn eighteen, the state now automatically registers most of them using driver's license and state identification information. When a citizen moves, the voter rolls are updated when the license is updated. While this policy has been controversial, with some arguing that private information may become public or that Oregon is moving toward mandatory voting, automatic registration is consistent with the state's efforts to increase registration and turnout.[13]

Oregon's example offers a possible solution to a recurring problem for states—maintaining accurate voter registration rolls. During the 2000 election, in which George W. Bush won Florida's electoral votes by a slim majority, attention turned to the state's election procedures and voter registration rolls. Journalists found that many states, including Florida, had large numbers of phantom voters on their rolls, voters had moved or died but remained on the states' voter registration rolls.[14] The Help America Vote Act of 2002 (HAVA) was passed in order to reform voting across the states and reduce these problems. As part of the Act, states were required to update voting equipment, make voting more accessible to people with disabilities, and maintain computerized voter rolls that could be updated regularly.[15]

Over a decade later, there has been some progress. In Louisiana, voters are placed on ineligible lists if a voting registrar is notified that they have moved or become ineligible to vote. If the voter remains on this list for two general elections, that registration is cancelled. In Oklahoma, the registrar receives a list of deceased residents from the Department of Health.[16] Twenty-nine states now participate in the Interstate Voter Registration Crosscheck Program, which allows states to check for duplicate registrations.[17] At the same time, Florida's use of the federal Systematic Alien Verification for Entitlements (SAVE) database has proven to be controversial, because county elections supervisors are allowed to remove voters deemed ineligible to vote.[18]

LINK TO LEARNING

The National Association of Secretaries of State maintains a website (https://openstax.org/l/29canivote) that directs users to their state's information regarding voter registration, identification policies, and polling locations.

WHO IS ALLOWED TO REGISTER?

In order to be eligible to vote in the United States, a person must be a citizen, resident, and eighteen years old. But states often place additional requirements on the **right to vote**. The most common requirement is that voters must be deemed competent and not currently serving time in jail. Some states enforce more stringent or unusual requirements on citizens who have committed crimes. Kentucky permanently bars felons and ex-felons from voting unless they obtain a pardon from the governor, while Florida, Mississippi, and Nevada allow former felons to apply to have their voting rights restored.[19] Florida previously had a strict policy against felony voting, like Kentucky. However, through a 2018 initiative petition, Florida voters approved a reinstatement of voting rights for felons after their sentences are completed and any financial debt to society paid.[20] On the other end of the spectrum, Vermont does not limit voting based on incarceration unless the crime was election fraud.[21] Maine citizens serving in Maine prisons also may vote in elections.

Beyond those jailed, some citizens have additional expectations placed on them when they register to vote. Wisconsin requires that voters "not wager on an election," and Vermont citizens must recite the "Voter's Oath" before they register, swearing to cast votes with a conscience and "without fear or favor of any person."[22]

GET CONNECTED!

Where to Register?

Across the United States, over twenty million college and university students begin classes each fall, many away from home. The simple act of moving away to college presents a voter registration problem. Elections are local. Each citizen lives in a district with state legislators, city council or other local elected representatives, a U.S. House of Representatives member, and more. State and national laws require voters to reside in their districts, but students are an unusual case. They often hold temporary residency while at school and return home for the summer. Therefore, they have to decide whether to register to vote near campus or vote back in their home district. What are the pros and cons of each option?

Maintaining voter registration back home is legal in most states, assuming a student holds only temporary residency at school. This may be the best plan, because students are likely more familiar with local politicians and issues. But it requires the student to either go home to vote or apply for an absentee ballot. With classes, clubs, work, and more, it may be difficult to remember this task. One study found that students living more than two hours from home were less likely to vote than students living within thirty minutes of campus, which is not surprising.[23]

Registering to vote near campus makes it easier to vote, but it requires an extra step that students may forget (Figure 7.4). And in many states, registration to vote in a November election takes place in October, just when students are acclimating to the semester. They must also become familiar with local candidates and issues, which takes time and effort they may not have. But they will not have to travel to vote, and their vote is more likely to affect their college and local town.



(a) (b)

FIGURE 7.4 On National Voter Registration Day in 2012, Roshaunda McLean (a, left), campus director of the Associated Students of the University of Missouri, and David Vaughn (a, right), a Missouri Student Association senator, register voters on campus. Cassie Dorman (b, left) and Samantha Peterson (b, right), both eighteen years old, were just two of the University of Missouri students registering to vote for the first time. (credit a, b: modification of work by "KOMUnews"/Flickr)

Have you registered to vote in your college area, or will you vote back home? What factors influenced your decision about where to vote?

7.2 Voter Turnout

LEARNING OBJECTIVES

By the end of this section, you will be able to:

- Identify factors that motivate registered voters to vote
- Discuss circumstances that prevent citizens from voting
- Analyze reasons for low **voter turnout** in the United States

Campaign managers worry about who will show up at the polls on Election Day. Will more Republicans come?

More Democrats? Will a surge in younger voters occur this year, or will an older population cast ballots? We can actually predict with strong accuracy who is likely to vote each year, based on identified influence factors such as age, education, and income. Campaigns will often target each group of voters in different ways, spending precious campaign dollars on the groups already most likely to show up at the polls rather than trying to persuade citizens who are highly unlikely to vote.

COUNTING VOTERS

Low voter turnout has long caused the media and others to express concern and frustration. A healthy democratic society is expected to be filled with citizens who vote regularly and participate in the electoral process. People like Stacey Abrams, who founded Fair Fight Action in 2018, and organizations such as the League of Women Voters and Project Vote Smart (Figure 7.5) work hard to increase voter turnout in all age groups across the United States. But just how low is voter turnout? The answer depends on who is calculating it and how. There are several methods, each of which highlights a different problem with the electoral system in the United States.



(a) (b) (c)

FIGURE 7.5 Stacey Abrams, shown here campaigning in Georgia in 2018, became involved in voter turnout efforts after losing her closely contested gubernatorial election (a). Women represent The League of Women Voters of California at a Sacramento convention in 2017 (b). Congresswoman Joyce Beatty (center), who represents Ohio's 3rd Congressional District in the U.S. House of Representatives, attends a voter registration drive in September 2020 (c). (credit a: modification of "Stacey Abrams Campaigning in 2018" by The Circus/Wikimedia Commons, CC BY; credit b: modification of "The League of Women Voters of California" by League of Women Voters/Flickr, CC BY; credit c: modification of "Joyce Beatty at Voter Registration Drive in Ohio" by Office off Joyce Beatty/Wikimedia Commons, Public Domain)

LINK TO LEARNING

Interested in mobilizing voters? Explore Rock the Vote (https://openstax.org/l/29rockthevote) and The Voter Participation Center (https://openstax.org/l/29voterpartic) for more information.

Calculating voter turnout begins by counting how many ballots were cast in a particular election. These votes must be cast on time, either by mail or in person. The next step is to count how many people *could* have voted in the same election. This is the number that causes different people to calculate different turnout rates. The complete population of the country includes all people, regardless of age, nationality, ability, health, or freedom. We can count subsections of this population to calculate voter turnout. For instance, the next largest population in the country is the **voting-age population** (VAP), which consists of persons who are eighteen and older. Some of these persons may not be eligible to vote in their state, but they are included because they are of age to do so.[24]

An even smaller group is the **voting-eligible population** (VEP), citizens eighteen and older who, whether they have registered or not, are eligible to vote because they are citizens, and not imprisoned. If a state has more stringent requirements, such as not having a felony conviction, citizens counted in the VEP must meet those criteria as well. States also have different guidelines or requirements for people with intellectual disabilities, mental illness, and other criteria, which can be used to temporarily or permanently bar people from voting.

(The practices have frequently been used in a discriminatory way.) As a result, this population is much harder to measure, but statisticians who use the VEP will generally take the VAP and subtract the state's prison population and any other known group that cannot vote. This results in a number that is somewhat theoretical; however, in a way, it is more accurate when determining voter turnout.[25]

The last and smallest population is registered voters, who, as the name implies, are citizens currently registered to vote. Now we can appreciate how reports of voter turnout can vary. As Figure 7.6 shows, 83 percent of registered voters voted in the 2024 presidential election, which represents 46 percent of the total U.S. population. While 46 percent is indeed low and might cause alarm, some people included in it are under eighteen, not citizens, or unable to vote due to competency or prison status. The next number shows that just over 59 percent of the voting-age population voted, and 64 percent of the voting-eligible population. The highest turnout ratio is calculated using the smallest population: 84 percent of registered voters voted. Those who argue that a healthy democracy needs high voter turnout will look at the voting-age population or voting-eligible population as proof that the United States has a problem. Those who believe only informed and active citizens should vote point to the registered voter turnout numbers instead. However, looking at only one number can be deceiving. For example, if one compares the percentage of registered voters who voted in 2024 (84 percent) versus 2020 (77 percent), it would seem as if voter turnout had increased significantly; however, if one looks at the percentage of the voting-eligible population who voted in these same years (64 percent in 2024 versus 67 percent in 2020), one can see that is not the case. In fact, the number of votes cast in the 2024 election decreased by over 3.4 million votes. So, while a larger percentage of registered voters voted in 2024 versus 2020, the pool of registered voters was much smaller as was the total number of people who voted.[26]

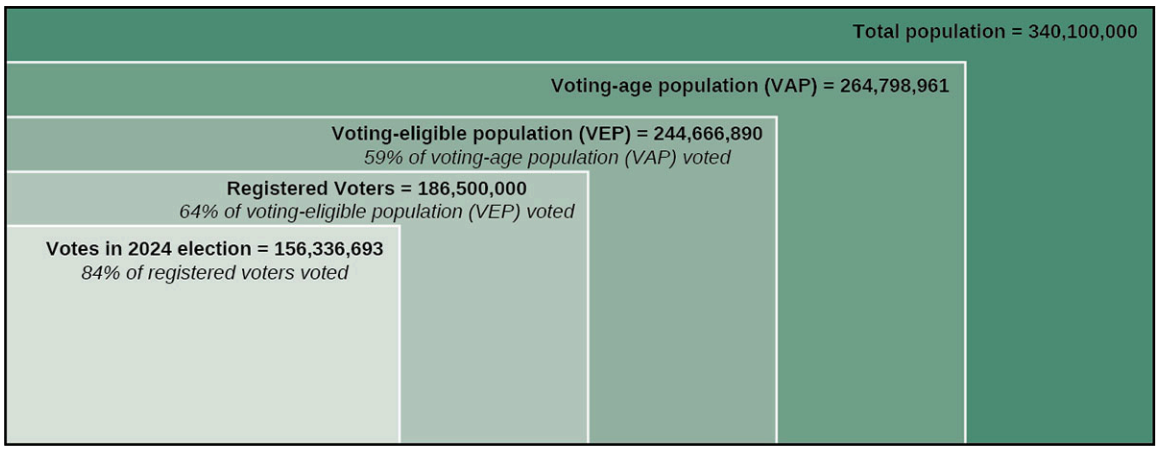


FIGURE 7.6 There are many ways to measure **voter turnout** depending on whether we calculate it using the total population, the voting-age population (VAP), the voting-eligible population (VEP), or the total number of registered voters.

WHAT FACTORS DRIVE VOTER TURNOUT?

Political parties and campaign managers approach every population of voters differently, based on what they know about factors that influence turnout. Everyone targets likely voters, which are the category of registered voters who vote regularly. Most campaigns also target registered voters in general, because they are more likely to vote than unregistered citizens. For this reason, many polling agencies ask respondents whether they are already registered and whether they voted in the last election. Those who are registered and did vote in the last election are likely to have a strong interest in politics and elections and will vote again, provided they are not angry with the political system or politicians.

Some campaigns and civic groups target members of the voting-eligible population who are not registered, especially in states that are highly contested during a particular election. The Association of Community Organizations for Reform Now (ACORN), which is now defunct, was both lauded and criticized for its efforts to get voters in low socio-economic areas registered during the 2008 election.[27] Similarly, interest groups in Los

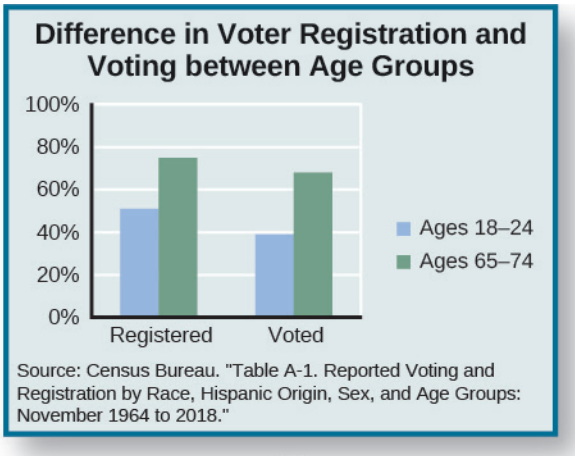
Angeles were criticized for registering homeless citizens as a part of an effort to gather signatures to place propositions on the ballot.[28] These potential voters may not think they can vote, but they might be persuaded to register and then vote if the process is simplified or the information they receive encourages them to do so.

Campaigns also target different age groups with different intensity, because age is a relatively consistent factor in predicting voting behavior. Those between eighteen and twenty-five are least likely to vote, while those sixty-five to seventy-four are most likely. One reason for lower voter turnout among younger citizens may be that they move frequently.[29] Another reason may be circular: Youth are less active in government and politics, leading the parties to neglect them. When people are neglected, they are in turn less likely to become engaged in government.[30] They may also be unaware of what a government provides. Younger people are often still in college, perhaps working part-time and earning low wages. They are unlikely to be receiving government benefits beyond Pell Grants or government-subsidized tuition and loans. They are also unlikely to be paying taxes at a high rate. Government is a distant concept rather than a daily concern, which may drive down turnout.

In 2016, for example, the Census Bureau reported that only 51 percent of eligible voters between the ages of eighteen and twenty-four registered and 39 percent voted, while 75 percent of sixty-five to seventy-four-year-olds registered and 68 percent voted.[31] Once a person has retired, reliance on the government will grow if they draw income from Social Security, receive health care from Medicare, and enjoy benefits such as transportation and social services from state and local governments (Figure 7.7).



(a)



(b)

FIGURE 7.7 On January 7, 2008, John McCain campaigned in New Hampshire among voters holding AARP signs (a). AARP, formerly the American Association of Retired Persons, is one of the most influential interest groups because senior citizens are known to vote at nearly double the rate of young people (b), thanks in part to their increased reliance on government programs as they age. (credit a: modification of "John McCain" by Ryan Glenn/Flickr, CC BY)

Due to consistently low turnout among the young, several organizations have made special efforts to demonstrate to younger citizens that voting is an important activity. Rock the Vote began in 1990, with the goal of bringing music, art, and pop culture together to encourage the youth to participate in government. The organization hosts rallies, festivals, and concerts that also register voters and promote voter awareness, bringing celebrities and musicians to set examples of civic involvement. Rock the Vote also maintains a website that helps young adults find out how to register in their state. In 2018, former first lady Michelle Obama founded the organization "When We All Vote" to encourage voter registration and participation in the 2020 electoral process. Joining Obama as co-chairs on her "voting squad" were Tom Hanks, Rita Wilson, Selena Gomez, Faith Hill, Lin-Manuel Miranda, and Chris Paul. These efforts may indeed have helped increase turnout, as 2020 brought record levels of participation, despite the challenges of the COVID-19 pandemic. (Figure 7.8).[32]

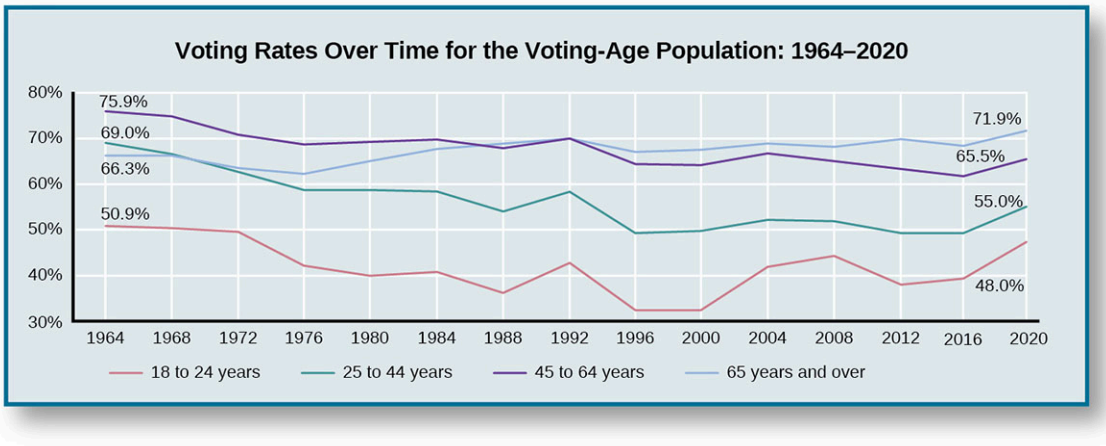
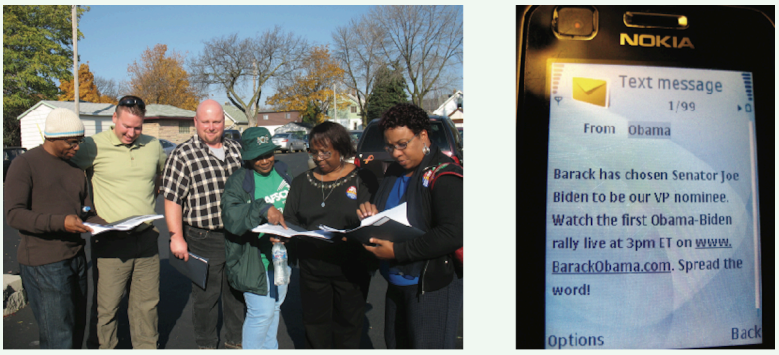


FIGURE 7.8 Voting rates by age groups have tended downward since 1964, with the exception of those 65 and over, who now lead in terms of turnout. Source: U.S. Census Bureau, Current Population Survey, Select Years

MILESTONE

Making a Difference

In 2008, for the first time since 1972, a presidential candidate intrigued America's youth and persuaded them to flock to the polls in record numbers. Barack Obama not only spoke to young people's concerns but his campaign also connected with them via technology, wielding texts and tweets to bring together a new generation of voters (Figure 7.9).



(a) (b)

FIGURE 7.9 On November 5, 2008, union members get ready to hit the streets in Milwaukee, Wisconsin, to "get out the vote" (GOTV) for Barack Obama (a). On August 23, 2008, the Obama campaign texted supporters directly in order to announce that he had selected then- Senator Joe Biden (D-DE) as his running mate (b). (credit a: modification of work by Casie Yoder; credit b: modification of work by "brownpau"/Flickr)

The high level of interest Obama inspired among college-aged voters was a milestone in modern politics. Since the 1971 passage of the Twenty-Sixth Amendment, which lowered the voting age from 21 to 18, voter turnout in the under-25 range has been low. While opposition to the Vietnam War and the military draft sent 50.9 percent of 21- to 24-year-old voters to the polls in 1964, after 1972, turnout in that same age group dropped to below 40 percent as youth became disenchanted with politics. In 2008, however, it briefly increased to 45 percent from only 32 percent in 2000. Yet, despite high interest in Obama's candidacy in 2008, younger voters were less enchanted in 2012—only 38 percent showed up to vote that year.[33]

What qualities should a presidential or congressional candidate show in order to get college students excited and voting? Why?

Citizens' socioeconomic status—the combination of education, income, and social status—may also predict whether they will vote. Among those who have completed college, the 2020 voter turnout rate jumps to 80 percent of eligible voters, compared to about 60 percent for those without a college degree.[34] This is due in part to the powerful effect of education, one of the strongest predictors of voting turnout. Income also has a strong effect on the likelihood of voting. Citizens earning $150.000 a year or more are very likely to vote and over 80 percent of them do, while only 55 percent of those who earn $25,000 a year vote.[35] Once high income and college education are combined, the resulting high socioeconomic status strongly predicts the likelihood that a citizen will vote.

Race is also a factor. White people turn out to vote in the highest numbers, with 71 percent of non-Hispanic White citizens voting in 2020. In comparison, 63 percent of African Americans, 59 percent of Asian Americans, and 54 percent of Hispanic citizens voted in 2020. Voting turnout can increase or decrease based upon the political culture of a state, however. Hispanics, for example, often vote in higher numbers in states where there has historically been higher Hispanic involvement and representation, such as New Mexico, where 59 percent of Hispanic voters turned out in 2020.[36] In 2016, while Donald Trump rode a wave of discontent among White voters to the presidency, the fact that Hillary Clinton nearly beat him may have had as much to do with the record turnout of Latinos in response to numerous remarks on immigration that Trump made throughout his campaign. Latinos made up 13 percent of the electorate in 2020, up from nearly 12 percent in 2016, and 10 percent in 2012.[37]

While less of a factor today, gender has historically been a factor in voter turnout. After 1920, when the Nineteenth Amendment gave women the right to vote, women began slowly turning out to vote, and now they do so in high numbers. Today, more women vote than men. In 2016, a record 73.7 million women (63.3 percent) reporting voting, as compared to 63.8 million men (59.3 percent).[38] While women do not vote exclusively for one political party, 41 percent are likely to identify as Democrats and only 25 percent are likely to identify as Republicans.[39] The margin that Hillary Clinton won was more narrow in Florida than many presumed it would be and may have helped Donald Trump win that state. Even after allegations of sexual assault and revelations of several instances of sexism by Mr. Trump, Clinton only won 54 percent of the women's vote in Florida. In contrast, rural voters voted overwhelmingly for Trump, at much higher rates than they had for Mitt Romney in 2012.

LINK TO LEARNING

Check out this website (https://openstax.org/l/29fairvoteorg) to find out who is voting and who isn't.

WHAT FACTORS DECREASE VOTER TURNOUT?

Just as political scientists and campaign managers worry about who does vote, they also look at why people choose to stay home on Election Day. Over the years, studies have explored why a citizen might not vote. The reasons range from the obvious excuse of being too busy (19 percent) to more complex answers, such as transportation problems (3.3 percent) and restrictive registration laws (5.5 percent).[40] With only 62 percent of our voting-age population (VAP) voting in the presidential election of 2020, however, we should examine why the rest do not participate.

One prominent reason for low national **voter turnout** is that participation is not mandated. Some countries, such as Belgium and Turkey, have compulsory voting laws, which require citizens to vote in elections or pay a fine. This helps the two countries attain VAP turnouts of 87 percent and 86 percent, respectively, compared to the U.S. turnout of 54 percent. Sweden and Germany automatically register their voters, and 83 percent and 66 percent vote, respectively. Chile's decision to move from compulsory voting to voluntary voting caused a drop in participation from 87 percent to 46 percent.[41]

LINK TO LEARNING

Do you wonder what voter turnout looks like in other developed countries? Visit the Pew Research Center report on international voting turnout (https://openstax.org/l/29pewrescenter) to find out.

Low turnout also occurs when some citizens are not allowed to vote. One method of limiting voter access is the requirement to show identification at polling places. Supporters of strict voter ID requirements argue that these restrictions are required to prevent fraud, such as casting multiple votes, and to maintain the integrity of election results. Opponents, however, claim there is little evidence that such fraud is taking place. Research into the effect of voter ID laws on voter turnout is equally split. Some studies have concluded that strict voter ID laws reduce turnout, especially among minority voters.[42] Other studies have determined that such laws have little to no effect on turnout.[43]

In 2005, the Indiana legislature passed the first strict photo identification law. Voters must provide photo identification that shows their names match the voter registration records, clearly displays an expiration date, is current or has expired only since the last general election, and was issued by the state of Indiana or the U.S. government. Student identification cards that meet the standards and are from an Indiana state school are allowed.[44] Indiana's law allows voters without an acceptable identification to obtain a free state identification card.[45] The state also extended service hours for state offices that issue identification in the days leading up to elections.[46]

The photo identification law was quickly contested. The American Civil Liberties Union and other groups argued that it placed an unfair burden on people who were poor, older, or had limited finances, while the state argued that it would prevent fraud. In *Crawford v. Marion County Election Board* (2008), the Supreme Court decided that Indiana's voter identification requirement was constitutional, although the decision left open the possibility that another case might meet the burden of proof required to overturn the law.[47]

In 2011, Texas passed a strict photo identification law for voters, allowing concealed-handgun permits as identification but not student identification. The Texas law was blocked by the Obama administration before it could be implemented, because Texas was on the Voting Rights Act's preclearance list. Other states, such as Alabama, Alaska, Arizona, Georgia, and Virginia similarly had laws and districting changes blocked.[48] As a result, Shelby County, Alabama, and several other states sued the U.S. attorney general, arguing the Voting Rights Act's preclearance list was unconstitutional and that the formula that determined whether states had violated the VRA was outdated. In *Shelby County v. Holder* (2013), the Supreme Court agreed. In a 5–4 decision, the justices in the majority said the formula for placing states on the VRA preclearance list was outdated and reached into the states' authority to oversee elections.[49] States and counties on the preclearance list were released, and Congress was told to design new guidelines for placing states on the list.

Following the *Shelby* decision, Texas implemented its photo identification law, leading plaintiffs to bring cases against the state, charging that the law disproportionally affects minority voters.[50] Alabama, Georgia, and Virginia similarly implemented their photo identification laws, joining Kansas, South Carolina, Tennessee, and Wisconsin. Some of these states offer low-cost or free identification for the purposes of voting or will offer help with the completion of registration applications, but citizens must provide birth certificates or other forms of identification, which can be difficult and/or costly to obtain.

Opponents of photo identification laws argue that these restrictions are unfair because they have an unusually strong effect on some demographics. One study, done by Reuters, found that requiring a photo ID would disproportionally prevent citizens aged 18–24, Hispanics, and those without a college education from voting. These groups are unlikely to have the right paperwork or identification, unlike citizens who have graduated from college. The same study found that 4 percent of households with yearly incomes under $25,000 said they did not have an ID that would be considered valid for voting.[51] For this reason, some assert that such changes tend to favor Republicans over Democrats. In the 2018 elections, there were controversial results and

allegations of voter suppression in Florida, Georgia, and North Carolina, three jurisdictions where elections were very close.[52] Additional allegations of voter suppression emerged in 2020 in many states, including Georgia and Texas. In some places in Georgia, voters had to wait for ten hours to cast their votes.[53] In Texas, many drive-by voting stations employed during the primary election to assist with voting during COVID-19 were eliminated for the general election.[54] In many states in 2021, policies were considered to further constrict voting, including Georgia's new law.

Another reason for not voting is that polling places may be open only on Election Day. This makes it difficult for voters juggling school, work, and child care during polling hours (Figure 7.10). Many states have tried to address this problem with **early voting**, which opens polling places as much as two weeks early. Texas opened polling places on weekdays and weekends in 1988 and initially saw an increase in voting in gubernatorial and presidential elections, although the impact tapered off over time.[55] Other states with early voting, however, showed a decline in turnout, possibly because there is less social pressure to vote when voting is spread over several days.[56] Early voting was used in a widespread manner across forty-four states in 2020, totaling over 100 million votes cast in this manner.[57]



FIGURE 7.10 On February 5, 2008, dubbed "Super Duper Tuesday" by the press, twenty-four states held caucuses or primary elections—the largest simultaneous number of state presidential primary elections in U.S. history. As a result, over half the Democratic delegates were allocated unusually early in the election season. This polling station, on the Stanford University campus in Palo Alto, California, had long lines, commonly seen only on Election Day, and nearly ran out of Democratic ballots. (credit: Josh Thompson)

In a similar effort, Colorado, Hawaii, Oregon, Utah, and Washington have moved to mail-in voting systems.[58] These states have seen a rise in turnout, with Colorado's numbers increasing from 1.8 million votes in the 2010 congressional elections to 2.6 million votes in the 2018 congressional elections.[59, 60] One argument against early and mail-only voting is that those who vote early cannot change their minds during the final days of the campaign, such as in response to an "October surprise," a highly negative story about a candidate that leaks right before Election Day in November. (For example, a week before the 2000 election, a *Dallas Morning News* journalist reported that George W. Bush had lied about whether he had been arrested for driving under the influence.[61]) In 2016, two such stories, one for each nominee, broke just prior to Election Day. First, the Billy Bush Access Hollywood tape showed a braggadocian Donald Trump detailing his ability to do what he pleases with women, including grabbing at their genitals. This tape led some Republican officeholders, such as Senator Jeff Flake (R-AZ), to disavow Trump. However, perhaps eclipsing this episode was the release by former FBI director James Comey of a letter to Congress re-opening the Hillary Clinton email investigation a mere eleven days prior to the election. It is impossible to know the exact dynamics of how someone decides to vote, but one theory is that women jumped from Trump after the Access Hollywood tape emerged, only to go

back to supporting him when the FBI seemed to reopen its investigation. Moreover, we later learned of significant Russian meddling in the 2016 election. Robert S. Mueller III, a well-respected former FBI director for presidents from both parties, was appointed as the independent special investigator to delve into matters related to the 2016 election and potential interaction between Russian actors and American election processes.[62] That investigation led to a host of Trump campaign and Trump administration officials facing indictments and convictions, including his former campaign manager Paul Manafort, personal attorney Michael Cohen, and long-time confidant Roger Stone. To date, the former president has not faced charges.[63] The 2020 elections, which saw record turnout despite the COVID-19 pandemic, were declared by election experts to be the safest and most carefully monitored elections in American history.[64]

Apathy may also play a role. Some people avoid voting because their vote is unlikely to make a difference or the election is not competitive. If one party has a clear majority in a state or district, for instance, members of the minority party may see no reason to vote. Democrats in Utah and Republicans in California are so outnumbered that they are unlikely to affect the outcome of an election, and they may opt to stay home. Because the presidential candidate with the highest number of popular votes receives all of Utah's and California's electoral votes, there is little incentive for some citizens to vote: they will never change the outcome of the state-level election. These citizens, as well as those who vote for third parties like the Green Party or the Libertarian Party, are sometimes referred to as the **chronic minority**. While third-party candidates sometimes win local or state office or even dramatize an issue for national discussion, such as when Ross Perot discussed the national debt during his campaign as an independent presidential candidate in 1992, they never win national elections.

Finally, some voters may view non-voting as a means of social protest or may see volunteering as a better way to spend their time. Younger voters are more likely to volunteer their time rather than vote, believing that serving others is more important than voting.[65] Possibly related to this choice is **voter fatigue**. In many states, due to our federal structure with elections at many levels of government, voters may vote many times per year on ballots filled with candidates and issues to research. The less time there is between elections, the lower the turnout.[66]

7.3 Elections

LEARNING OBJECTIVES

By the end of this section, you will be able to:

- Describe the stages in the election process
- Compare the primary and caucus systems
- Summarize how primary election returns lead to the nomination of the party candidates

Elections offer American voters the opportunity to participate in their government with little investment of time or personal effort. Yet voters should make decisions carefully. The electoral system allows them the chance to pick party nominees as well as office-holders, although not every citizen will participate in every step. The presidential election is often criticized as a choice between two evils, yet citizens can play a prominent part in every stage of the race and influence who the final candidates actually are.

DECIDING TO RUN

Running for office can be as easy as collecting one hundred signatures on a city election form or paying a registration fee of several thousand dollars to run for governor of a state. However, a potential candidate still needs to meet state-specific requirements covering length of residency, voting status, and age. Potential candidates must also consider competitors, family obligations, and the likelihood of drawing financial backing. His or her spouse, children, work history, health, financial history, and business dealings also become part of the media's focus, along with many other personal details about the past. Candidates for office are slightly more diverse than the representatives serving in legislative and executive bodies, but the realities of elections drive many eligible and desirable candidates away from running.[67]

Despite these problems, most elections will have at least one candidate per party on the ballot. In states or districts where one party holds a supermajority, such as Oklahoma, candidates from the other party may be discouraged from running because they don't think they have a chance to win.[68] Candidates are likely to be moving up from prior elected office or are professionals, like lawyers, who can take time away from work to campaign and serve in office.[69]

When candidates run for office, they are most likely to choose local or state office first. For women, studies have shown that family obligations rather than desire or ambition account for this choice. Further, women are more likely than men to wait until their children are older before entering politics, and women say that they struggle to balance campaigning and their workload with parenthood.[70] Because higher office is often attained only after service in lower office, there are repercussions to women waiting so long. If they do decide to run for the U.S. House of Representatives or Senate, they are often older, and fewer in number, than their male colleagues (Figure 7.11). In 2015, only 24.4 percent of state legislators and 20 percent of U.S. Congress members were women.[71] However, in the 2018 midterm elections, a record number of women and younger members were elected to national office. Today, while still lagging men's representation, women make up almost 27 percent of the 117th Congress, and 31 percent of state legislative seats are held by women.[72]

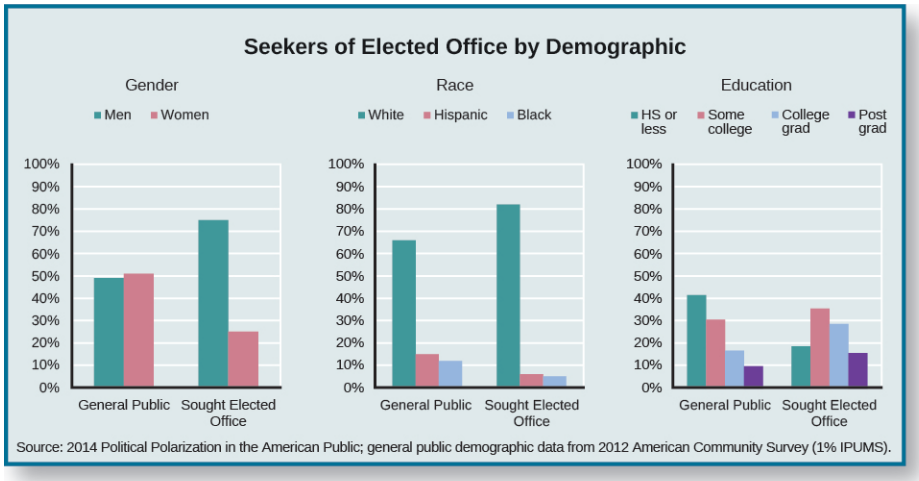


FIGURE 7.11 Those who seek elected office do not generally reflect the demographics of the general public: They are often disproportionately White men who are more educated than the overall U.S. population.

Another factor for potential candidates is whether the seat they are considering is competitive or open. A *competitive seat* describes a race where a challenger runs against the **incumbent**—the current office holder. An *open seat* is one whose incumbent is not running for reelection. Incumbents who run for reelection are very likely to win for a number of reasons, which are discussed later in this chapter. In fact, in the U.S. Congress, 95 percent of representatives and 82 percent of senators were reelected in 2014.[73] But when an incumbent retires, the seat is open and more candidates will run for that seat.

Many potential candidates will also decline to run if their opponent has a lot of money in a campaign **war chest**. *War chests* are campaign accounts registered with the Federal Election Commission, and candidates are allowed to keep earlier donations if they intend to run for office again. Incumbents and candidates trying to move from one office to another very often have money in their war chests. Those with early money are hard to beat because they have an easier time showing they are a viable candidate (one likely to win). They can woo potential donors, which brings in more donations and strengthens the campaign. A challenger who does not have money, name recognition, or another way to appear viable will have fewer campaign donations and will be less competitive against the incumbent.

CAMPAIGN FINANCE LAWS

In the 2024 presidential election cycle, candidates for all parties raised a total of 5.5 billion dollars for

campaigns. Congressional candidates raised $10.3 billion.[74] The amount raised by **political action committees (PACs)**, which are organizations created to raise and spend money to influence politics and contribute to candidates' campaigns, was approximately $2.7 billion.[75] How does the government monitor the vast amounts of money that are now a part of the election process?

The history of **campaign finance** monitoring has its roots in a federal law written in 1867, which prohibited government employees from asking Naval Yard employees for donations.[76] In 1896, the Republican Party spent about $16 million overall, which includes William McKinley's $6–7 million campaign expenses.[77] This raised enough eyebrows that several key politicians, including Theodore Roosevelt, took note. After becoming president in 1901, Roosevelt pushed Congress to look for political corruption and influence in government and elections.[78] Shortly after, the Tillman Act (1907) was passed by Congress, which prohibited corporations from contributing money to candidates running in federal elections. Other congressional acts followed, limiting how much money individuals could contribute to candidates, how candidates could spend contributions, and what information would be disclosed to the public.[79]

While these laws intended to create transparency in campaign funding, government did not have the power to stop the high levels of money entering elections, and little was done to enforce the laws. In 1971, Congress again tried to fix the situation by passing the Federal Election Campaign Act (FECA), which outlined how candidates would report all contributions and expenditures related to their campaigns. The FECA also created rules governing the way organizations and companies could contribute to federal campaigns, which allowed for the creation of political action committees.[80] Finally, a 1974 amendment to the act created the Federal Election Commission (FEC), which operates independently of government and enforces the elections laws.

While some portions of the FECA were ruled unconstitutional by the courts in *Buckley v. Valeo* (1976), such as limits on personal spending on campaigns by candidates not using federal money, the FEC began enforcing campaign finance laws in 1976. [81] Even with the new laws and the FEC, money continued to flow into elections. By using loopholes in the laws, political parties and political action committees donated large sums of money to candidates, and new reforms were soon needed. Senators John McCain (R-AZ) and Russ Feingold (former D-WI) cosponsored the Bipartisan Campaign Reform Act of 2002 (BCRA), also referred to as the McCain–Feingold Act. McCain–Feingold restricts the amount of money given to political parties, which had become a way for companies and PACs to exert influence. It placed limits on total contributions to political parties, prohibited coordination between candidates and PAC campaigns, and required candidates to include personal endorsements on their political ads. It also limited advertisements run by unions and corporations thirty days before a primary election and sixty days before a general election.[82]

Soon after the passage of the McCain–Feingold Act, the FEC's enforcement of the law spurred court cases challenging it. The first, *McConnell v. Federal Election Commission* (2003), resulted in the Supreme Court's upholding the act's restrictions on how candidates and parties could spend campaign contributions. But later court challenges led to the removal of limits on personal spending and ended the ban on ads run by interest groups in the days leading up to an election.[83] In 2010, the Supreme Court's ruling on *Citizens United v. Federal Election Commission* led to the removal of spending limits on corporations. Justices in the majority argued that the BCRA violated a corporation's free speech rights.[84]

The court ruling also allowed corporations to place unlimited money into **super PACs**, or Independent Expenditure-Only Committees. These organizations cannot contribute directly to a candidate, nor can they strategize with a candidate's campaign. They can, however, raise and spend as much money as they please to support or attack a candidate, including running advertisements and hosting events.[85] In 2020, the Senate Leadership Fund, a conservative super PAC, spent $293.7 million supporting conservative candidates while the Senate Majority PAC spent $230.4 million supporting liberal candidates. The total expenditure by super PACs alone was $2.13 billion in the 2020 election.[86] In 2012, the super PAC "Restore Our Future" raised $153 million and spent $142 million supporting conservative candidates, including Mitt Romney. "Priorities USA Action" raised $79 million and spent $65 million supporting liberal candidates, including Barack Obama. The

total expenditure by super PACs alone was $609 million in the 2012 election and $345 million in the 2014 congressional elections.[87]

Several limits on **campaign contributions** have been upheld by the courts and remain in place. Individuals may contribute up to $3,300 per candidate per election. This means a teacher living in Nebraska may contribute $3,300 to a candidate for their campaign to become to the Democratic presidential nominee, and if that candidate becomes the nominee, the teacher may contribute another $3,300 to their general election campaign. Individuals may also give $5,000 to political action committees and $41,300 to a national party committee. PACs that contribute to more than one candidate are permitted to contribute $5,000 per candidate per election, and up to $15,000 to a national party. PACs created to give money to only one candidate are limited to only $3,300 per candidate, however (Figure 7.12).[88] The amounts are adjusted every two years, based on inflation. These limits are intended to create a more equal playing field for the candidates, so that candidates must raise their campaign funds from a broad pool of contributors.

CONTRIBUTION LIMITS FOR 2023-2024 FEDERAL ELECTIONS

DONORS	RECIPIENTS				
	Candidate Committee	PAC[1] (SSF and Nonconnected)	State/District/ Local Party Committee	National Party Committee	Additional National Party Committee Accounts[2]
Individual	$3,300* per election	$5,000 per year	$10,000 per year (combined)	$41,300* per year	$123,900* per account, per year
Candidate Committee	$3,300 per election	$5,000 per year	Unlimited Transfers	Unlimited Transfers	
PAC- Multicandidate	$5,000 per election	$5,000 per year	$5,000 per year (combined)	$15,000 per year	$45,000 per account, per year
PAC- Nonmulticandidate	$3,300 per election	$5,000 per year	$10,000 per year (combined)	$41,300* per year	$123,900* per account, per year
State/District/Local Party Committee	$5,000 per election (combined)	$5,000 per election (combined)	Unlimited Transfers		
National Party Committee	$5,000 per election[3]	$5,000 per year			

*- Indexed for inflation in odd-numbered years.

[1] "PAC" here refers to a committee that makes contributions to other federal political committees. Independent-expenditure-only political committees (sometimes called "super PACs") may accept unlimited contributions, including from corporations and labor organizations.

[2] The limits in this column apply to a national party committee's accounts for: (i) the presidential nominating convention; (ii) election recounts and contests and other legal proceedings; and (iii) national party headquarters buildings. A party's national committee, Senate campaign committee and House campaign committee are each considered separate national party committees with separate limits. Only a national party committee, not the parties' national congressional campaign committees, may have an account for the presidential nominating convention.

[3] Additionally, a national party committee and its Senatorial campaign committee may contribute up to $57,800 combined per campaign to each Senate candidate.

FIGURE 7.12 The Federal Election Commission has strict federal election guidelines on who can contribute, to whom, and how much. Source: "Contribution Limits for 2023-24," Federal Election Commission.

NOMINATION STAGE

Although the Constitution explains how candidates for national office are elected, it is silent on how those candidates are nominated. Political parties have taken on the role of promoting nominees for offices, such as the presidency and seats in the Senate and the House of Representatives. Because there are no national

guidelines, there is much variation in the nomination process. States pass election laws and regulations, choose the selection method for party nominees, and schedule the election, but the process also greatly depends on the candidates and the political parties.

States, through their legislatures, often influence the nomination method by paying for an election to help parties identify the nominee the voters prefer. Many states fund elections because they can hold several nomination races at once. In 2020, many voters had to choose a presidential nominee, U.S. Senate nominee, House of Representatives nominee, and state-level legislature nominee for their parties.

The most common method of picking a party nominee for state, local, and presidential contests is the primary. Party members use a ballot to indicate which candidate they desire for the party nominee. Despite the ease of voting using a ballot, **primary elections** have a number of rules and variations that can still cause confusion for citizens. In a **closed primary**, only members of the political party selecting nominees may vote. A registered Green Party member, for example, is not allowed to vote in the Republican or Democratic primary. Parties prefer this method, because it ensures the nominee is picked by voters who legitimately support the party. An **open primary** allows all voters to vote. In this system, a Green Party member is allowed to pick either a Democratic or Republican ballot when voting.

For state-level office nominations, or the nomination of a U.S. Senator or House member, some states use the top-two primary method. A **top-two primary**, sometimes called a jungle primary, pits all candidates against each other, regardless of party affiliation. The two candidates with the most votes become the final candidates for the general election. Thus, two candidates from the same party could run against each other in the general election. In one California congressional district, for example, four Democrats and two Republicans all ran against one another in the June 2012 primary. The two Republicans received the most votes, so they ran against one another in the general election in November.[89] In 2016, thirty-four candidates filed to run to replace Senator Barbara Boxer (D-CA). In the end, two Democratic women of color emerged to compete head-to-head in the general election. California attorney general Kamala Harris eventually won the seat on Election Day, helping to quadruple the number of women of color in the U.S. Senate overnight. She subsequently ran for vice president in 2020 on the Democratic ticket and now serves in that capacity. More often than not, however, the top-two system is used in state-level elections for non-partisan elections, in which none of the candidates are allowed to declare a political party.

In general, parties do not like nominating methods that allow non-party members to participate in the selection of party nominees. In 2000, the Supreme Court heard a case brought by the California Democratic Party, the California Republican Party, and the California Libertarian Party.[90] The parties argued that they had a right to determine who associated with the party and who participated in choosing the party nominee. The Supreme Court agreed, limiting the states' choices for nomination methods to closed and open primaries.

Despite the common use of the primary system, at least six states (Alaska, Colorado, Hawaii, Idaho, Iowa, and Nevada) regularly use caucuses for presidential, state, and local-level nominations. A **caucus** is a meeting of party members in which nominees are selected informally. Caucuses are less expensive than primaries because they rely on voting methods such as dropping marbles in a jar, placing names in a hat, standing under a sign bearing the candidate's name, or taking a voice vote. Volunteers record the votes and no poll workers need to be trained or compensated. The party members at the caucus also help select **delegates**, who represent their choice at the party's state- or national-level nominating convention.

The Iowa Democratic Caucus is well-known for its spirited nature. The party's voters are asked to align themselves into preference groups, which often means standing in a room or part of a room that has been designated for the candidate of choice. The voters then get to argue and discuss the candidates, sometimes in a very animated and forceful manner. After a set time, party members are allowed to realign before the final count is taken. The caucus leader then determines how many members support each candidate, which determines how many delegates each candidate will receive.

The caucus has its proponents and opponents. Many argue that it is more interesting than the primary and brings out more sophisticated voters, who then benefit from the chance to debate the strengths and weaknesses of the candidates. The caucus system is also more transparent than ballots. The local party members get to see the election outcome and pick the delegates who will represent them at the national convention. There is less of a possibility for deception or dishonesty. Opponents point out that caucuses take two to three hours and are intimidating to less experienced voters. These factors, they argue, lead to lower voter turnout. And they have a point—voter turnout for a caucus is generally 20 percent lower than for a primary.[91]

Regardless of which **nominating system** the states and parties choose, states must also determine which day they wish to hold their nomination. When the nominations are for state-level office, such as governor, the state legislatures receive little to no input from the national political parties. In presidential election years, however, the national political parties pressure most states to hold their primaries or caucuses in March or later. Only Iowa, New Hampshire, and South Carolina are given express permission by the national parties to hold presidential primaries or caucuses in January or February (Figure 7.13). Both political parties protect the three states' status as the first states to host caucuses and primaries, due to tradition and the relative ease of campaigning in these smaller states.



(a) (b)

FIGURE 7.13 Presidential candidates often spend a significant amount of time campaigning in states with early caucuses or primaries. In September 2015, Senator Bernie Sanders (a), a candidate for the Democratic nomination, speaks at the Amherst Democrats BBQ in Amherst, New Hampshire. In July 2015, John Ellis "Jeb" Bush (b), former Republican governor of Florida, greets the public at the Fourth of July parade in Merrimack, New Hampshire. (credit a, b: modification of work by Marc Nozell)

Other states, especially large states like California, Florida, Michigan, and Wisconsin, often are frustrated that they must wait to hold their presidential primary elections later in the season. Their frustration is reasonable: candidates who do poorly in the first few primaries often drop out entirely, leaving fewer candidates to run in caucuses and primaries held in February and later. In 2008, California, New York, and several other states disregarded the national party's guidelines and scheduled their primaries the first week of February. In response, Florida and Michigan moved their primaries to January and many other states moved forward to March. This was not the first time states participated in *frontloading* and scheduled the majority of the primaries and caucuses at the beginning of the primary season. It was, however, one of the worst occurrences. States have been frontloading since the 1976 presidential election, with the problem becoming more severe in the 1992 election and later.[92]

Political parties allot delegates to their national nominating conventions based on the number of registered party voters in each state. California, the state with the most Democrats, sent 494 delegates to the 2020 Democratic National Convention, while Wyoming, with far fewer Democrats, sent only 14 delegates.[93] When the national political parties want to prevent states from frontloading, or doing anything else they deem detrimental, they can change the state's delegate count, which in essence increases or reduces the state's say in who becomes the presidential nominee. In 1996, the Republicans offered bonus delegates to states that held their primaries and caucuses later in the nominating season.[94] In 2008, the national parties ruled that only Iowa, South Carolina, and New Hampshire could hold primaries or caucuses in January. Both parties also

reduced the number of delegates from Michigan and Florida as punishment for those states' holding early primaries.[95] Despite these efforts, candidates in 2008 had a very difficult time campaigning during the tight window caused by frontloading.

One of the criticisms of the modern **nominating system** is that parties today have less influence over who becomes their nominee. In the era of party "bosses," candidates who hoped to run for president needed the blessing and support of party leadership and a strong connection with the party's values. Now, anyone can run for a party's nomination. The candidates with enough money to campaign the longest, gaining media attention, momentum, and voter support are more likely to become the nominee than candidates without these attributes, regardless of what the party leadership wants.

This new reality has dramatically increased the number of politically inexperienced candidates running for national office. In 2012, for example, eleven candidates ran multistate campaigns for the Republican nomination. Dozens more had their names on one or two state ballots. With a long list of challengers, candidates must find more ways to stand out, leading them to espouse extreme positions or display high levels of charisma. Add to this that primary and caucus voters are often more extreme in their political beliefs, and it is easy to see why fewer moderates become party nominees. The 2016 primary campaign by President Donald Trump shows that grabbing the media's attention with fiery partisan rhetoric can get a campaign started strong. This does not guarantee a candidate will make it through the primaries, however. In 2020, the most moderate of the front-runners (Joe Biden) won the Democratic nomination.

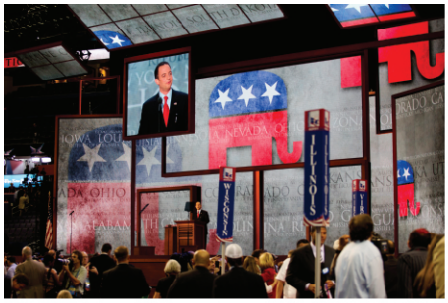
LINK TO LEARNING

Take a look at Campaigns & Elections (https://openstax.org/l/29campaignsele) to see what hopeful candidates are reading.

CONVENTION SEASON

Once it is clear who the parties' nominees will be, presidential and gubernatorial campaigns enter a quiet period. Candidates run fewer ads and concentrate on raising funds for the fall. This is a crucial time because lack of money can harm their chances. The media spends much of the summer keeping track of the fundraising totals while the political parties plan their conventions. State parties host state-level conventions during gubernatorial elections, while national parties host national conventions during presidential election years.

Party conventions are typically held between June and September, with state-level conventions earlier in the summer and national conventions later. Conventions normally last four to five days, with days devoted to platform discussion and planning and nights reserved for speeches (Figure 7.14). Local media covers the speeches given at state-level conventions, showing speeches given by the party nominees for governor and lieutenant governor, and perhaps important guests or the state's U.S. senators. The national media covers the Democratic and Republican conventions during presidential election years, mainly showing the speeches. Some cable networks broadcast delegate voting and voting on party platforms. Members of the candidate's family and important party members generally speak during the first few days of a national convention, with the vice presidential nominee speaking on the next-to-last night and the presidential candidate on the final night. The two chosen candidates then hit the campaign trail for the general election. The party with the incumbent president holds the later convention, so in 2016, the Democrats held their convention after the Republicans. In 2020, with the COVID-19 pandemic raging, both major parties modified their conventions to involve fewer people. The Republicans had some in-person gatherings, but mostly met virtually, while the Democrats were almost entirely virtual.[96]



(a)



(b)

FIGURE 7.14 Reince Priebus, chairman of the Republican National Committee, opens the Republican National Convention in Tampa, Florida, on August 28, 2012 (a). Pageantry and symbolism, such as the flag motifs and political buttons shown on this Wisconsin attendee's hat (b), reign supreme during national conventions. (credit a, b: modification of work by Mallory Benedict/PBS NewsHour)

There are rarely surprises at the modern convention. Thanks to party rules, the nominee for each party is generally already clear. In 2008, John McCain had locked up the Republican nomination in March by having enough delegates, while in 2012, President Obama was an unchallenged incumbent and hence people knew he would be the nominee. In 2016, both apparent nominees (Democrat Hillary Clinton and Republican Donald Trump) faced primary opponents who stayed in the race even when the nominations were effectively sewn up—Democrat Bernie Sanders and Republican Ted Cruz—though no "convention surprise" took place. The naming of the vice president is generally not a surprise either. Even if a presidential nominee tries to keep it a secret, the news often leaks out before the party convention or official announcement. In 2004, the media announced John Edwards was John Kerry's running mate. The Kerry campaign had not made a formal announcement, but an amateur photographer had taken a picture of Edwards' name being added to the candidate's plane and posted it to an aviation message board. In 2020, strong rumors circulated about Senator Kamala Harris (D-CA) being tapped for the ticket, with confirmation of that choice coming days later.[97]

Despite the lack of surprises, there are several reasons to host traditional conventions. First, the parties require that the delegates officially cast their ballots. Delegates from each state come to the national party convention to publicly state who their state's voters selected as the nominee.

Second, delegates will bring state-level concerns and issues to the national convention for discussion, while local-level delegates bring concerns and issues to state-level conventions. This list of issues that concern local party members, like limiting abortions in a state or removing restrictions on gun ownership, are called *planks*, and they will be discussed and voted upon by the delegates and party leadership at the convention. Just as wood planks make a platform, issues important to the party and party delegates make up the party **platform**. The parties take the cohesive list of issues and concerns and frame the election around the platform. Candidates will try to keep to the platform when campaigning, and outside groups that support them, such as super PACs, may also try to keep to these issues.

Third, conventions are covered by most news networks and cable programs. This helps the party nominee get positive attention while surrounded by loyal delegates, family members, friends, and colleagues. For presidential candidates, this positivity often leads to a bump in popularity, so the candidate gets a small increase in favorability. If a candidate does not get the bump, however, the campaign manager has to evaluate whether the candidate is connecting well with the voters or is out of step with the party faithful. In 2004, John Kerry spent the Democratic convention talking about getting U.S. troops out of the war in Iraq and increasing spending at home. Yet after his patriotic and positive convention, Gallup recorded no convention bump and the voters did not appear more likely to vote for him.

GENERAL ELECTIONS AND ELECTION DAY

The general election campaign period occurs between mid-August and early November. These elections are

simpler than primaries and conventions, because there are only two major party candidates and a few minor party candidates. About 50 percent of voters will make their decisions based on party membership, so the candidates will focus on winning over independent voters and visiting states where the election is close.[98] In 2016, both candidates sensed shifts in the electorate that led them to visit states that were not recently battleground states. Clinton visited Republican stronghold Arizona as Latino voter interest surged. Defying conventional campaign movements, Trump spent many hours over the last days of the campaign in the Democratic Rust Belt states, namely Michigan and Wisconsin. President Trump ended up winning both states and industrial Pennsylvania by narrow margins, allowing him to achieve a comfortable majority in the Electoral College. In 2020, during the COVID-19 pandemic, the two major-party nominees adopted very different approaches. In seeking re-election, President Trump eschewed CDC recommendations for social distancing and held large in-person rallies, while Joe Biden made fewer public appearances, which were largely carried to audiences virtually.[99]

Debates are an important element of the general election season, allowing voters to see candidates answer questions on policy and prior decisions. While most voters think only of **presidential debates**, the general election season sees many debates. In a number of states, candidates for governor are expected to participate in televised debates, as are candidates running for the U.S. Senate. Debates not only give voters a chance to hear answers, but also to see how candidates hold up under stress. Because television and the Internet make it possible to stream footage to a wide audience, modern campaign managers understand the importance of a debate (Figure 7.15).



FIGURE 7.15 Sailors on the USS *McCampbell*, based out of Yokosuka, Japan, watch the first presidential debate between President Barack Obama and former Massachusetts governor Mitt Romney on October 4, 2012.

In 1960, the first televised presidential debate showed that answering questions well is not the only way to impress voters. Senator John F. Kennedy, the Democratic nominee, and Vice President Richard Nixon, the Republican nominee, prepared in slightly different ways for their first of four debates. Although both studied answers to possible questions, Kennedy also worked on the delivery of his answers, including accent, tone, facial displays, and body movements, as well as overall appearance. Nixon, however, was ill in the days before the debate and appeared sweaty and gaunt. He also chose not to wear makeup, a decision that left his pale, unshaven face vulnerable.[100] Interestingly, while people who watched the debate thought Kennedy won, those listening on radio saw the debate as more of a draw.

INSIDER PERSPECTIVE

Inside the Debate

Debating an opponent in front of sixty million television voters is intimidating. Most presidential candidates spend days, if not weeks, preparing. Newspapers and cable news programs proclaim winners and losers, and debates can change the tide of a campaign. Yet, Paul Begala, a strategist with Bill Clinton's 1992 campaign, saw debates differently.

In one of his columns for CNN, Begala recommends that candidates relax and have a little fun. Debates are relatively easy, he says, more like a scripted program than an interview that puts candidates on the spot. They can memorize answers and deliver them convincingly, making sure they hit their mark. Second, a candidate needs a clear message explaining why the voters should pick them. Is the candidate a needed change? Or the only experienced candidate? If the candidate's debate answers reinforce this message, the voters will remember. Third, candidates should be humorous, witty, and comfortable with their knowledge. Trying to be too formal or cramming information at the last minute will cause the candidate to be awkward or get overwhelmed. Finally, a candidate is always on camera. Making faces, sighing at an opponent, or simply making a mistake gives the media something to discuss and can cause a loss. In essence, Begala argues that if candidates wish to do well, preparation and confidence are key factors.[101]

Is Begala's advice good? Why or why not? What positives or negatives would make a candidate's debate performance stand out for you as a voter?

While debates are not just about a candidate's looks, most debate rules contain language that prevents candidates from artificially enhancing their physical qualities. For example, prior rules have prohibited shoes that increase a candidate's height, banned prosthetic devices that change a candidate's physical appearance, and limited camera angles to prevent unflattering side and back shots. Candidates and their campaign managers are aware that visuals matter.

Debates are generally over by the end of October, just in time for Election Day. Beginning with the election of 1792, presidential elections were to be held in the thirty-four days prior to the "first Wednesday in December."[102] In 1845, Congress passed legislation that moved the presidential Election Day to the first Tuesday after the first Monday in November, and in 1872, elections for the House of Representatives were also moved to that same Tuesday.[103] The United States was then an agricultural country, and because a number of states restricted voting to property-owning males over twenty-one, farmers made up nearly 74 percent of voters.[104] The tradition of Election Day to fall in November allowed time for the lucrative fall harvest to be brought in and the farming season to end. And, while not all members of government were of the same religion, many wanted to ensure that voters were not kept from the polls by a weekend religious observance. Finally, business and mercantile concerns often closed their books on the first of the month. Rather than let accounting get in the way of voting, the bill's language forces Election Day to fall between the second and eighth of the month.

THE ELECTORAL COLLEGE

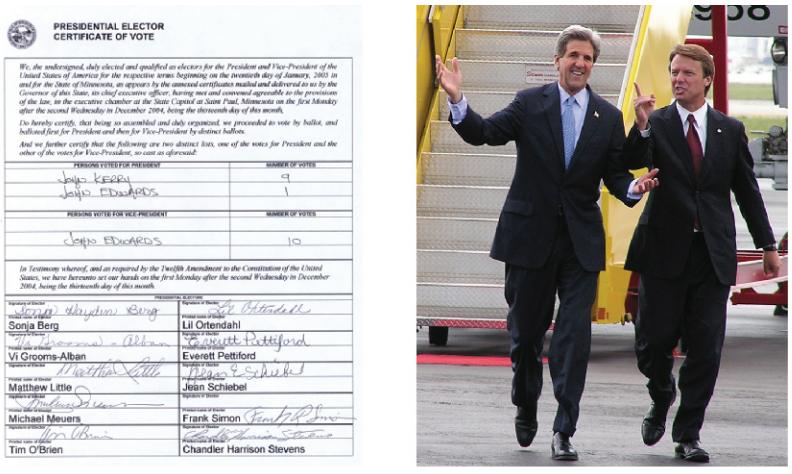
Once the voters have cast ballots in November and all the election season madness comes to a close, races for governors and local representatives may be over, but the constitutional process of electing a president has only begun. The electors of the **Electoral College** travel to their respective state capitols and cast their votes in mid-December, often by signing a certificate recording their vote. In most states, electors cast their ballots for the candidate who won the plurality of votes in their state, a winner-take-all system. Nebraska and Maine employ a district system, which allows them to allocate two votes to the plurality winner and one additional vote to candidates who win pluralities in individual state districts. Regardless of the method, once the electoral votes are allocated the states then forward the certificates to the U.S. Senate.

The number of Electoral College votes granted to each state equals the total number of representatives and senators that state has in the U.S. Congress or, in the case of Washington, DC, as many electors as it would have if it were a state. The number of representatives may fluctuate based on state population, which is determined every ten years by the U.S. Census, mandated by Article I, Section 2, of the Constitution. However, since the Permanent Apportionment Act of 1929, the total number of representatives in Congress has been fixed at 435. Accordingly, for the 2024 presidential election, there will be a total of 538 electors in the Electoral College, and a majority of 270 electoral votes is required to win the presidency.

Once the electoral votes have been read by the president of the Senate (i.e., the vice president of the United States) during a special joint session of Congress in January, the presidential candidate who received the majority of electoral votes is officially named president. Should a tie occur, the sitting House of Representatives elects the president, with each state receiving one vote. While this rarely occurs, both the 1800 and the 1824 elections were decided by the House of Representatives. As election night 2016 played out after the polls closed, one such scenario was in play for a tie. However, the states that Hillary Clinton needed to make that tie were lost narrowly to Trump. Had the tie occurred, the Republican House would have likely selected Trump as president anyway. As Election Day 2020 neared, the context favored Biden, yet it was still possible that Trump might narrowly win key battleground states and find a way to win the Electoral College. This did not occur, as Biden won the popular vote and the Electoral College decisively. Still, based on the erroneous assumption that the election had been stolen, thousands of Trump supporters stormed the U.S. Capitol building to prevent the House and Senate from completing a final tabulation of Biden's victory. While many of the "Stop The Steal" protesters remained outside the building and undertook no violent actions, some organized groups donned paramilitary gear, including helmets and combat vests; individuals were filmed breaking open windows to gain entry. The attempt did not succeed, however, and the votes were finalized in the early overnight hours of January 7th with Vice President Mike Pence presiding.

As political parties became stronger and the Progressive Era's influence shaped politics from the 1890s to the 1920s, states began to allow state parties rather than legislators to nominate a slate of electors. Electors cannot be elected officials nor can they work for the federal government. Since the Republican and Democratic parties choose faithful party members who have worked hard for their candidates, the modern system decreases the chance they will vote differently from the state's voters.

There is no guarantee of this, however. Occasionally there are examples of *faithless electors*. In 2000, the majority of the District of Columbia's voters cast ballots for Al Gore, and all three electoral votes should have been cast for him. Yet one of the electors cast a blank ballot, denying Gore a precious electoral vote, reportedly to contest the unequal representation of the District in the Electoral College. In 2004, one of the Minnesota electors voted for John Edwards, the vice presidential nominee, to be president (Figure 7.16) and misspelled the candidate's last name in the process. Some believe this was a result of confusion rather than a political statement. In the 2016 election, after a campaign to encourage faithless electors in the wake of what some viewed as controversial results, there were seven faithless electors: four in the state of Washington, two in Texas, and one in Hawaii. The electors' names and votes are publicly available on the electoral certificates, which are scanned and documented by the National Archives and easily available for viewing online.



(a) (b)

FIGURE 7.16 In 2004, Minnesota had an error or faithless voter when one elector cast a vote for John Edwards for president (a). On July 8, 2004, presidential candidate John Kerry and his running mate John Edwards arrive for a campaign rally in Fort Lauderdale, Florida (b). (credit b: modification of work by Richard Block)

In forty-eight states and the District of Columbia, the candidate who wins the most votes in November receives all the state's electoral votes, and only the electors from that party will vote. This is often called the **winner-take-all system**. In two states, Nebraska and Maine, the electoral votes are divided. The candidate who wins the state gets two electoral votes, but the winner of each congressional district also receives an electoral vote. In 2008, for example, Republican John McCain won two congressional districts and the majority of the voters across the state of Nebraska, earning him four electoral votes from Nebraska. Obama won in one congressional district and earned one electoral vote from Nebraska.[105] In 2020, Republican Donald Trump won one congressional district in Maine, and therefore one electoral vote, even though Joe Biden won the state overall, receiving a total of three electoral votes from Maine. This Electoral College voting method is referred to as the **district system**.

MIDTERM ELECTIONS

Presidential elections garner the most attention from the media and political elites. Yet they are not the only important elections. The even-numbered years between presidential years, like 2014 and 2018, are reserved for congressional elections—sometimes referred to as **midterm elections** because they are in the middle of the president's term. Midterm elections are held because all members of the House of Representatives and one-third of the senators come up for reelection every two years.

During a presidential election year, members of Congress often experience the **coattail effect**, which gives members of a popular presidential candidate's party an increase in popularity and raises their odds of retaining office. During a midterm election year, however, the president's party often is blamed for the president's actions or inaction. Representatives and senators from the sitting president's party are more likely to lose their seats during a midterm election year. Many recent congressional realignments, in which the House or Senate changed from Democratic to Republican control, occurred because of this reverse-coattail effect during midterm elections. The most recent example is the 2018 election, in which control of the House returned to the Democratic Party after eight years of Republican control.

7.4 Campaigns and Voting

LEARNING OBJECTIVES

By the end of this section, you will be able to:

- Compare campaign methods for elections
- Identify strategies campaign managers use to reach voters
- Analyze the factors that typically affect a voter's decision

Campaign managers know that to win an election, they must do two things: reach voters with their candidate's information and get voters to show up at the polls. To accomplish these goals, candidates and their campaigns will often try to target those most likely to vote. Unfortunately, these voters change from election to election and sometimes from year to year. Primary and caucus voters are different from voters who vote only during presidential general elections. Some years see an increase in younger voters turning out to vote. Elections are unpredictable, and campaigns must adapt to be effective.

FUNDRAISING

Even with a carefully planned and orchestrated presidential run, early **fundraising** is vital for candidates. Money helps them win, and the ability to raise money identifies those who are viable. In fact, the more money a candidate raises, the more they will continue to raise. EMILY's List, a political action group, was founded on this principle; its name is an acronym for "Early Money Is Like Yeast" (it makes the dough rise). This group helps progressive women candidates gain early campaign contributions, which in turn helps them get further donations (Figure 7.17).



(a) (b)

FIGURE 7.17 EMILY's List candidates include members of Congress, such as Tammy Duckworth (D-IL) (a), and governors, such as Maggie Hassan (b) of New Hampshire, who both ran for U.S. Senate, and won, in 2016. (credit b: modification of work by Roger H. Goun)

Early in the 2016 election season, several Republican candidates had fundraised well ahead of their opponents. Jeb Bush, and Ted Cruz were the top fundraisers by July 2015, with Cruz reporting $14 million and Bush with $11 million in contributions. In comparison, Bobby Jindal and George Pataki (who both dropped out relatively early) each reported less than $1 million in contributions during the same period. Bush later reported over $100 million in contributions, while the other Republican candidates continued to report lower contributions. Media stories about Bush's fundraising discussed his powerful financial networking, while coverage of the other candidates focused on their lack of money. Donald Trump, the eventual Republican nominee and president, showed a comparatively low fundraising amount in the primary phase as he enjoyed much free press coverage because of his notoriety. He also flirted with the idea of being an entirely self-funded candidate.

The Democratic field in 2020 was crowded, before winnowing down to a handful of contenders early in March, when most dropped out, leaving only Senator Bernie Sanders and former Vice President Joseph Biden. Those who dropped out were former New York City mayor Michael Bloomberg, Pete Buttigieg, former congresswoman Tulsi Gabbard, Senator Amy Klobuchar, and Senator Elizabeth Warren. The March cash-on-hand amounts of these candidates were respectively $11,179,565; $6,011,814; $640,210; $2,281,636; and $4,534,180. Sanders later dropped out of the race on April 8 with $16,176,082 left in his campaign coffers, leaving Biden to sail to the nomination.[106]

COMPARING PRIMARY AND GENERAL CAMPAIGNS

Although candidates have the same goal for primary and general elections, which is to win, these elections are very different from each other and require a very different set of strategies. Primary elections are more difficult for the voter. There are more candidates vying to become their party's nominee, and party identification is not a useful cue because each party has many candidates rather than just one. In the 2016 presidential election, Republican voters in the early primaries were presented with a number of options, including Mike Huckabee, Donald Trump, Jeb Bush, Ted Cruz, Marco Rubio, John Kasich, Chris Christie, Carly Fiorina, Ben Carson, and more. (Huckabee, Christie, and Fiorina dropped out relatively early.) In 2020, Democrats had to decide between Joe Biden, Bernie Sanders, Kamala Harris, Pete Buttegieg, Michael Bloomberg, Cory Booker, Amy Klobuchar, and Elizabeth Warren. Voters must find more information about each candidate to decide which is closest to their preferred issue positions. Due to time limitations, voters may not research all the candidates. Nor will all the candidates get enough media or debate time to reach the voters. These issues make campaigning in a primary election difficult, so campaign managers tailor their strategy.

First, name recognition is extremely important. Voters are unlikely to cast a vote for an unknown. Some candidates, like Hillary Clinton and Jeb Bush in 2016 or Joe Biden and Bernie Sanders in 2020, have held or are related to someone who held national office, but most candidates will be governors, senators, or local politicians who are less well-known nationally. Barack Obama was a junior senator from Illinois and Bill

Clinton was a governor from Arkansas prior to running for president. Voters across the country had little information about them, and both candidates needed media time to become known. While well-known candidates have longer records that can be attacked by the opposition, they also have an easier time raising campaign funds because their odds of winning are better. Newer candidates face the challenge of proving themselves during the short primary season and are more likely to lose. In 2016, both eventual party nominees had massive name recognition. Hillary Clinton enjoyed notoriety from having been First Lady, a U.S. senator from New York, and secretary of state. Donald Trump had name recognition from being an iconic real estate tycoon with Trump buildings all over the world plus a reality TV star via shows like *The Apprentice*. In 2020, Democratic nominee Joe Biden had name recognition for having served in the U.S. Senate for many years and for serving two terms as vice president to President Barack Obama.

Second, visibility is crucial when a candidate is one in a long parade of faces. Given that voters will want to find quick, useful information about each, candidates will try to get the media's attention and pick up momentum. Media attention is especially important for newer candidates. Most voters assume a candidate's website and other campaign material will be skewed, showing only the most positive information. The media, on the other hand, are generally considered more reliable and unbiased than a candidate's campaign materials, so voters turn to news networks and journalists to pick up information about the candidates' histories and issue positions. Candidates are aware of voters' preference for quick information and news and try to get interviews or news coverage for themselves. Candidates also benefit from news coverage that is longer and cheaper than campaign ads.

For all these reasons, campaign ads in primary elections rarely mention political parties and instead focus on issue positions or name recognition. Many of the best primary ads help the voters identify issue positions they have in common with the candidate. In 2008, for example, Hillary Clinton ran a holiday ad in which she was seen wrapping presents. Each present had a card with an issue position listed, such as "bring back the troops" or "universal pre-kindergarten." In a similar, more humorous vein, Mike Huckabee gained name recognition and issue placement with his 2008 primary ad. The "HuckChuck" spot had Chuck Norris repeat Huckabee's name several times while listing the candidate's issue positions. Norris's line, "Mike Huckabee wants to put the IRS out of business," was one of many statements that repeatedly used Huckabee's name, increasing voters' recognition of it. While neither of these candidates won the nomination, the ads were viewed by millions and were successful as primary ads.

By the general election, each party has only one candidate, and campaign ads must accomplish a different goal with different voters. Because most party-affiliated voters will cast a ballot for their party's candidate, the campaigns must try to reach the independent and undecided, as well as try to convince their party members to get out and vote. Some ads will focus on issue and policy positions, comparing the two main party candidates. Other ads will remind party loyalists why it is important to vote. President Lyndon B. Johnson used the infamous "Daisy Girl" ad, which cut from a little girl counting daisy petals to an atomic bomb being dropped, to explain why voters needed to turn out and vote for him. If the voters stayed home, Johnson implied, his opponent, Republican Barry Goldwater, might start an atomic war. The ad aired once as a paid ad on NBC before it was pulled, but the footage appeared on other news stations as newscasters discussed the controversy over it.[107] More recently, in the 2020 campaign, Joe Biden used the "What Happens Now" ad to extol Biden's background in managing crises in contrast to President Trump's mismanagement of the COVID-19 pandemic.[108]

Part of the reason Johnson's campaign ad worked is that more voters turn out for a general election than for other elections. These additional voters are often less ideological and more independent, making them harder to target but possible to win over. They are also less likely to complete a lot of research on the candidates, so campaigns often try to create emotion-based negative ads. While negative ads may decrease voter turnout by making voters more cynical about politics and the election, voters watch and remember them.[109]

Another source of negative ads is from groups outside the campaigns. Sometimes, **shadow campaigns**, run by

political action committees and other organizations without the coordination or guidance of candidates, also use negative ads to reach voters. Even before the *Citizens United* decision allowed corporations and interest groups to run ads supporting candidates, shadow campaigns existed. In 2004, the Swift Boat Veterans for Truth organization ran ads attacking John Kerry's military service record, and MoveOn attacked George W. Bush's decision to commit to the wars in Afghanistan and Iraq. In 2020, super PACs poured more than $2.3 billion into supporting candidates.[110]

LINK TO LEARNING

Want to know how much money federal candidates and PACs are raising? Visit the Campaign Finance Disclosure Portal at the Federal Election Commission (https://openstax.org/l/29fedelecomm) website.

General campaigns also try to get voters to the polls in closely contested states. In 2004, realizing that it would be difficult to convince Ohio Democrats to vote Republican, George W. Bush's campaign focused on getting the state's Republican voters to the polls. The volunteers walked through precincts and knocked on Republican doors to raise interest in Bush and the election. Volunteers also called Republican and former Republican households to remind them when and where to vote.[111] The strategy worked, and it reminded future campaigns that an organized effort to get out the vote is still a viable way to win an election.

TECHNOLOGY

Campaigns have always been expensive. Also, they have sometimes been negative and nasty. The 1828 "Coffin Handbill" that John Quincy Adams ran, for instance, listed the names and circumstances of the executions his opponent Andrew Jackson had ordered (Figure 7.18). This was in addition to gossip and verbal attacks against Jackson's wife, who had accidentally committed bigamy when she married him without a proper divorce. Campaigns and candidates have not become more amicable in the years since then.

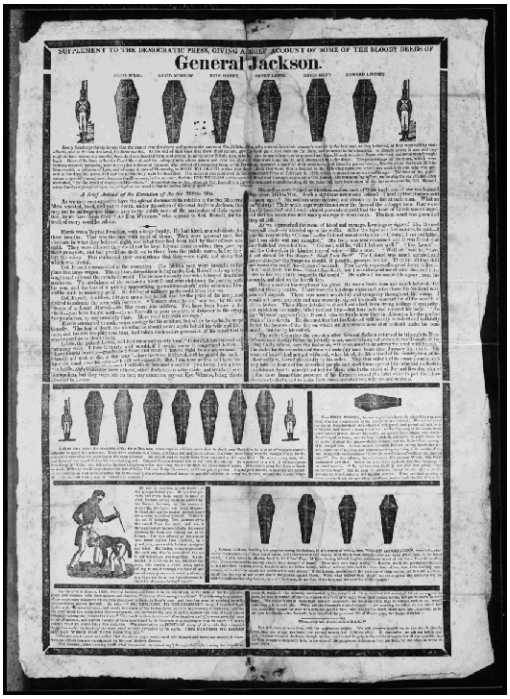


FIGURE 7.18 The infamous "Coffin Handbill" used by John Quincy Adams against Andrew Jackson in the 1828 presidential election.

Once television became a fixture in homes, campaign advertising moved to the airwaves. Television allowed candidates to connect with the voters through video, allowing them to appeal directly to and connect emotionally with voters. While Adlai Stevenson and Dwight D. Eisenhower were the first to use television in

their 1952 and 1956 campaigns, the ads were more like jingles with images. Stevenson's "Let's Not Forget the Farmer" ad had a catchy tune, but its animated images were not serious and contributed little to the message. The "Eisenhower Answers America" spots allowed Eisenhower to answer policy questions, but his answers were glib rather than helpful.

John Kennedy's campaign was the first to use images to show voters that the candidate was the choice for everyone. His ad, "Kennedy," combined the jingle "Kennedy for me" and photographs of a diverse population dealing with life in the United States.

LINK TO LEARNING

The Museum of the Moving Image (https://openstax.org/l/29livinroomcan) has collected presidential campaign ads from 1952 through today, including the "Kennedy for Me" spot mentioned above. Take a look and see how candidates have created ads to get the voters' attention and votes over time.

Over time, however, ads became more negative and manipulative. In reaction, the Bipartisan Campaign Reform Act of 2002, or McCain–Feingold, included a requirement that candidates stand by their ad and include a recorded statement within the ad stating that they approved the message. Although ads, especially those run by super PACs, continue to be negative, candidates can no longer dodge responsibility for them.

Candidates are also frequently using interviews on late night television to get messages out. Soft news, or infotainment, is a new type of news that combines entertainment and information. Shows like *The Daily Show* and *Last Week Tonight* make the news humorous or satirical while helping viewers become more educated about the events around the nation and the world.[112] In 2008, Huckabee, Obama, and McCain visited popular programs like *The Daily Show*, *The Colbert Report*, and *Late Night with Conan O'Brien* to target informed voters in the under-45 age bracket. The candidates were able to show their funny sides and appear like average Americans, while talking a bit about their policy preferences. By fall of 2015, *The Late Show with Stephen Colbert* had already interviewed most of the potential presidential candidates, including Hillary Clinton, Bernie Sanders, Jeb Bush, Ted Cruz, and Donald Trump.

The Internet has given candidates a new platform and a new way to target voters. In the 2000 election, campaigns moved online and created websites to distribute information. They also began using search engine results to target voters with ads. In 2004, Democratic candidate Howard Dean used the Internet to reach out to potential donors. Rather than host expensive dinners to raise funds, his campaign posted footage on his website of the candidate eating a turkey sandwich. The gimmick brought over $200,000 in campaign donations and reiterated Dean's commitment to be a down-to-earth candidate.

Candidates also use social media, such as Facebook, Twitter, and YouTube, to interact with supporters and get the attention of younger voters. While internet websites continue to proliferate in political campaigns, the advent of social media has taken the influence of internet information and communications to a new level. Candidates use social media, such as Facebook, Twitter, and YouTube, to interact with supporters and get the attention of young voters. More importantly, social media has become an incredibly important avenue through which citizens talk to each other about politics, sharing positions, memes and jabs to their chosen networks of contacts and friends. The possibility of misinformation and bias in that setting led Facebook and Twitter to begin to monitor for untruths, in some cases deleting the social media accounts of violators, including President Trump. However, those platforms eventually reduced such monitoring and restriction.

VOTER DECISION MAKING

When citizens do vote, how do they make their decisions? The election environment is complex and most voters don't have time to research everything about the candidates and issues. Yet they will need to make a fully rational assessment of the choices for an elected office. To meet this goal, they tend to take shortcuts.

One popular shortcut is simply to vote using party affiliation. Many political scientists consider party-line

voting to be rational behavior because citizens register for parties based upon either position preference or socialization. Similarly, candidates align with parties based upon their issue positions. A Democrat who votes for a Democrat is very likely selecting the candidate closest to the voter's personal ideology. While party identification is a voting cue, it also makes for a logical decision.

Citizens also use party identification to make decisions via **straight-ticket voting**—choosing every Republican or Democratic Party member on the ballot. In some states, such as Texas or Michigan, selecting one box at the top of the ballot gives a single party all the votes on the ballot (Figure 7.19). Straight-ticket voting does cause problems in states that include non-partisan positions on the ballot. In Michigan, for example, the top of the ballot (presidential, gubernatorial, senatorial and representative seats) will be partisan, and a straight-ticket vote will give a vote to all the candidates in the selected party. But the middle or bottom of the ballot includes seats for local offices or judicial seats, which are non-partisan. These offices would receive no vote, because the straight-ticket votes go only to partisan seats. In 2010, actors from the former political drama *The West Wing* came together to create an advertisement for Mary McCormack's sister Bridget, who was running for a non-partisan seat on the Michigan Supreme Court. The ad reminded straight-ticket voters to cast a ballot for the court seats as well; otherwise, they would miss an important election. McCormack won the seat.

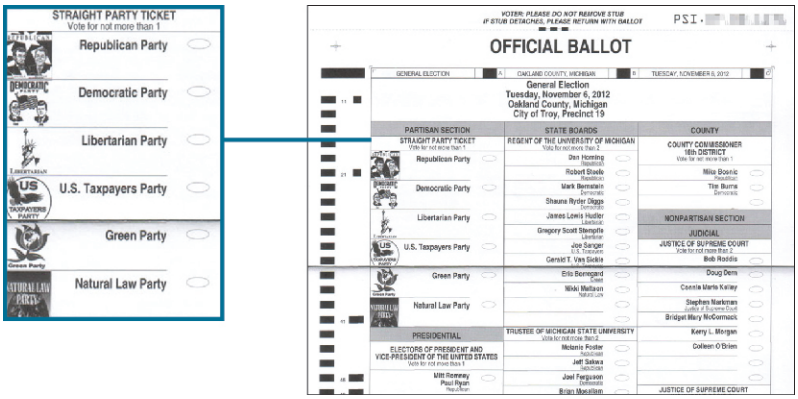


FIGURE 7.19 Voters in Michigan can use straight-ticket voting. To fill out their ballot, they select one box at the top to give a single party all the votes on the ballot.

Straight-ticket voting does have the advantage of reducing **ballot fatigue**. Ballot fatigue occurs when someone votes only for the top or important ballot positions, such as president or governor, and stops voting rather than continue to the bottom of a long ballot. In 2012, for example, 70 percent of registered voters in Colorado cast a ballot for the presidential seat, yet only 54 percent voted yes or no on retaining Nathan B. Coats for the state supreme court.[113]

Voters make decisions based upon candidates' physical characteristics, such as attractiveness or facial features.[114] They may also vote based on gender or race, because they assume the elected official will make policy decisions based on a demographic shared with the voters. Candidates are very aware of voters' focus on these non-political traits. In 2008, a sizable portion of the electorate wanted to vote for either Hillary Clinton or Barack Obama because they offered new demographics—either the first woman or the first Black president. Demographics hurt John McCain that year, because many people believed that at 71 he was too old to be president.[115] Hillary Clinton faced this situation again in 2016 as she became the first woman nominee from a major party. In essence, attractiveness can make a candidate appear more competent, which in turn can help him or her ultimately win.[116] The 2020 election had a bit of everything. While the two major party nominees were older White men, as was the last-standing Democrat other than Biden, Bernie Sanders, (older even than McCain was in 2008), there were many diverse candidates of different ages who ran for the Democratic nomination. Three women, all U.S. senators, ran serious and competitive campaigns: Elizabeth Warren, Amy Klobuchar, and Kamala Harris (who was tapped for vice president). Representative Tulsi Gabbard (D-HI) ran as well. In terms of race and ethnicity, Harris is of Black and South Asian descent, Senator Cory Booker is Black, former HUD Secretary Julián Castro is Latino, and Tulsi Gabbard and entrepreneur Andrew Yang are of Asian-

American/Pacific Islander descent.

Aside from party identification and demographics, voters will also look at issues or the economy when making a decision. For some single-issue voters, a candidate's stance on abortion rights will be a major factor, while other voters may look at the candidates' beliefs on the Second Amendment and gun control. Single-issue voting may not require much more effort by the voter than simply using party identification; however, many voters are likely to seek out a candidate's position on a multitude of issues before making a decision. They will use the information they find in several ways.

Retrospective voting occurs when the voter looks at the candidate's past actions and the past economic climate and makes a decision only using these factors. This behavior may occur during economic downturns or after political scandals, when voters hold politicians accountable and do not wish to give the representative a second chance. *Pocketbook voting* occurs when voters look at their personal finances and circumstances to decide how to vote. Someone having a harder time finding employment or seeing investments suffer during a particular candidate or party's control of government will vote for a different candidate or party than the incumbent. *Prospective voting* occurs when the voter applies information about a candidate's past behavior to decide how the candidate will act in the future. For example, will the candidate's voting record or actions help the economy and better prepare the candidate to be president during an economic downturn? The challenge of this voting method is that the voters must use a lot of information, which might be conflicting or unrelated, to make an educated guess about how the candidate will perform in the future. Voters do appear to rely on prospective and retrospective voting more often than on pocketbook voting.

In some cases, a voter may cast a ballot strategically. In these cases, a person may vote for a second- or third-choice candidate, either because the preferred candidate cannot win or in the hope of preventing another candidate from winning. This type of voting is likely to happen when there are multiple candidates for one position or multiple parties running for one seat.[117] In Florida and Oregon, for example, Green Party voters (who tend to be liberal) may choose to vote for a Democrat if the Democrat might otherwise lose to a Republican. Similarly, in Georgia, while a Libertarian may be the preferred candidate, the voter would rather have the Republican candidate win over the Democrat and will vote accordingly.[118]

One other way voters make decisions is through incumbency. In essence, this is retrospective voting, but it requires little of the voter. In congressional and local elections, incumbents win reelection up to 90 percent of the time, a result called the **incumbency advantage**. What contributes to this advantage and often persuades competent challengers not to run? First, incumbents have name recognition and voting records. The media is more likely to interview them because they have advertised their name over several elections and have voted on legislation affecting the state or district. Incumbents also have won election before, which increases the odds that political action committees and interest groups will give them money; most interest groups will not give money to a candidate destined to lose.

Incumbents also have franking privileges, which allows them a limited amount of free mail to communicate with the voters in their district. While these mailings may not be sent in the days leading up to an election—sixty days for a senator and ninety days for a House member—congressional representatives are able to build a free relationship with voters through them.[119] Moreover, incumbents have existing campaign organizations, while challengers must build new organizations from the ground up. Lastly, incumbents have more money in their war chests than most challengers.

Another incumbent advantage is gerrymandering, the drawing of district lines to guarantee a desired electoral outcome. Every ten years, following the U.S. Census, the number of House of Representatives members allotted to each state is determined based on a state's population. If a state gains or loses seats in the House, the state must redraw districts to ensure each district has an equal number of citizens. States may also choose to redraw these districts at other times and for other reasons.[120] If the district is drawn to ensure that it includes a majority of Democratic or Republican Party members within its boundaries, for instance, then candidates from those parties will have an advantage.

Gerrymandering helps local legislative candidates and members of the House of Representatives, who win reelection over 90 percent of the time. Senators and presidents do not benefit from gerrymandering because they are not running in a district. Presidents and senators win states, so they benefit only from war chests and name recognition. This is one reason why senators running in 2020, for example, won reelection only 84 percent of the time, while the U.S. House rate was 95 percent.[121]

LINK TO LEARNING

Since 1960, the American National Election Studies (https://openstax.org/l/29amnatelestu) has been asking a random sample of voters a battery of questions about how they voted. The data are available at the Inter-university Consortium for Political and Social Research at the University of Michigan.

7.5 Direct Democracy

LEARNING OBJECTIVES

By the end of this section, you will be able to:

- Identify the different forms of and reasons for direct democracy
- Summarize the steps needed to place initiatives on a ballot
- Explain why some policies are made by elected representatives and others by voters

The majority of elections in the United States are held to facilitate indirect democracy. Elections allow the people to pick representatives to serve in government and make decisions on the citizens' behalf. Representatives pass laws, implement taxes, and carry out decisions. Although direct democracy had been used in some of the colonies, the framers of the Constitution granted voters no legislative or executive powers, because they feared the masses would make poor decisions and be susceptible to whims. During the Progressive Era, however, governments began granting citizens more direct political power. States that formed and joined the United States after the Civil War often assigned their citizens some methods of directly implementing laws or removing corrupt politicians. Citizens now use these powers at the ballot to change laws and direct public policy in their states.

DIRECT DEMOCRACY DEFINED

Direct democracy occurs when policy questions go directly to the voters for a decision. These decisions include funding, budgets, candidate removal, candidate approval, policy changes, and constitutional amendments. Not all states allow direct democracy, nor does the United States government.

Direct democracy takes many forms. It may occur locally or statewide. Local direct democracy allows citizens to propose and pass laws that affect local towns or counties. Towns in Massachusetts, for example, may choose to use town meetings, which is a meeting comprised of the town's eligible voters, to make decisions on budgets, salaries, and local laws.[122]

LINK TO LEARNING

To learn more about what type of direct democracy is practiced in your state, visit the University of Southern California's Initiative & Referendum Institute (https://openstax.org/l/29inirefinst). This site also allows you to look up initiatives and measures that have appeared on state ballots.

Statewide direct democracy allows citizens to propose and pass laws that affect state constitutions, state budgets, and more. Most states in the western half of the country allow citizens all forms of direct democracy, while most states on the eastern and southern regions allow few or none of these forms (Figure 7.20). States that joined the United States after the Civil War are more likely to have direct democracy, possibly due to the influence of Progressives during the late 1800s and early 1900s. Progressives believed citizens should be more active in government and democracy, a hallmark of direct democracy.

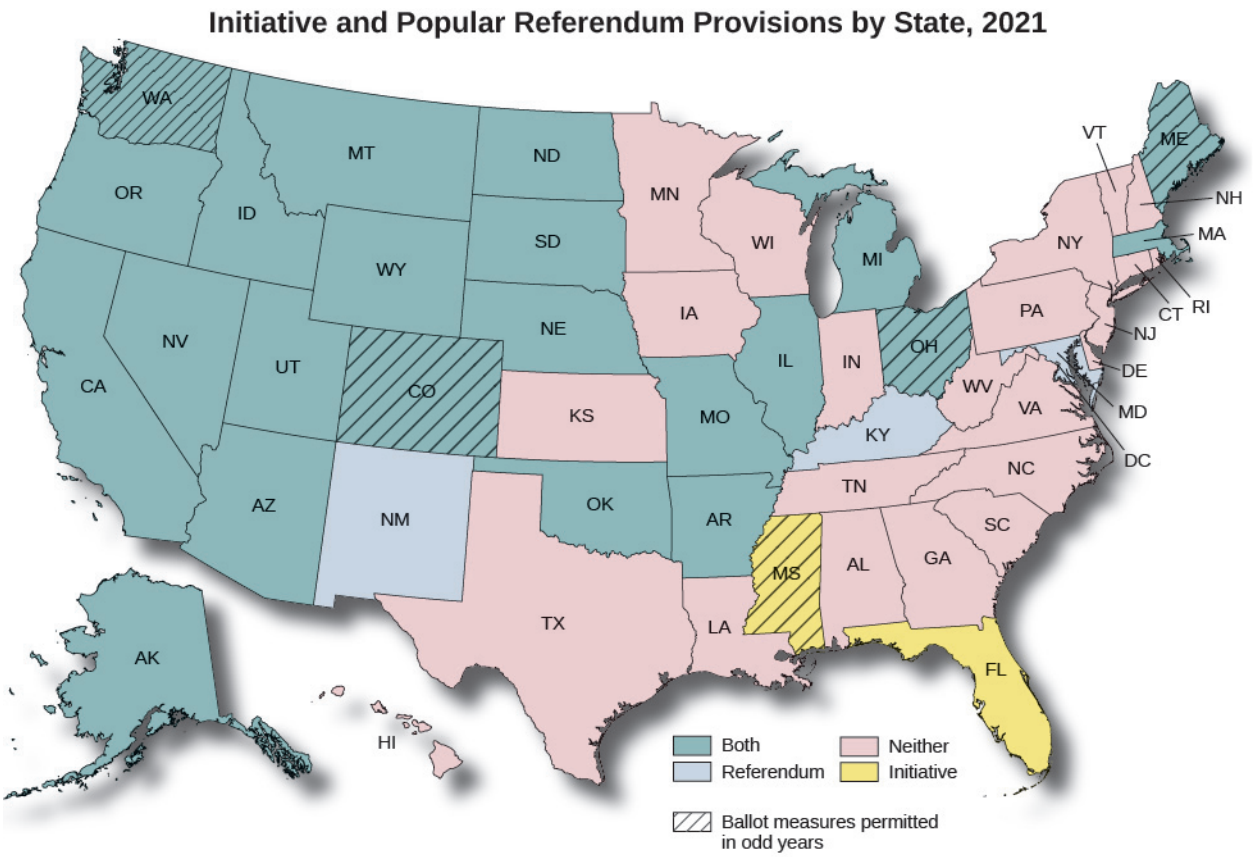


FIGURE 7.20 This map shows which states allow citizens to place laws and amendments on the ballot for voter approval or repeal.

There are three forms of direct democracy used in the United States. A **referendum** asks citizens to confirm or repeal a decision made by the government. A legislative referendum occurs when a legislature passes a law or a series of constitutional amendments and presents them to the voters to ratify with a yes or no vote. A judicial appointment to a state supreme court may require voters to confirm whether the judge should remain on the bench. Popular referendums occur when citizens petition to place a referendum on a ballot to repeal legislation enacted by their state government. This form of direct democracy gives citizens a limited amount of power, but it does not allow them to overhaul policy or circumvent the government.

The most common form of direct democracy is the **initiative**, or proposition. An initiative is normally a law or constitutional amendment proposed and passed by the citizens of a state. Initiatives completely bypass the legislatures and governor, but they are subject to review by the state courts if they are not consistent with the state or national constitution. The process to pass an initiative is not easy and varies from state to state. Most states require that a petitioner or the organizers supporting an initiative file paperwork with the state and include the proposed text of the initiative. This allows the state or local office to determine whether the measure is legal, as well as estimate the cost of implementing it. This approval may come at the beginning of the process or after organizers have collected signatures. The initiative may be reviewed by the state attorney general, as in Oregon's procedures, or by another state official or office. In Utah, the lieutenant governor reviews measures to ensure they are constitutional.

Next, organizers gather registered voters' signatures on a petition. The number of signatures required is often a percentage of the number of votes from a past election. In California, for example, the required numbers are 5 percent (law) and 8 percent (amendment) of the votes in the last gubernatorial election. This means through 2022, it will take 623,212 signatures to place a law on the ballot and 997,139 to place a constitutional amendment on the ballot.[123]

Once the petition has enough signatures from registered voters, it is approved by a state agency or the secretary of state for placement on the ballot. Signatures are verified by the state or a county elections office to ensure the signatures are valid. If the petition is approved, the initiative is then placed on the next ballot, and the organization campaigns to voters.

While the process is relatively clear, each step can take a lot of time and effort. First, most states place a time limit on the signature collection period. Organizations may have only 150 days to collect signatures, as in California, or as long as two years, as in Arizona. For larger states, the time limit may pose a dilemma if the organization is trying to collect more than 500,000 signatures from registered voters. Second, the state may limit who may circulate the petition and collect signatures. Some states, like Colorado, restrict what a signature collector may earn, while Oregon bans payments to signature-collecting groups. And the minimum number of signatures required affects the number of ballot measures. California had twelve ballot measures on the 2020 general election ballot, because the state requires fewer signatures to get a constitutional amendment or initiative on the ballot than in a state like Oklahoma, where the number of required signatures is higher. In Oklahoma, the required numbers are almost double those of California—8 percent (law) and 15 percent (amendment) of the votes in the last gubernatorial election. California voters may also have an equally high number of local ballot initiatives. For example, a San Francisco voter in the 2016 election had a total of forty-two ballot measures to consider, seventeen at the state level and twenty-five at the city and county level.

Another consideration is that, as we've seen, voters in primaries are more ideological and more likely to research the issues. Measures that are complex or require a lot of research, such as a lend-lease bond or changes in the state's eminent-domain language, may do better on a primary ballot. Measures that deal with social policy, such as laws preventing animal cruelty, may do better on a general election ballot, when more of the general population comes out to vote. Proponents for the amendments or laws will take this into consideration as they plan.

Finally, the **recall** is one of the more unusual forms of direct democracy; it allows voters to decide whether to remove a government official from office. All states have ways to remove officials, but removal by voters is less common. The recall of California Governor Gray Davis in 2003 and his replacement by Arnold Schwarzenegger is perhaps one of the more famous such recalls. The 2012 attempt by voters in Wisconsin to recall Governor Scott Walker shows how contentious and expensive a recall can be. Walker spent over $60 million in the election to retain his seat.[124]

POLICYMAKING THROUGH DIRECT DEMOCRACY

Politicians are often unwilling to wade into highly political waters if they fear it will harm their chances for reelection. When a legislature refuses to act or change current policy, initiatives allow citizens to take part in the policy process and end the impasse. In Colorado, Amendment 64 allowed the recreational use of marijuana by adults, despite concerns that state law would then conflict with national law. Colorado and Washington's legalization of recreational marijuana use started a trend, leading to more states adopting similar laws.

FINDING A MIDDLE GROUND

Too Much Democracy?

How much direct democracy is too much? When citizens want one policy direction and government prefers another, who should prevail?

Consider recent laws and decisions about marijuana. California was the first state to allow the use of medical marijuana, after the passage of Proposition 215 in 1996. Just a few years later, however, in *Gonzales v. Raich* (2005), the Supreme Court ruled that the U.S. government had the authority to criminalize the use of marijuana. In 2009, Attorney General Eric Holder said the federal government would not seek to prosecute patients using marijuana medically, citing limited resources and other priorities. Perhaps emboldened by the national

government's stance, Colorado voters approved recreational marijuana use in 2012. Since then, other states have followed. Forty-two states and the District of Columbia now have laws in place that legalize the use of marijuana to varying degrees. In a number of these cases, the decision was made by voters through initiatives and direct democracy (Figure 7.21).

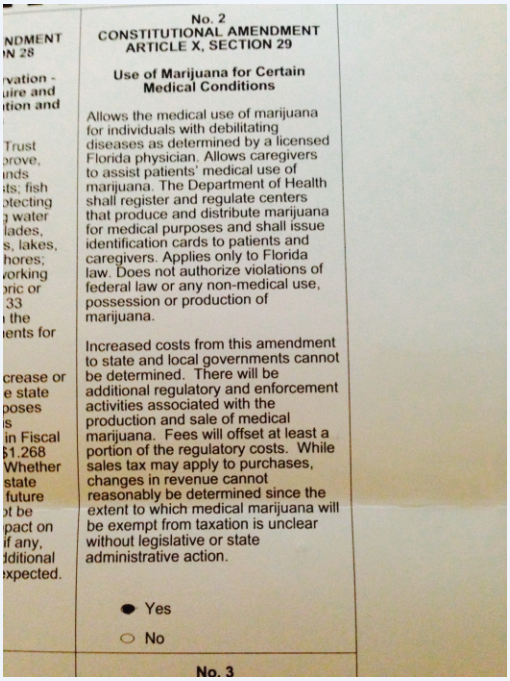


FIGURE 7.21 Caption: In 2014, Florida voters considered a proposed amendment to the Florida constitution that would allow doctors to recommend the use of marijuana for patient use. The ballot initiative received 58 percent of the vote, just short of the 60 percent required to pass in Florida.

So where is the problem? First, while citizens of these states believe smoking or consuming marijuana should be legal, the U.S. government does not. The Controlled Substances Act (CSA), passed by Congress in 1970, declares marijuana a dangerous drug and makes its sale a prosecutable act. And despite Holder's statement, a 2013 memo by James Cole, the deputy attorney general, reminded states that marijuana use is still illegal.[125] But the federal government cannot enforce the CSA on its own; it relies on the states' help. And while Congress has decided not to prosecute patients using marijuana for medical reasons, it has not waived the Justice Department's right to prosecute recreational use.[126]

Direct democracy has placed the states and its citizens in an interesting position. States have a legal obligation to enforce state laws and the state constitution, yet they also must follow the laws of the United States. Citizens who use marijuana legally in their state are not using it legally in their country. This leads many to question whether direct democracy gives citizens too much power.

Is it a good idea to give citizens the power to pass laws? Or should this power be subjected to checks and balances, as legislative bills are? Why or why not?

Direct democracy has drawbacks, however. One is that it requires more of voters. Instead of voting based on party, the voter is expected to read and become informed to make smart decisions. Initiatives can fundamentally change a constitution or raise taxes. Recalls remove politicians from office. These are not small decisions. Most citizens, however, do not have the time to perform a lot of research before voting. Given the high number of measures on some ballots, this may explain why many citizens simply skip ballot measures they do not understand. Direct democracy ballot items regularly earn fewer votes than the choice of a governor

or president.

When citizens rely on television ads, initiative titles, or advice from others in determining how to vote, they can become confused and make the wrong decisions. In 2008, Californians voted on Proposition 8, titled "Eliminates Rights of Same-Sex Couples to Marry." A yes vote meant a voter wanted to define marriage as only between a woman and man. Even though the information was clear and the law was one of the shortest in memory, many voters were confused. Some thought of the amendment as the same-sex marriage amendment. In short, some people voted *for* the initiative because they thought they were voting *for* same-sex marriage. Others voted against it because they were against same-sex marriage.[127]

Direct democracy also opens the door to special interests funding personal projects. Any group can create an organization to spearhead an initiative or referendum. And because the cost of collecting signatures can be high in many states, signature collection may be backed by interest groups or wealthy individuals wishing to use the initiative to pass pet projects. The 2003 recall of California governor Gray Davis faced difficulties during the signature collection phase, but $2 million in donations by Representative Darrell Issa (R-CA) helped the organization attain nearly one million signatures.[128] Many commentators argued that this example showed direct democracy is not always a process by the people, but rather a process used by the wealthy and business.

Key Terms

ballot fatigue the result when a voter stops voting for offices and initiatives at the bottom of a long ballot
caucus a form of candidate nomination that occurs in a town-hall style format rather than a day-long election; usually reserved for presidential elections
chronic minority voters who belong to political parties that tend not to be competitive in national elections because they are too small to become a majority or because of the Electoral College system distribution in their state
closed primary an election in which only voters registered with a party may vote for that party's candidates
coattail effect the result when a popular presidential candidate helps candidates from the same party win their own elections
delegates party members who are chosen to represent a particular candidate at the party's state- or national-level nominating convention
district system the means by which electoral votes are divided between candidates based on who wins districts and/or the state
early voting an accommodation that allows voting up to two weeks before Election Day
Electoral College the constitutionally created group of individuals, chosen by the states, with the responsibility of formally selecting the next U.S. president
incumbency advantage the advantage held by officeholders that allows them to often win reelection
incumbent the current holder of a political office
initiative law or constitutional amendment proposed and passed by the voters and subject to review by the state courts; also called a proposition
midterm elections the congressional elections that occur in the even-numbered years between presidential election years, in the middle of the president's term
open primary an election in which any registered voter may vote in any party's primary or caucus
platform the set of issues important to the political party and the party delegates
political action committees (PACs) organizations created to raise money for political campaigns and spend money to influence policy and politics
recall the removal of a politician or government official by the voters
referendum a yes or no vote by citizens on a law or candidate proposed by the state government
residency requirement the stipulation that citizen must live in a state for a determined period of time before a citizen can register to vote as a resident of that state
shadow campaign a campaign run by political action committees and other organizations without the coordination of the candidate
straight-ticket voting the practice of voting only for candidates from the same party
super PACs officially known as Independent Expenditure-Only Committees; organizations that can fundraise and spend as they please to support or attack a candidate but not contribute directly to a candidate or strategize with a candidate's campaign
top-two primary a primary election in which the two candidates with the most votes, regardless of party, become the nominees for the general election
voter fatigue the result when voters grow tired of voting and stay home from the polls
voting-age population the number of citizens over eighteen
voting-eligible population the number of citizens eligible to vote
winner-take-all system all electoral votes for a state are given to the candidate who wins the most votes in that state

Summary

7.1 Voter Registration

Voter registration varies from state to state, depending on local culture and concerns. In an attempt to stop the disenfranchisement of Black voters, Congress passed the Voting Rights Act (1965), which prohibited states

from denying voting rights based on race, and the Supreme Court determined grandfather clauses and other restrictions were unconstitutional. Some states only require that a citizen be over eighteen and reside in the state. Others include additional requirements. Some states require registration to occur thirty days prior to an election, and some allow voters to register the same day as the election.

Following the passage of the Help America Vote Act (2002), states are required to maintain accurate voter registration rolls and are working harder to register citizens and update records. Registering has become easier over the years; the National Voter Registration Act (1993) requires states to add voter registration to government applications, while an increasing number of states are implementing novel approaches such as online voter registration and automatic registration.

7.2 Voter Turnout

Some believe a healthy democracy needs many participating citizens, while others argue that only informed citizens should vote. When turnout is calculated as a percentage of the voting-age population (VAP), it often appears that just over half of U.S. citizens vote. Using the voting-eligible population (VEP) yields a slightly higher number, and the highest turnout, 87 percent, is calculated as a percentage of registered voters. Citizens older than sixty-five and those with a high income and advanced education are very likely to vote. Those younger than thirty years old, especially if still in school and earning low income, are less likely to vote.

Hurdles in a state's registration system and a high number of yearly elections may also decrease turnout. Some states have turned to early voting and mail-only ballots as ways to combat the limitations of one-day and weekday voting. The Supreme Court's decision in *Shelby v. Holder* led to states' removal from the Voting Rights Act's preclearance list. Many of these states implemented changes to their election laws, including the requirement to show photo identification before voting. Globally, the United States experiences lower turnout than other nations; some counties automatically register citizens or require citizens to vote.

7.3 Elections

The Federal Election Commission was created in an effort to control federal campaign donations and create transparency in campaign finance. Individuals and organizations have contribution limits, and candidates must disclose the source of their funds. However, decisions by the Supreme Court, such as *Citizens United*, have voided sections of the campaign finance law, and businesses and organizations may now run campaign ads and support candidates for offices. The cases also resulted in the creation of super PACs, which can raise unlimited funds, provided they do not coordinate with candidates' campaigns.

The first stage in the election cycle is nomination, where parties determine who the party nominee will be. State political parties choose to hold either primaries or caucuses, depending on whether they want a fast and private ballot election or an informal, public caucus. Delegates from the local primaries and caucuses will go to state or national conventions to vote on behalf of local and state voters.

During the general election, candidates debate one another and run campaigns. Election Day is in early November, but the Electoral College formally elects the president mid-December. Congressional incumbents often win or lose seats based on the popularity of their party's president or presidential candidate.

7.4 Campaigns and Voting

Campaigns must try to convince undecided voters to vote for a candidate and get the party voters to the polls. Early money allows candidates to start a strong campaign and attract other donations. The election year starts with primary campaigns, in which multiple candidates compete for each party's nomination, and the focus is on name recognition and issue positions. General election campaigns focus on getting party members to the polls. Shadow campaigns and super PACs may run negative ads to influence voters. Modern campaigns use television to create emotions and the Internet to interact with supporters and fundraise.

Most voters will cast a ballot for the candidate from their party. Others will consider the issues a candidate supports. Some voters care about what candidates have done in the past, or what they may do in the future,

while others are concerned only about their personal finances. Lastly, some citizens will be concerned with the candidate's physical characteristics. Incumbents have many advantages, including war chests, franking privileges, and gerrymandering.

7.5 Direct Democracy

Direct democracy allows the voters in a state to write laws, amend constitutions, remove politicians from office, and approve decisions made by government. Initiatives are laws or constitutional amendments on the ballot. Referendums ask voters to approve a decision by the government. The process for ballot measures requires the collection of signatures from voters, approval of the measure by state government, and a ballot election. Recalls allow citizens to remove politicians from office. While direct democracy does give citizens a say in the policies and laws of their state, it can also be used by businesses and the wealthy to pass policy goals. Initiatives can also lead to bad policy if voters do not research the measure or misunderstand the law.

Review Questions

1. Which of the following makes it easy for a citizen to register to vote?
   a. grandfather clause
   b. lengthy residency requirement
   c. National Voter Registration Act
   d. competency requirement

2. Which of the following is a reason to make voter registration more difficult?
   a. increase voter turnout
   b. decrease election fraud
   c. decrease the cost of elections
   d. make the registration process faster

3. What unusual step did Oregon take to increase voter registration?
   a. The state automatically registers all citizens over eighteen to vote.
   b. The state ended voter registration.
   c. The state sends every resident a voter registration ballot.
   d. The state allows online voter registration.

4. What effect did the National Voter Registration Act have on voter registration?

5. What challenges do college students face with regard to voter registration?

6. If you wanted to prove the United States is suffering from low voter turnout, a calculation based on which population would yield the lowest voter turnout rate?
   a. registered voters
   b. voting-eligible population
   c. voting-age population
   d. voters who voted in the last election

7. What characterizes those most likely to vote in the next election?
   a. over forty-five years old
   b. income under $30,000
   c. high school education or less
   d. residency in the South

8. Why do Belgium, Turkey, and Australia have higher voter turnout rates than the United States?
   a. compulsory voting laws

b. more elections
c. fewer registration laws
d. more polling locations

9. What recommendations would you make to increase voter turnout in the United States?

10. Why does age affect whether a citizen will vote?

11. If you were going to predict whether your classmates would vote in the next election, what questions would you ask them?

12. A state might hold a primary instead of a caucus because a primary is _____.
a. inexpensive and simple
b. transparent and engages local voters
c. faster and has higher turnout
d. highly active and promotes dialog during voting

13. Which of the following citizens is most likely to run for office?
a. Maria Trejo, a 28-year-old part-time sonogram technician and mother of two
b. Jeffrey Lyons, a 40-year-old lawyer and father of one
c. Linda Tepsett, a 40-year-old full-time orthopedic surgeon
d. Mark Forman, a 70-year-old retired steelworker

14. Where and when do Electoral College electors vote?
a. at their precinct, on Election Day
b. at their state capitol, on Election Day
c. in their state capitol, in December
d. in Washington D.C., in December

15. In which type of election are you most likely to see coattail effects?
a. presidential
b. midterm
c. special
d. caucuses

16. What problems will candidates experience with frontloading?

17. Why have fewer moderates won primaries than they used to?

18. How do political parties influence the state's primary system?

19. Why do parties prefer closed primaries to open primaries?

20. Susan is currently working two part-time jobs and is frustrated about the poor economy. On Election Day, she votes for every challenger on the ballot, because she feels the president and Congress are not doing enough to help her. What type of vote did she cast?
a. retrospective
b. prospective
c. pocketbook
d. straight ticket

21. Which factor is most likely to lead to the incumbency advantage for a candidate?
a. candidate's socioeconomic status

b. gerrymandering of the candidate's district
c. media's support of the candidate
d. candidate's political party

22. In what ways is voting your party identification an informed choice? In what ways is it lazy?

23. Do physical characteristics matter when voters assess candidates? If so, how?

24. Which of the following is *not* a step in the initiative process?
a. approval of initiative petition by state or local government
b. collection of signatures
c. state-wide vote during a ballot election
d. signature or veto by state governor

25. A referendum is not purely direct democracy because the _____.
a. voters propose something but the governor approves it
b. voters propose and approve something but the legislature also approves it
c. government proposes something and the voters approve it
d. government proposes something and the legislature approves it

26. What problems would a voter face when trying to pass an initiative or recall?

27. Why do some argue that direct democracy is simply a way for the wealthy and businesses to get their own policies passed?

Critical Thinking Questions

28. What factors determine whether people turn out to vote in U.S. elections?

29. What can be done to increase voter turnout in the United States?

30. In what ways do primary elections contribute to the rise of partisanship in U.S. politics?

31. How does social media affect elections and campaigns? Is this a positive trend? Why or why not?

32. Should states continue to allow ballot initiatives and other forms of direct democracy? Why or why not?

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