

THE DISENFRANCHISEMENT OF THE AMERICAN ELECTORATE

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“Fifty percent of Americans don’t vote; fifty percent don’t read newspapers... Let’s hope they are the same fifty percent.”

– Gore Vidal

INTRODUCTION

As another election draws near, many questions arise again. But beyond the obvious question of who may win and who may lose, in the United States there is a larger issue that deals with voter turnout. The 2014 midterm elections marked a sad point in American history when voter turnout was the lowest it had been in over seven decades. In fact, the last time numbers this low were registered was during the Second World War. Voter turnout in 2014 across the U.S. averaged 36 percent (United States Election Project). In all but seven states, less than half of the eligible population voted, and not one state reached 60 percent of voter participation. While some may argue that voter participation tends to be lower in midterm elections (since the stakes are not as high), one can look at the results from New York State in the 2014 midterm election, where voter turnout was below 29 percent, even though there were three state-wide races in play, including the gubernatorial one, as well as 27 house races (The Worst, 2014). These numbers are low, even by standards of midterm elections, where the percentage of voters (in the last 45 years) has remained around 40 percent (United States Election Project).

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For a variety of reasons, the United States has consistently ranked among the lowest in voter participation of those countries in the Organization for Economic Cooperation and Development (OECD). Countries at the higher end of the scale such as Belgium and Turkey are reported as having voter participation rates of 87 and 86.5 percent respectively. This paper attempts to clarify some of the reasons for the low voter turnout in the U.S. and outline some potential solutions that have been identified in order to increase it.

VOTER REGISTRATION

In the United States many people believe that one of the main reasons associated with low voter turnout has to do with the fact that citizens are required to register in order to vote. Personally, as someone who has lived in three other (democratic) countries around the world, I found this to be a shocking practice. In other democracies, citizens do not have to register in order to vote. Registration is something that occurs automatically. The government has a list of all eligible citizens and

their polling locations, thus allowing any eligible voter to simply show up and vote.

France, for example, registers all citizens automatically when they turn 18 years old. The simplification of this process makes the process of voting effortless and more appealing. In the United States, voters must register in advance before they can cast a vote. When voters do not register, they often cannot vote, since not every state offers the ability to register at the polling station.

Some may argue that it should be a citizen's civil duty to register (as it should be a citizen's responsibility to keep abreast of political candidates and issues in order to vote); however, this paper aims to evaluate the issue of low voter turnout and identify solutions. It can be argued that more citizens would vote if the required steps for this process were simplified or eliminated.

The Brennan Center for Justice, a non-partisan public policy and law institute, ranked countries based on what level of responsibility they took for registering their voters. At the higher end of the spectrum were the European democracies and countries such as Australia, New Zealand, Argentina, and Peru; and at the lower end were countries such as The Bahamas, Belize, Burundi, and the U.S. It should be mentioned that even Iraq, in its very first election, created a voter registration system (Gerken, 2013).

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So why does the U.S. require voter self-registration? Alexander Keyssar (2009) explained that the practice dates back to the early 19th century when the United States was a magnet for world immigration. Keyssar explained that this practice was implemented due to the fact that there needed to be a measure in place to ensure that only U.S. citizens were voting during elections. But Keyssar also showed that the practice served another purpose, and that was to diminish the level of voter participation (among those who were eligible to vote) "...Many poor citizens were not included on the voter rolls; since they were often not home when the assessors came by, which was typically during the work day."

Heather Gerken (2013) explained that one of the major problems with the U.S. registration process is a vastly-inefficient and antiquated paperwork process. In most states, registration applications are still filled out via hard-copies leading to excessive and tedious paperwork that needs to be processed by hand. Between 2006 and 2008 alone, for example, states processed 60 million voter registration applications, most of which were in paper form. Paper applications must be manually entered into a database, inevitably introducing human-error into the process, and thus, resulting in lost entries and inaccuracies. All of these problems create further complications which need to be remedied. A Massachusetts Institute of

Technology study estimated that in the 2008 election, 5.7 million voters had registration problems which they needed to resolve before being able to vote, and 2.2 million voters were unable to vote due to such registration problems. Considering the volume of tasks that we currently perform online, why can't this process be streamlined and be done via the Internet? If this was done, many issues in terms of voter registration would automatically be solved.

HOW SINGLE-MEMBER DISTRICT-PLURALITY AFFECTS VOTER TURNOUT

The United States uses the Single-Member District-Plurality (SMDP) system, or "Winner Takes All." What this basically means is that voters cast their votes for one of the candidates running, and the candidate who receives the highest number of votes wins the entire district. Problems with this system include the discouragement of minority political parties (and with that, often, their followers as well) in the electoral process, as well as the fact that all voices within a district are ultimately represented by one person, even when that person may not have won the majority of votes in the constituency. In fact, most democracies in the world do not exercise SMDP and instead prefer a proportional representation model, where seats in an election are allocated based on the percentage of votes that a party or candidate receives. To further illustrate why SMDP can be problematic, one can

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look at the 1992 presidential election, when Ross Perot (running as an Independent) received almost 20 million votes (approximately 8 percent of the total population), yet neither he nor his party received any representation (Schlesinger and Israel, 2011).

SMDP can not only disenfranchise minority voters, but also those who do not identify themselves with any of the parties. In 2012, a *USA Today* poll showed that 42 percent of people who did not vote said that this was due to a lack of differences between the two parties (Democratic and Republican). These differences can include everything from gender and race to political stances and beliefs. To this effect, Leighley and Nagler (2013) noted that voters who can see a greater difference between candidates are more likely to vote. If the United States looked to implement proportional representation, new parties would appear to represent the interests of the many constituencies that live in the U.S. (e.g. African-Americans, Evangelicals, Methodists, Hispanics, etc.) This would most likely increase voter participation, especially as it pertains to minority groups; however, there would be consequences to consider for this benefit, in that governing would become more difficult due to coalitions being needed (with more political parties arising and getting into power).

THE DISENFRANCHISEMENT OF FELONS

The United States and its treatment of felons is peculiar to say the least. The U.S. is the only country where states can have their felons barred for life from voting. Procedures vary from state to state, and are often related to the type of crime that the felons were convicted of (Taylor, 2014). Moreover, many states do not allow felons to vote from prison with the exceptions being Maine and Vermont. Uggen et al (2012) found that approximately 2.5 percent of the eligible voting population of the United States was disenfranchised due to a conviction. Approximately half of this group, 1.2 percent (2.6 million), were no longer in prison but lived in states that did not allow voter registration for those previously convicted of a felony.

Uggen et al (2012) showed how felon disenfranchisement is more prominent in the U.S. than in other democracies, especially on the basis of region and race. In terms of the regional disparity, their study was able to demonstrate that more than three million citizens (convicts and ex-convicts), who were yet to regain their rights to vote, were concentrated in six contiguous southern states: Virginia, Mississippi, Alabama, Kentucky, Tennessee, and Florida. In addition, felon disenfranchisement further affects racial inequality. For example, 23 percent of African-Americans in Florida, 22 percent in Kentucky, and 20 percent in Virginia are currently ineligible to vote due to prior felony convictions. Moreover, the rate of disenfranchisement for African-Americans, when compared to the non-African-American population, was four times higher. The national incarceration rate for whites is 412 per 100,000, for African-Americans it is 2,290 per 100,000, and for Hispanics it is 742 per 100,000 (Harrison and Beck, 2005). This is problematic since the United States incarcerates more people than any other democracy in the world, and as shown, minorities are incarcerated at a much higher rate.

In 2007, Mauer and King (2007) showed that there were 2.2 million inmates in the United States; the staggering statistic was that of those 2.2 million, 900,000 were African-Americans. This represented almost 41 percent of the population inside the nation's prisons. Moreover, data from the Bureau of Justice Statistics showed that one in six black men had been incarcerated by 2001, and that if the current trend were to continue, one in three black children born in 2003 should expect to spend time in prison during their lifetime (Bonczar, 2003). This is a problem that does not solely affect African-Americans. Mauer and King (2007) explained that in 2005 Hispanics comprised 20 percent of the population in the nation's prisons. This meant that among Hispanic children born in 2003, one in six males and one in 45 females would expect to go to prison in their lifetime (Bonczar, 2003) with these rates being more than twice those of non-Hispanic whites.

As felons continue to struggle to retain or regain their voting rights, and as long as minorities (particularly African-Americans) continue to be incarcerated at a higher rate than any other group in the United States, how can the nation ever expect to have a fair and balanced electorate?

AMERICANS ARE TOO BUSY TO VOTE...

The most common response that many Americans provide when asked why they do not vote is that they are "too busy." People who say they are too busy often mean that they cannot afford to miss work to be able to vote. Why can't this problem be solved in order to increase voter participation? The notion that Election Day has to remain on the first Tuesday after the first Monday in November is an archaic concept. This custom started back in 1845 when many Americans lived in rural areas and Tuesday was chosen because Sunday was accepted to be a day of worship, and Monday was a day that could be used as the travel day to get to the polling station. However, nowadays people do not need an entire day to travel in order to vote. Therefore, why can't Congress move Election Day to the weekend? It would not necessarily need to be a Sunday if the notion of a "universal worship day" is to be maintained. Could holding Election Day on a Saturday, for instance, potentially help in increasing voter turnout? In the United States, doing away with some aspects of its past history has proven difficult to say the least. Consequently, instead of going this route, what if Congress decided to make Election Day a national holiday? The main argument against doing this would be the cost to employers who would be required to pay employees for a day off. However, probably the best argument as to how this could and should be done was put forth by Martin Wattenberg (1998) when he explained that Election Day could potentially be moved to a day in November which is already a national holiday—Veterans Day (often celebrated on November 11). The reasoning behind this would be that our veterans fight (and fought) for the democratic rights of this country, and this would be a good way to honor them. The new national holiday could become Veterans' Democracy Day, and this would show the citizens of the United States that the country places a strong value on voting (Wattenberg, 1998).

Furthermore, the idea of having Election Day named as a national holiday, or simply holding Election Day on a weekend, is something which is already implemented by other democracies—New Zealand, Austria and Germany to name a few—all of which have significantly higher voter turnouts than the United States.

IS COMPULSORY VOTING A SOLUTION?

The idea of compulsory voting is by no means a new one. It basically means that every citizen is expected and obliged to vote in elections. In fact, Belgium, the country with the highest voter turnout according to the Organisation for Economic Co-operation and Development, introduced compulsory voting back in 1892. The next countries to do so were Argentina in 1912 and Australia in 1924. In Argentina, President Roque Saenz Peña was concerned that there were two majorities growing in the voting population, the workers and the anarchists. Thus, by instituting this law, he hoped to ensure that all minorities would be fairly represented in government.

Australia instituted compulsory voting after voter turnout fell below 58 percent in the 1922 election. Since compulsory voting was instituted, Australia's voting rate has never fallen below 90 percent, even though the maximum fine for not voting is 30 dollars, and judges accept basically any excuse to miss a vote (Wattenberg, 1998). Then there are countries like the Netherlands and Venezuela which at one time implemented compulsory voting, but have since done away with it. There is also the case of France, where voting is only compulsory for the midterm (senate) elections, since the assumption is that people's interest tends to be lower for the mid-cycle election than for the presidential one.

Still, there are two main arguments against compulsory voting. The first is that when everyone is forced to vote, people who have no knowledge of the candidates or issues, or do not care about an election, would now be forced to cast a ballot. This can be problematic for candidates because they need to find a new way to engage this constituency, and also because uneducated voters can swing the result of an election. The other argument is that not voting is a choice, and forcing people to vote is infringing on their civil liberties. However, there is a simple solution for this. If a citizen does not want to vote (assuming that they do not like any of the candidates), then they can cast a null or spoiled vote, which would be their way of expressing dissatisfaction or even disinterest with the establishment.

CONCLUSION

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Not every idea introduced in this paper can (or should) be tackled immediately, but these suggestions represent progressive steps that the United States could take in order to increase its voter turnout. As things stand, the electorate is disenfranchised due to a variety of reasons: the requirement that citizens must self-register, the paper-based registration process which can be complicated and flawed, single-member district-plurality that excludes the representation of minor political parties, the disenfranchisement of felons and ex-felons, the belief among citizens that there is no difference among the candidates, and finally the inconvenience of having to vote only on Election Day.

However, certain initiatives can be explored in order to increase the number of people who show up to vote, ranging from fairly easy and straightforward solutions (e.g. changing the date of Election Day to a weekend or naming Election Day as a national holiday, thus allowing even more people access to the polls when they would have otherwise been working) to considerably more intricate solutions; e.g. transitioning from a paper-based registration system to a modern and much-needed electronic system, or introducing compulsory voting, and implementing the stipulations that would

accompany it. Overall, U.S. voter turnout is remarkably poor when compared to other democratic nations around the world, but implementing some of the policies that those countries have in place and/or employing new practices would undoubtedly improve voter turnout rates.

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