

★
**Is This Any Way
to Run a**

★
**Democratic
Election** ★



Stephen J. Wayne ★

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IS THIS ANY WAY TO RUN A DEMOCRATIC ELECTION?

Debating American Electoral Politics

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*To my son, Jared
May you and your generation keep the flame
of American democracy burning brightly.*

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Pictured on the cover is a mid-nineteenth century "campaign ball." Beginning in 1840, supporters of presidential candidates often rolled huge campaign balls covered with slogans across the country as a publicity stunt. The gimmick gave rise to the phrase "Keep the ball rolling."

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Preface

We are a nation of critics, self-critics. As we laud our democratic system, we also complain about it. The election process in particular has been the source of much lament and critical commentary.

WHAT'S WRONG WITH AMERICAN ELECTORAL POLITICS?

The complaints are legion. The election cycle is too long, too complex, and too costly. The system is controlled by and for the few, the special interests, not the public's interest. Election laws are biased in favor of those who enacted them, the major parties and their candidates. Money drives the process, and wealthy contributors exercise disproportionate influence over the candidates, parties, and their campaigns. The news media are more interested in a good scandal than in discussing substantive policy issues and their consequences for society. Politicians are not to be trusted; they will say and do almost anything to get elected, and once elected, they are beholden to their large contributors and the special interest groups that aided their campaign. Moreover, incumbents have stacked the deck in favor of their reelection, thereby undercutting two of the basic goals of a democratic electoral process—to keep public officials responsive and to keep them accountable for their public policy decisions. And as if these allegations were not enough, there is the charge that election returns today do not result in winners who are compatible with one another, who are willing to compromise on policy issues, and who put the public's interest ahead

of their own self-interest. Nor does the outcome of the vote easily translate into a governing agenda and a majority coalition. All of these charges have produced negative perceptions of the electoral process today and undoubtedly have contributed to public cynicism, apathy, and mistrust. Something is very wrong with American electoral politics, or so its critics allege.

Are these charges correct? Is the current way the best way to run a democratic election? Have we drifted from the ideals and goals of the American political tradition? If so, how and when did we do so, and what, if anything, can be done about it? If not, why are there so many persistent complaints, and why don't most people vote? These are some of the questions that concerned citizens should be asking about our electoral system and that public officials, party leaders, political scientists, and others should be attempting to answer.

GOALS AND STRUCTURE OF THIS BOOK

This book is intended to help its readers participate in the debate on American electoral politics. It aims to explore critical and controversial issues that confront our political system today, and to do so in a reader-friendly way. *Is This Any Way to Run a Democratic Election?* looks at American democracy in theory and practice, notes where and why practices deviate from theory, and then proposes reforms to close the gap.

The book's first chapter discusses democratic theory in general and the democratic electoral process in particular. The next five chapters (Chapters 2–6) examine key aspects of electoral politics: suffrage and turnout, representation, partisanship, money, and the mass media. Each of these factors shapes the contest, affects the outcome, and has consequences for governing. From the environment in which elections occur, we turn in the last three chapters (Chapters 7–9) to the electoral process itself: the nomination, campaigns, and election of public officials.

SPECIAL FEATURES OF THIS BOOK

Each chapter of the book includes useful features intended to pique readers' interest in electoral issues and foster critical thinking and participation. Each chapter begins with "Did You Know That . . .", an opening feature that presents interesting facts about democratic election practices, processes, and outcomes that aren't widely known. After a discussion of the electoral dilemmas and ways to overcome them, each chapter concludes with a short summary, followed by a critical thinking section, "Now It's Your Turn." Included in this section are Topics for Debate, a research-oriented exercise that encourages use of the Internet, and a listing of Internet Resources and Selected Readings.

IMPROVING THE SYSTEM

The aim of *Is This Any Way to Run a Democratic Election?* is to familiarize readers with crucial issues in American electoral politics, but this book is also intended to involve the reader in making the system better by becoming more involved in politics and government and, at the very least, by taking the responsibilities of citizenship seriously. After all, it is every citizen's system. And it is up to all of us to improve it.

The first step is to understand how electoral politics works, to be informed, to get involved, and to vote; the second is to encourage others to do so. By improving the electoral system, by making it more responsive, and by holding elected officials—individually and collectively—responsible for their decisions and actions in office, we build support for democratic institutions and move closer to the ideal of a government of, by, and for the people. This book is your invitation to begin or accelerate the process of becoming a responsible citizen.

S. J. W.



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Democratic Elections: What's the Problem?

Did you know that . . .

- less than half the eligible population voted in the 1996 presidential election, and only a little more than one-third voted in the midterm elections of 1998?
- Bill Clinton got the support of less than one quarter of those eligible to vote in the 1992 and 1996 elections?
- most members of the House of Representatives have *no* opposition in their party's primaries?
- in 1998 forty members of Congress had no major party opposition in the general election and another fifty-five had minimal opposition?
- three out of four House members in 1998 received 60 percent or more of the vote?
- of the thirty-four Senate elections in 1998, only fourteen were even competitive, with a margin between the winners and the losers of less than 20 percent? In only nine of these contests was the margin of victory 10 percent or less.
- third-party presidential candidate Ross Perot received 19 percent of the popular vote in 1992 and 8.5 percent in 1996, but no electoral votes in either election?
- almost \$2.2 billion was spent on the congressional and presidential elections during the 1995–1996 election cycle? Of the almost \$900 million that the major parties raised during this election period, about one-third was not subject to federal contribution limits.
- the average length of time that 1996 presidential candidates appeared on the major broadcast networks' evening newscasts was 8.2 seconds? The anchors and correspondents, however, had six times the airtime on these same shows as did the candidates for office.

- more than 50 percent of candidates' advertising in the last election contained some negative reference to an opponent's character or policy positions?
- only about one-third of the people can name their member of Congress during nonelectoral periods? In the 1995–1996 election cycle, only 34 percent knew the name of the Senate majority leader who was at that time the leading candidate for the Republican presidential nomination, and only 60 percent could correctly identify the vice president.
- since 1968 there have been only six years during which the same political party controlled the White House and both houses of Congress?

Is this any way to run a democratic election?

THESE FACTS suggest that there's something terribly wrong with our electoral process. They raise serious questions about how democratic the American political system really is. They also point to the major problems within that system: low voter turnout; high costs and unequal resources for those running for office; short, compartmentalized, and negative media coverage; and contradictory, often inconclusive results. Let's take a look at some examples of these problems.

CONTEMPORARY ELECTION ISSUES

Low Voter Turnout

People fight for the right to vote when they don't have it. We certainly did. In 1776 American colonists, protesting British taxation without representation, declared their independence with a rhetorical flourish that underscored the people's right to alter or abolish a government that wasn't fulfilling the purpose for which it was established.

Now, more than 220 years later, in a country that prides itself on its long and successful political tradition and on its fundamental democratic values, a majority of the electorate didn't vote in 1996 and 1998. What's wrong? Why do so many people not vote? Does it have to do with the candidates running for office, the ways they conduct their campaigns, the declining appeal of the major parties, or a basic mistrust of politicians and elected officials?

Congress considers low turnout to be a problem, a sign that the democracy isn't as vigorous as it could or should be. During the last two decades, it has enacted legislation to encourage more people to vote. At the end of the 1970s, an amendment to the Federal Election Campaign Act was passed to permit parties to raise and spend unlimited amounts of money on building their grassroots base and getting out the vote. Yet turnout has continued to decline.

During the 1980s, amendments were added to the Voting Rights Act to broaden its applicability and facilitate minority participation in the electoral process. Yet the turnout of most population groups has continued to decline.

In 1993 a “motor voter” bill, designed to make it easier for people in all fifty states to register to vote, was enacted into law. Since that law has gone into effect, more than 7 million people have been added to the voter registration rolls.¹ Yet turnout has continued to decline.

The issue of nonvoting raises serious questions about the vibrancy of America’s civic culture and democratic political institutions. With so many people not voting, do elections still reflect the judgment of the people or, rather, of a small and unrepresentative proportion of them? Similarly, to whom are elected officials responsive—the entire population or those who elected them? Do elections with low participation rates still provide an agenda for government and legitimacy for its actions? If not, then what does?

High Costs and Unequal Resources

From the perspective of the American people, campaign finance is the number one electoral issue and has been for the last two decades. The federal election campaign finance system has broken down. In the last two presidential elections, both major parties used a loophole in the Federal Election Campaign Act to raise and spend hundreds of millions of dollars on behalf of their candidates for federal office. And they are doing so again, big time.

In the case of the presidential elections, this loophole circumvented limits on federal spending for candidates who accepted government funds. To make matters worse, both parties used their access to and the facilities of their party’s office holders as inducements and rewards for obtaining larger donations. Private telephone numbers of cabinet secretaries and congressional committee heads were made available. The president held numerous coffee hours in the White House for actual and potential Democratic contributors. Those who gave the most money were treated to trips with the president on Air Force One, trade missions with the commerce secretary, and sleepovers in the Lincoln bedroom. Money even poured in from foreign sources—in violation of the law.

Even without the illegal solicitations and legal circumvention of the campaign finance legislation, the amount of money required to mount an effective campaign for federal office has become a major issue. Expenditures for mass media advertising have gone sky high, with no end in sight. Moreover, the advertising itself has raised concerns that it distorts rather than enhances the political debate.

Is too much money being raised for and spent on election campaigns? Do the wealthy buy access and influence by virtue of their contributions? Have huge expenditures by nonparty groups, under the guise of free speech, perverted the democratic character of the system?

Compartmentalized and Negative Media Coverage

Closely related to the issue of money is that of news coverage. For better or worse, the mass media have become the principal vehicle through which candidates for national office communicate to voters. Political parties have become much less effective intermediaries between their candidates and the electorate. Dependence on the news media wouldn't be so bad if the goals of the press were similar to those of the parties and the candidates—but they aren't.

The mass media are not oblivious to the need to energize and educate the public, thereby providing the information necessary for an informed vote. But as a business, they are also interested in the bottom line: making money—the more, the better. They make profits through advertising that is priced according to the size of the audience. To enhance audience size, the news media present the news that is most interesting to most people most of the time. In campaigns, the most newsworthy items are the dramatic ones—the horserace, with all its color and drama; the unexpected occurrences, the screwups, and the confrontations, as well as the human dimensions of the candidate's personal character and family. These subjects engage readers, viewers, and listeners but don't necessarily educate, energize, or motivate them to participate in the campaign and to vote. In fact, press compartmentalism and negativism are often blamed for lower turnout and for the public's cynical attitude toward candidates, parties, and the political system.²

How to square the interests of largely private media with the needs of an informed and involved electorate is no easy task, nor one that Congress wishes to tackle. Not only must First Amendment protections for the press be considered, but the desires of the public for the news it wants, not necessarily the news it needs, must be weighed in the balance.

Contradictory, Often Inconclusive Results

Another problem, less obvious but equally dangerous for a democratic political system, is that often elections not only do not contribute to governing, but actually make it more difficult to do so. Candidates make promises, parties present their platforms, groups promote their own issues. But in a heterogeneous society, policy priorities and positions are apt to be diverse and even inconsistent with one another. American elections reflect this diversity far better than they mirror a popular consensus. Elections regularly produce mixed and incompatible results, with unclear meanings and undefined mandates. Parties share power, thereby making the institutional divisions that much greater and more difficult to overcome.

Each of these problems has become a contemporary political issue. Each points to shortcomings in the democratic electoral process in the United States, to gaps between theory and practice. One goal of this book is to examine those gaps; another is to discuss ways they could be narrowed or, if possible, eliminated

entirely. Finally, the book aims to stimulate thinking about elections in general and possible improvements in particular.

To answer the central question, “Is this any way to run a democratic election?” in this chapter, we first examine the nature of democracy and some of the ways in which such a political system may be structured. Then we turn to the role of elections in a democracy and the criteria that these elections must meet to be considered democratic. Finally, we look at the inevitable tensions within a democratic electoral system between political liberty and equality, between majority rule and minority rights, and between a free press and an informed electorate.

THE NATURE OF DEMOCRACY

A **democracy** is, simply put, a government of the people. Initially used in ancient Greece, where democracy was first practiced, the term itself comes from the Greek words *demos*, meaning “people,” and *kratos*, meaning “rule.” In a democracy, the people rule.³

But *which* people? Everyone? Everyone who is a citizen? Every citizen over eighteen years old? Every eighteen-year-old citizen who is literate and mentally competent? Every eighteen-year-old literate and mentally competent citizen who has knowledge of the issues and can apply that knowledge to make an intelligent judgment? The list of qualifications can go on indefinitely. Naturally, an informed electorate is desirable, but the more people who are excluded because they lack certain characteristics, the less likely is it that the electorate will reflect the general population.

And *how* do the people rule? By themselves? By selecting others and holding them accountable? By agreeing to a set of rules and procedures by which some will be selected to perform certain public tasks, such as teaching school, maintaining law and order, or protecting against foreign attack?

There is no single right answer to these questions. There are many types of democracies, distinguished by *who* and *how*: by who makes the decisions and by how power is distributed.⁴

TYPES OF DEMOCRACIES

Who Makes Public Policy Decisions?

When the people make public policy decisions themselves, the democracy is said to be a **direct democracy**. A New England town meeting in which all residents participate on matters of local interest, such as where to build a new town hall or whether to recycle disposable waste, is an example of direct democracy at work. A state ballot initiative on which voters indicate their

preferences on a range of issues, such as legalized gambling, affirmative action, or public benefits for illegal immigrants or new residents, is another illustration of a form of direct democracy.

In a direct democracy there is true collective decision making. Obviously, in a country as large and diverse as the United States, such a system would be impractical and undesirable. There would be too many people participating in too many decisions with limited information and understanding of the issues. As a consequence, most democracies are by necessity **representative democracies**, in which people choose others to represent them in government, to formulate and implement public policy, and sometimes even to adjudicate it.⁵

A basic goal of representative government is to be responsive to the needs and interests of the people who elected that government. How can these needs and interests be identified? One way is through elections. Although elections aren't the only way that public views find expression and can influence public policy, they are the most decisive means for doing so. That's why they are such a critical component of a democratic political system. They are a mechanism through which the citizenry expresses its desires and by which it can evaluate the performance of those in office. Elections link the government to the governed.

How Is Power Distributed?

Another way to categorize democracies is according to how they distribute power. A **popular, or plebiscitary, democracy** is one in which the people exercise considerable influence over the selection of government officials and the policies they pursue. Such a system provides opportunities for the populace to initiate policy issues and vote on them directly as well as to elect candidates and, if necessary, to remove them from office. Ballot access is easy, there are few impediments to voting, and the people have the last word.

In a **pluralistic democracy**, a wide variety of groups—from political parties to those with economic interests (such as business, labor, and the professions) to those motivated by social and political (ideological and issue-oriented) beliefs—all compete for influence. They do so in line with their own interests and beliefs, using their own resources to gain and maintain public support. James Madison argued in *The Federalist*, No. 10 that such factions in society were inevitable and that one of the merits of the constitutional framework that had been established was that it prevented any one of them from dominating the government.

A third model is an **elitist democracy**, in which power is concentrated in fewer hands than in a pluralistic system. Here, there is more hierarchy, and more discretion is exercised by those in power. However, because it is a democracy, there is still competition between elites to gain election to government and to exercise influence within it. In all three systems, government officials remain accountable to those who elected them.

But whatever the form of democratic government, it rests on popular consent. Elections anchor that government to its popular base. Without elections, a democratic political system cannot exist.