

DEMOCRACY & GOVERNMENT

Why Don't Americans Vote?



BY THE SANDERS INSTITUTE

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We call ourselves a Democracy – a government of the people, by the people, and for the people. However, the sad truth is that America has very low rates of participation in our “democracy.”

Only 55.7% of Americans voted in the last election (around 27% each for President Trump and Secretary Clinton). This is not normal or healthy for advanced democracies. The fact that our Senators, Representatives, and even President are selected by a small portion of our population, contrasts sharply with our democratic ideals. Ultimately, our system fails to encourage full voter participation. Therefore, to begin movement towards a better democracy, we looked into the many barriers that Americans face when heading to the polls.

Based on an analysis by the **Pew Research Center**, the United States falls far behind other developed democracies in voter turnout:

Voter Turnout by Country

It is important to note that this number for the United States voter turnout is from 2016 — a presidential election year. During off-years the voter turnout is much lower. In 2014, turnout in the United States was **36.4%**.

These low turnout numbers are not an anomaly. Voter turnout in the United States during presidential election years has remained around **50%-60% of the voting eligible population** since the early 1900s. (It is important to note, however, that the voting *eligible* population differed significantly from the voting *age* population for much of U.S. History.)

 VEP turnout

So, the question arises: Why is this happening? Why are almost half of voting-age Americans not voting? The answer lies in our flawed voting system.

Let's look at all of the populations that are restricted from voting entirely.

UNAFFILIATED PRIMARY VOTERS

Unaffiliated Primary Voters

The Sanders Institute



Watch on

In his farewell address, **President George Washington** warned: “However [political parties] may now and then answer popular ends, they are likely in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.”

Despite this impassioned warning, the United States has developed a strong two-party system in the past two centuries, which has allowed our Founding Father's grim vision to take hold. In fact, the last time a third-party candidate won any state's electoral college vote for president was in **1968**.

Americans are ultimately given a choice between only two candidates on the day of the general election.

What makes matters worse is that a substantial number of Americans are barred from voting to decide on who those final two choices will be. According to the organization Open Primaries, thirteen states and DC hold *closed primaries* for presidential primaries (laws vary for congressional and states primaries.) **The National Conference of State Legislatures** explains that in closed primaries, "a voter seeking to vote ... must first be a registered party member.... Independent or unaffiliated voters, by definition, are excluded from participating in the party nomination contests."

In addition, other states have less strict rules but still bar certain voters from participating. According to the National Conference of State Legislatures:

Partially closed primaries: "Permits political parties to choose whether to allow unaffiliated voters or voters not registered with the party to participate in their nominating contests before each election cycle";

Partially open primaries: "Permits voters to cross party lines, but they must either publicly declare their ballot choice or their ballot selection may be regarded as a form of registration with the corresponding party";

Open to unaffiliated voter primaries: "Allows only unaffiliated voters to participate in any party primary they choose, but do not allow voters who are registered with one party to vote in another party's primary."

The only primaries that allow for total participation from all voters in the state are open primaries. There are 16 open primary states.

The map below shows which states have Closed, Mixed, or Open Primaries for presidential elections:

According to **Gallup**, a little under half (46%) of Americans do not identify with a political party. Only a quarter (25%) identify as Republican, and 27% identify as Democrat. This means voters are either

forced to choose between a political party they may not fully identify with or they are barred from participating in many state primary elections.

If we want to consider ourselves a democracy, we should allow all of our citizens to participate fully in choosing who leads our country. Otherwise, the votes these people are allowed to cast on election day could be practically meaningless.

PEOPLE WITHOUT IDENTIFICATION

Thirty-four states currently have laws that request or require citizens to show some form of identification to vote. The **ACLU** points out that ten states have strict voter ID laws “under which voters must present one of a limited set of forms of government-issued photo ID in order to cast a

regular ballot -- no exceptions.” While for some, having an ID is a normal part of life, more than **21 million Americans** do not have government-issued photo identification.

Proponents of voter ID laws argue that it helps prevent in-person voter impersonation. However, numerous studies have shown that this type of fraud is exceedingly rare. The Brennan Center for Justice found that the incidence of this type of fraud is between **0.0003 percent and 0.0025 percent** and that it is more likely that an American “will be struck by lightning than that he will impersonate another voter at the polls.”

Instead, these laws disproportionately disenfranchise the elderly, the poor, and minorities. A quarter (25%) of African American voting age citizens do not have a government-issued ID, compared to only **8% of white Americans**. In fact, a number of voter ID laws across the country have been ruled discriminatory and are “now widely regarded as a means of voter suppression rather than of fraud prevention,” according to **Judge Richard A. Posner**, a member of the United States Court of Appeals for the Seventh Circuit.

A **Washington Post** study found “a significant drop in minority participation when and where these laws are implemented.” In contrast, white voters are largely unaffected. Below is a chart that shows the turnout gap between different minority populations and the white population. It shows that strict voter ID laws exacerbate the voting gap and that this is particularly true of primary elections.

The Post explains its chart this way: “In general elections in non-strict states [states without strong/any voter ID laws], for instance the gap between white and Latino turnout is on average 4.9 points. But in states with strict ID laws, that gap grows to a substantial 13.2 points.”

FELONS

6.1 million Americans cannot vote because of felony disenfranchisement.

Rates of felon disenfranchisement vary dramatically between states. In Vermont and Maine, felons never lose their voting rights, while in others, felons regain their right to vote when the state deems they have paid their debt to society – either after they are released or after parole and/or probation. Still other states, however, do not restore voting rights to felons unless they apply for and receive a Governor's action or court action allowing them to vote.

In addition, this disenfranchisement disproportionately affects African Americans. According to the Sentencing Project “1 of every 13 African Americans has lost their voting rights due to felony disenfranchisement laws, vs. 1 in every 56 non-black voters.”

Some states, however, have begun to look into these laws. A judge recently deemed this practice unconstitutional in Florida. Currently in Florida, convicted felons cannot vote unless they are granted restoration through a governor's or court order. The judge **stated** "[Elected], partisan officials have extraordinary authority to grant or withhold the right to vote from hundreds of thousands of people without any constraints, guidelines, or standards... Its members alone must be satisfied that these

citizens deserve restoration. ... The question now is whether such a system passes constitutional muster. It does not.”

Similarly, New York Governor Andrew Cuomo recently **announced** that he “intends to restore voting rights to felons on parole, a move that could open the ballot box to more than 35,000 people.”

Despite these advancements, in many states, these disenfranchised Americans are people who have served their debt to society and yet continue to be punished well beyond their time served in prisons, jails, probation, and parole.

Ultimately, these men and women across the United States have little to no political recourse for challenging or changing the laws that took away their vote. While some of these laws address actions that will always be felonies, keep in mind that **possessing marijuana** can still accrue a felony in many states despite support (61% of Americans) for legalization.

CITIZENS OF D.C., PUERTO RICO, THE VIRGIN ISLANDS, AMERICAN SAMOA, NORTH MARIANA ISLANDS, AND GUAM

About **4.4 million Americans** live in Puerto Rico, U.S. Virgin Islands, American Samoa, North Mariana Islands, Guam and the District of Columbia.

However, unlike other American citizens in the 50 states, residents in American territories and the district have their voting rights significantly curtailed.

D.C. residents do not have full representation in Congress but are represented in presidential elections by three electoral college votes. In the other branches of government, Washington D.C. has no Senators and only one delegate in Congress, who cannot vote during floor Votes.

Residents in Puerto Rico, U.S. Virgin Islands, American Samoa, North Mariana Islands and Guam also have the same sort of “delegates” in Congress. However, their territories do not have electoral college votes and therefore, they cannot vote in presidential elections.

Last year, Puerto Rico suffered a devastating hurricane. More than four months after Hurricane Maria, **nearly half a million** Puerto Ricans are still without power. These three million Puerto Rican Americans do not have any voting member of Congress -- House or Senate -- who can speak to their need for aid, and they are not being helped by a president whose election they were not a part of.

Let's look at some of the reasons why people who legally can vote, are held back from voting.

Voting in the United States is not easy. The rules can vary state by state and sometimes within the states between the two parties in primaries. This places heightened burdens on people who are struggling to get by. When one has to choose between doing extensive research and jumping through hoops to vote, and putting food on the table, voting all too often becomes of secondary importance.

Here are some of the hoops Americans must jump through to vote:

SEPARATE REGISTRATION AND VOTING

In the United States, at the age of 18 every American male is automatically sent a letter telling him he could potentially be called for the draft. In contrast, not a single American is automatically registered to vote in the same way.

On top of this, voting registration deadlines are notoriously confusing. Voter registration deadlines for the general election range by state **from 31 days** before an election to in-person on the day of the election.

To complicate matters, states have different laws for different types of registration. For instance, a Maryland resident must register to vote in person, online or by mail 21 days before the election. However, if voting during the early voting period, that Maryland resident can register in person between 13 and 5 days before the election. Some states do not even allow voter registration online.

This process becomes even more difficult when Americans want to participate in elections leading up to the general election.

These complicated and varying laws by state mean that extensive research is needed to know when and how to register to vote in each state. This can be extremely difficult for populations that have little or no access to the internet or time to know whom to ask.

Ultimately, this convoluted registration system is decreasing turnout in many areas in the United States. We know this because same-day voter registration has a history of increasing voter turnout and therefore voter participation in our democracy.

A report by Nonprofit Vote looked at voter turnout by state in 2016 and highlighted the states with same-day registration. The report found a high correlation between voter turnout and states with same-day registration in 2016.

Nonprofit Vote has tracked this difference between states that have same-day voter registration and those that do not since 1996. States that have same-day registration have consistently shown higher turnout.

Approaching this issue from another angle, some states have implemented legislation that approximates universal registration which has led to positive results: In Oregon, eligible voters are automatically registered to vote if they have a driver's license; The Brennan Center for Justice reports that since that legislation was passed in 2015, Oregon has seen **significant registration increases**.

TUESDAY ELECTIONS

In most democracies around the world voting day is on a Sunday, a weekend, or a voting holiday. This allows most working men and women to make it to the polls without taking time off.

In the United States voting is on a regular Tuesday in November. The organization **Why Tuesday?** explains that, “In 1845, before Florida, California, and Texas were states or slavery had been abolished, Congress needed to pick a time for Americans to vote. We were an agrarian society. We traveled by horse and buggy. Farmers needed a day to get to the county seat, a day to vote, and a day to get back, without interfering with the three days of worship. So that left Tuesday and Wednesday, but Wednesday was market day. So, Tuesday it was.”

It is no surprise that our society has changed over the course of almost 200 years. The same laws that created conveniences for Americans during the 1840s are now an inconvenience for many Americans.

Many people who are working paycheck to paycheck may not have the luxury to take time to vote. In fact, according to the Bureau of Labor Statistics, **7.8 million Americans** work two jobs. These working conditions make it even less likely for them to be able to make it to the polls. Unfortunately, this is also a population whose day-to-day lives, paychecks, and health care are directly impacted by the decisions that Congress is making right now regarding the minimum wage, welfare, Medicaid and the Children's Health Insurance Program (CHIP).

On top of the inconvenience of holding elections on Tuesdays, polls open and close at different times in different states. A state where polls open late and close late may work for voters who get off work at regular times but may not help those whose schedules only allow for free time during the morning.

EARLY VOTING

Thirty-seven states and DC have taken steps to make voting easier for their populations. While election day remains on a Tuesday, these states allow their citizens to vote during times leading up to election day.

A study from the **Brennan Center for Justice** puts together a strong case for early voting. It argues that “As Americans’ lives become more complex — for many each day is a struggle to balance the needs of work and family — confining voting to a single 8- or 12-hour period is simply not reflective of how most voters live. Additionally, having polls open for such a short time can lead to numerous

problems, including long lines, as poll workers — who perform the job infrequently at best — struggle to cope with hordes of voters.”

The study finds that some of the key benefits of early voting are:

- Reduced stress on the voting system on Election Day;
- Shorter lines on Election Day;
- Improved poll worker performance;
- Early identification and correction of registration errors and voting system glitches; and
- Greater access to voting and increased voter satisfaction.

While most states have taken the step to allow some form of early voting or no-excuse absentee voting, almost **64 million Americans in 13 states** do not have that option.

SOME VOTES COUNT MORE THAN OTHERS

People are far more likely to vote if they think their vote matters.

While most elections in the United States are winner-take-all by popular vote, our presidential election is different. The president of the United States is elected by the electoral college. The **U.S. Archives** describes it this way: Each state in the United States is allocated a certain number of “electors” based on how many members of Congress (both the House of Representatives, which is based on proportional representation, and the Senate, which is allotted two senators per state) that state has. When the citizens of that state vote for president, the candidate with the majority receives the votes of all of the “electors” in that state. It takes a majority of the electoral college votes to win the presidency.

This setup distorts a popular vote for presidency and gives more weight to smaller states. It can also lead to situations where the popular vote outcome is different from the electoral college outcome.

2016 was the second presidential election in the past five presidential election cycles where the votes of the majority of the American people have been overruled by the electoral college. According to **CNN's presidential race results tracker**, President Trump received 306 electoral college votes to Secretary Clinton's 232. In drastic contrast, Secretary Clinton won the popular vote with 65,853,516 votes to President Trump's 62,984,825 votes. While the electoral college makes the 2016 election look like a solid victory for President Trump, in reality, he received three million fewer votes than Secretary Clinton.

More than half (54%) of Americans favor amending the Constitution to elect the U.S. president by popular vote rather than the Electoral College.

Ultimately, elections like this past 2016 presidential election do little to encourage faith in our democratic institutions.

Americans can easily find out how much their vote counts in presidential elections. Harvard Law Professor Lawrence Lessig compiled data that compares electoral votes to population by state. His **data set** reveals how much each vote counts.



Professor Lessig's findings give a clear picture that not all votes are equal in America. In Wyoming, each voter accounts for 0.00124% of an electoral vote, while each voter in Michigan accounts for 0.00031% of an electoral vote. Ultimately, this means that a vote in Wyoming is worth 4 times as much as a vote in Michigan due to the electoral college.

In fact, a vote in Wyoming is worth more than three times more than a vote in each of the following states: Michigan, Missouri, North Carolina, Ohio, Pennsylvania, Virginia, Wisconsin, Louisiana, Florida, Maryland, Massachusetts, Colorado, Kentucky, Oregon, Illinois, Minnesota, Tennessee, New Jersey, New York, Indiana, Washington, South Carolina, Mississippi, Georgia, Iowa, Alabama, Texas, California and Arizona.

Ultimately, this lack of equality affects voter turnout. In a 2016 study, The **Washington Post** compared electoral integrity and voter turnout (electoral integrity was measured "using 49 core indicators, such as whether district boundaries were fairly drawn, elections were well managed, the electoral register was accurate, votes were counted fairly, and newspapers provided balanced election news"). The Post found that as electoral integrity increases, so does voter turnout.

Election law in America is complicated and convoluted. There are many ways that Americans are disenfranchised and many others that place unnecessary burdens on potential voters. American politicians call the United States the “greatest democracy in the world,” yet our democratic

participation, bound by unnecessary restrictions and burdens, demonstrates that that is not always the case. We owe it to ourselves, our children, and the legacy of the United States of America to move our country forward. We need laws that encourage and reflect our democratic identity.