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**UPDATE**

ON

**LAW-RELATED**

**EDUCATION**

American Bar Association Special Committee on Youth Education for Citizenship

## **Election 1996**

**What's Old? What's New?**

**What's Remarkable?**

**With Perspectives on Voting  
and Education From the Clinton/Gore  
and Dole/Kemp Campaigns**

Featuring Articles, Teaching Strategies, and  
Student Materials for the LRE Professional



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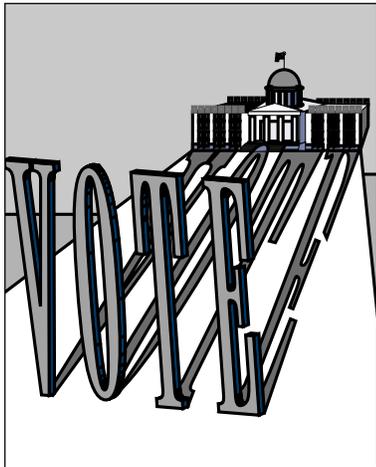
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## Foreword

Elections in the United States are considered to be the crowning achievement of modern-day democracy. As we approach November 1996, the history and intricacies of elections are constantly being brought to the forefront, and this edition of *Update on Law-Related Education* provides an essential and timely forum for educating students about contemporary electoral issues and the fundamental responsibilities of voting.

Two trains of thought often guide individuals in their decision as to whether or not to cast a ballot: individual feelings regarding the competence and efficacy of the current political process and feelings of political obligation. The notion that a lack of confidence in the political process should lead to a lack of feeling of obligation seems a logical conclusion. However, a survey of American government students—from an urban high school in Seattle—suggests that while individuals may feel that the current system does not adequately take their votes into account, there is still an underlying personal obligation to remain involved in the electoral process by voting.

The American Bar Association has made an effort to improve voter registration and participation. Teaching all citizens, particularly youth, that voting is a responsibility (as well

as a privilege) of citizenship can provide a driving impetus for more individuals to become involved in the electoral process.

Elections are not purely political; rather, they provide a medium for individuals to voice their preferences and to participate in the casting of ballots for political office and for referendums. Toward that end, the following pages are the result of the Association's efforts to educate by providing historical articles and the personal views of actors intimately involved in our nation's electoral process.

This edition is a result of a new and unique configuration, combining the subject matter expertise of the ABA Standing Committee on Election Law—a nationally regarded authority in the field—with the experience of educators. This combination of expertise will allow for the exploration of the many facets of voting from the perspectives of experienced academics, public officials, and election law attorneys.

As technology changes with each passing minute, it impacts all segments of society, even the electoral process. The evolution of voting is explored through a history of voting, current perspectives on such electoral trends as elections in cyberspace, the emer-

gence of third parties, and Motor Voter legislation, as well as teaching strategies that are designed to complement various aspects of the study of elections.

Also explored is the international trend of newly developing democracies, where the ability to vote is valued as a quintessential aspect of citizenship. It is hoped that a look into these countries, which—after much time, strife, and tribulation—are experiencing democracy for the first time, will convey the urgency and importance of casting a ballot with much pride and without fear.

Although we stated earlier that elections are not solely about politics, we admit that frequently it is impossible to ignore the impact or importance of politics on the electoral process. Very often the spirited debate of politicians provides the necessary information and motivation for our votes. We are privileged to feature from the campaign offices of President William J. Clinton and Senator Robert J. Dole their views on the importance of voting and education to sustain the American way of life. Although politics often lends itself to a strong atmosphere of debate, the responsibility for casting a ballot is a matter of citizenship and not a matter of contention.

This edition is laden with the experiences and perspectives of experts in the electoral process. Lessons can always be learned from others. The opinions that have been included in this edition offer views and understandings of the electoral process as a means of providing information to students. It is hoped that this sharing of experience and knowledge will provide a backdrop for students to learn and, through meaningful discourse and study, form their own opinion and appreciation of the important concept of voting as a means of expressing their thoughts.



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# History of Voting in the United States

*How constitutional amendments and federal laws extended the right—and the ability—to vote to most Americans*

*Elizabeth M. Yang*

*Update on Law-Related Education*, 20.3, 1996, pp. 4–7. © 1996 American Bar Association.

**V**oting is an integral part of American citizenship. It is a fundamental right and privilege of democracy that quite often is neither appreciated nor understood. Over 200 years ago, only a limited part of the population was allowed to cast a ballot, and now nearly all citizens over the age of 18 are entitled to vote.

*Black's Law Dictionary* defines the word *vote* as “suffrage or the expression of one’s will, preference or choice.” The ability to express an opinion through voting is a concept that is easily understood and has become a part of daily life. After all, some form of voting can be found at all levels of society—in politics, schools, social situations, and the workplace. Suffrage, on the other hand, is a concept that is not as easily grasped or perceived. A further look into *Black's Law Dictionary* reveals that *suffrage* is defined as “a vote; the act of voting; the right or privilege of casting a vote at public elections.” This definition is often ignored by or unknown to the average citizen. In order to fully understand suffrage, or rather the concept of voting as a privilege in our society, we must examine the relevant amendments to the Constitution and the accompanying landmarks in the history of the United

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States, which have resulted in the current electoral process.

## The Right to Vote

Many people would be amazed to know that the Constitution originally allowed the states to bestow the right to vote only on white males who either owned property or paid poll taxes. Article I, Section 2 refers to “the People of the several States” having the right to vote for members of the House of Representatives, which at that time meant adult white males. Approximately 6 percent of the adult male population was actually eligible to vote because individual states were able to dictate various religious and property requirements. By 1850, all states had abolished these, and thus the number of adult white males who were entitled to vote grew, but the poll tax still remained a barrier to some. The fact that all adult white males were still not eligible to vote even 50 years after the formation of the United States illustrates the long process that the nation would have to undergo in order to expand the voting franchise even further. Amendments to the Constitution have provided the basis for extending the right to vote to other parts of the population.

## Fifteenth Amendment—The Elimination of Racial Barriers to Voting

The aftermath of the Civil War created another opening for the expansion of

the right to vote. The groundwork was laid in 1865, when the Thirteenth Amendment to the Constitution outlawed slavery, and in 1868, the Fourteenth Amendment granted citizenship to all people born or naturalized in the United States. Finally, in 1870, the Fifteenth Amendment was adopted, which stated, “The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”

By 1870, as a matter of federal law, the right to vote had been extended to all male citizens of the United States. The reality of the matter was, of course, rather far from fact. In the South, various methods, such as poll taxes, grandfather clauses, and literacy tests, were used to deny African-American males the ability to exercise their right to vote. Poll taxes created a monetary barrier to voting that excluded even poor white males. Several Southern states adopted grandfather clauses that excepted anyone who had voted before 1866—or who was a descendant of someone who had voted before that time—from being subject to other restrictions to voting, such as literacy tests, educational or “good character” tests, or poll taxes. Literacy tests were administered in a discriminatory fashion, ranging from requiring the basic ability to read and write to requiring the ability to read and under-

stand the U.S. or state constitution. In other words, African Americans were faced with barriers that white males were exempt from, by virtue of the fact that white males or their ancestors had voted in a period when African Americans could not vote.

### **Nineteenth Amendment— Women's Right to Vote**

In 1920, the Constitution was again amended, this time to declare that "the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex." This amendment was the result of the women's suffrage movement, which originated in the late 1800s and early 1900s. Women now worked both inside and outside the home and were becoming a growing and united voice in the quest for the vote. Women across the country began to demonstrate, picket, and make speeches in support of their right to vote. In 1872, Susan B. Anthony voted in a national election and was subsequently convicted of voting without having a legal basis to do so. Critics to extending the vote portrayed women as being weak and lacking both the ability and the temperament necessary to make the decision involved in casting a ballot. In the West, where women, of necessity, were more active as laborers and wage earners, the women's suffrage movement was more successful. By 1912, nine of the eleven Western states had granted women the full right to vote in state and local elections.

The onset of World War I in 1914 provided the final push for the suffrage movement. Women began to protest even more vehemently that it was absurd for the United States to deny female citizens the right to vote when the country was in the midst of fighting a war based on world democracy. On August 18, 1920, Tennessee became the thirty-sixth state to approve the Nineteenth Amendment, which was ratified on August 26,

1920. Women were at last given the vote, 137 years after white men.

### **Twenty-third Amendment**

When the District of Columbia was founded in 1802, from portions of Virginia and Maryland, the residents were denied the right to vote in presidential elections. In 1960, with the adoption of the Twenty-third Amendment to the Constitution, the residents of the District were given the right to vote.

### **Twenty-fourth Amendment—The End of the Poll Tax**

In 1964, the poll tax was abolished. Although the majority of the states had already rescinded their laws instituting taxes as a barrier to voting, five Southern states continued to require citizens to pay to vote. The Twenty-fourth Amendment effectively denied the states the ability to consider a citizen's economic status as a factor in the voting process.

### **Voting Rights Act of 1965**

The repeal of poll taxes should have opened the polls to all citizens, yet a disproportionate number of African Americans in the South had still not registered to vote. The Voting Rights Act of 1965 was passed by Congress in an effort to increase voter registration by repealing the requirements for literacy tests and similar devices, which denied otherwise eligible citizens the right to vote. The statute affected only states that had registered less than 50 percent of the voting-age population by November 1, 1964.

In 1970, Congress passed legislation prohibiting uses of literacy tests and requiring that bilingual ballots be used in areas where at least 5 percent of the population could not speak or understand English. The Voting Rights Act resulted in massive voter registration drives by African Americans and other minorities, thus effectively broadening the right to vote.



### **V Is for Voting**

*Douglas A. Phillips*

*Inside the polling booth every American man and woman stands as the equal of every other American man and woman. There they have no superiors. There they have no masters save their own minds and consciences.*

Franklin Delano Roosevelt, 1936

Voter education must emphasize basic processes, values, and visions. To help teachers accomplish this, activities that address five fundamental aspects of voting will be presented throughout this issue. Look for them under these headings: *Voter Virtue, Voter Values, Voter Volition, Voter Vision, and Voter Voice.*

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## Twenty-sixth Amendment— Reduction of the Voting Age

In 1971, Congress passed a bill that, when approved by the states as the Twenty-sixth Amendment, extended voting rights to those citizens 18 (from 21) years and older. The driving force behind this extension of voting rights was the student protest movement that sprang up in opposition to the Vietnam War. Just as women in the early twentieth century had used the First World War to argue for their right to vote, students began to decry the fact that they were considered old enough to fight for their country, but not old enough to vote.

## Conclusion

The extensions of the right to vote to all United States citizens 18 or older, regardless of race or gender—with the exception of convicted felons and the mentally incompetent—did not come about without great struggle and determination. It is interesting to note how the events of American history helped provide each part of the population with the right to vote. The Revolutionary War gave the vote; the Civil War enabled African Americans to be recognized as citizens and thus enabled them to vote; the First World War became the focal point for women's right to vote; and the Vietnam War

reduced the age for voting. The passion that resulted from those earlier trying times should not be forgotten or forsaken.

The exercise of one's right to vote is, unfortunately, not as common as one would think. People in many countries struggle daily for the opportunity to voice their opinions freely and without fear of reprisal. Suffrage is, indeed, a privilege and a right that should not be taken lightly or for granted. Voting is not only an expression of opinion, but a fundamental and inherent part of citizenship—as it allows individuals to let their voices be heard. ♦

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# *The Youth Vote*

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## The Issue

Voting is a form of expression, an opportunity to voice preferences, which should be encouraged at all eligible ages and all levels of society. According to U.S. Census statistics, in 1994, the year of the last congressional election, 190.25 million people in the United States were eligible to vote. Yet only 62 percent of the voting population registered to vote and only 85 million people, representing 45 percent, actually voted. The worst voter participation rate was found in the age group ranging from 18 to 24, representing 25 million individuals, where only 42 percent of the total registered to vote and only 20 percent actually cast a ballot.

## The Statistics

**Table 1** Percent of Persons, Aged 18 to 24, Reported Having Registered or Voted by College Enrollment Status, Race, Hispanic Origin, and Gender: November 1994

	Reported Registered Total			Reported Voted Total		
	18–24 years	In college	Not in college	18–24 years	In college	Not in college
<b>RACE</b>						
Total	42.2	54.6	36.7	20.0	26.7	16.7
White	43.8	58.0	37.1	21.1	28.3	17.4
Black	41.8	50.4	40.3	17.4	23.6	15.5
Hisp orig.*	19.5	37.8	14.6	9.8	24.0	6.2
<b>GENDER</b>						
Male	40.7	53.2	35.5	18.5	26.0	15.2
Female	43.6	55.8	37.8	21.4	27.4	18.3

\* Persons of Hispanic origin may be of any race.

**Table 2** Percent Reported Voting and Registering, by Age, in November Elections; 1964–94  
(reported voting for any office or issue on the ballot)

Election	Age (in years)				Election	Age (in years)			
	18–24	25–44	45–64	65+		18–24	25–44	45–64	65+
<b>VOTING</b>					<b>REGISTERING</b>				
1994	20.0	39.1	56.0	60.7	1994	42.2	57.5	71.0	75.6
1992	42.8	58.3	70.0	70.1	1992	52.5	64.8	75.3	78.0
1990	20.4	40.7	55.8	60.3	1990	39.9	58.4	71.4	76.5
1988	36.2	54.0	67.9	68.8	1988	48.2	63.0	75.5	78.4
1986	21.9	41.4	58.7	60.9	1986	42.0	61.1	74.8	76.9
1984	40.8	58.4	69.8	67.7	1984	51.3	66.6	76.6	76.9
1982	24.8	45.4	62.2	59.9	1982	42.4	61.5	75.6	75.2
1980	39.9	58.7	69.3	65.1	1980	49.2	65.6	75.8	74.6
1978	23.5	43.1	58.5	55.9	1978	40.5	60.2	74.3	72.8
1976	42.2	58.7	68.7	62.2	1976	51.3	65.5	75.5	71.4
1974	23.8	42.2	56.9	51.4	1974	41.3	59.9	73.6	70.2
1972*	49.6	62.7	70.8	63.5	1972	58.9	71.3	79.7	75.6
1970	30.4	51.9	64.2	57.0	1970	40.9	65.0	77.5	73.7
1968	50.4	66.6	74.9	65.8	1968	56.0	72.4	81.1	75.6
1966	31.1	53.1	64.5	56.1	1966	44.1	67.6	78.9	73.5
1964	50.9	69.0	75.9	66.3	1964	NA	NA	NA	NA

\* Prior to 1972, data are for persons of voting age, 21 years old and over, in most states.  
NA—Not available.

## The Solution

Register to vote and then vote. Exercise your precious right of citizenship. Work with organizations that promote voting. People for the American Way—First Vote Project and MTV’s Rock the Vote are organizations committed to improving the youth vote and educating students.

### Resources

People for the American Way, 2000 M Street, NW, Suite 400, Washington, DC 20036, (202) 467-4999

MTV’s Rock the Vote, 1460 4th Street, Suite 200, Santa Monica, CA 90401, (800) 225-5788



## Voter Virtue

Is there virtue in voting? Ask students to consider this question in pairs as they list reasons why they believe citizens do or do not vote. Have them interview three to five adults on whether they voted in recent elections and reasons why they did or did not. Share and discuss in class within the frame of “voting as a virtue.”



# Federal Election Commission

A “watchdog” agency created by politicians to oversee the financial activities of candidates

*Lee Ann Elliott*

*Update on Law-Related Education, 20.3, 1996, pp. 8–9. © 1996 American Bar Association.*

**T**he Federal Election Commission (FEC) was created in 1974 in order to facilitate the full disclosure of federal candidate and committee receipts and expenditures. The agency is also charged with enforcing the limitations and prohibitions of the Federal Election Campaign Act and its amendments and in administering the Presidential Campaign Fund.

The commission has six members who are appointed by the president, with the advice and consent of the U.S. Senate. No more than three commissioners may belong to the same political party. They serve six-year staggered terms. The chair of the commission rotates, and no commissioner may serve more than one year as chair during the term. Commissioners may be reappointed without limit.

The commission normally holds two meetings each week. The Thursday meeting is open to the public, who may observe as the commissioners contemplate, discuss, and make decisions. At this meeting, commissioners issue advisory opinions, adopt regulations, approve audit reports, and discuss budgetary matters.

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*Lee Ann Elliott is a member of the Federal Election Commission in Washington, D.C., and served as its chairman in 1984, 1990, and 1996. She is a member of the Advisory Committee to the ABA Standing Committee on Election Law in Washington.*

The Tuesday meeting is closed to the public when pending enforcement actions, litigation, and personnel matters are discussed. The need for confidentiality in these matters is mandated by law. However, when an enforcement matter has been settled, it is made available for public inspection.

## **Jurisdiction**

The commission has jurisdiction over every campaign for federal office (House of Representatives, Senate, president, and vice president of the United States). The commission has jurisdiction over every political committee that makes a contribution to a federal candidate. These may include political committees established by political parties, corporations, and labor unions (political action committees, called PACs for short). The commission also has jurisdiction over every U.S. citizen who makes a contribution to a federal candidate. In addition, the commission has jurisdiction over candidates for any local or state office if a candidate receives a contribution from a foreign national, a national bank, or a federally chartered corporation.

## **Disclosure**

Committees of all candidates for federal office, political party committees, and PACs are required to file periodic reports disclosing the sources of contributions and the persons to whom the committees make expenditures.

Candidate committees must give contributors' names, addresses, occupations, places of employment, and work addresses for all contributions they receive that are in excess of \$200. Likewise, they must disclose expenditures made to individuals or vendors, including the addresses and the purpose of each expenditure if it amounts to over \$200 in a year.

The law requires the commission to have these reports available for public inspection within 48 hours. Candidates and political committees must also file these reports with election officials in each state in which there is campaign-related activity.

## **Contribution Limits and Prohibitions**

The FEC statute prohibits corporations, labor unions, federal government contractors, and foreign nationals from making contributions or expenditures on behalf of federal candidates. In addition, the law limits contributions by individuals and groups to candidate committees, party committees, and PACs. It also limits what multicandidate PACs or other PACs may give.

*Individuals* are limited to contributions of \$1,000 per candidate per election. They may give up to \$5,000 per year to PACs and up to \$20,000 to national party committees per year. However, an individual's total contributions to federal political committees

are limited to \$25,000 per calendar year.

*Multicandidate PACs* are limited to contributions of \$5,000 per candidate per election. They may give up to \$5,000 to another PAC and up to \$15,000 to national party committees per year. There is no calendar year limit on what they may contribute.

*Other PACs* are limited to contributions of \$1,000 per candidate per election. They may give up to \$5,000 to another PAC and up to \$20,000 to national party committees per year. There is no calendar year limit on what they may contribute.

### **Corporate and Union PACs**

Corporations and labor unions may spend an unlimited amount of their treasury to pay for the administrative and solicitation costs of a PAC. However, corporations may solicit only their executive and administrative personnel and their families and their stockholders. Unions may solicit only their executive and administrative staff and their families and their members and their families. All contributions to the PAC must be voluntary.

### **Other PACs**

Other political committees may not use the treasury funds of any group to pay for their administrative and solicitation costs. They must pay these costs from the money that is contributed to them. However, they may solicit any U.S. citizen, as well as persons with green cards.

### **Independent Expenditures**

Individuals and groups may make unlimited independent expenditures in connection with federal elections. An *independent expenditure* is an expenditure for a communication that expressly advocates the election or defeat of a clearly identified candidate and that is made independently from the candidate's campaign. To be considered independent, the communication may not be made at the request or suggestion of the candidate or the indi-

vidual's campaign committee or with the cooperation or consent of the candidate or the campaign committee. The law requires that persons or groups making independent expenditures report them to the commission when they go over a certain amount.

### **Political Party Committees**

Political parties that are active in federal elections at the local, state, or national level are required to file reports with the commission disclosing their federal campaign activity. They too are subject to contribution limits of \$5,000 per candidate per election.

In addition, national and state party committees may make "coordinated expenditures," subject to limits in the general election. These also must be reported to the commission.

If state parties engage in registration or "get-out-the-vote" drives that might help a federal candidate, a certain amount of the money spent must be paid from the federal account. No corporate or union funds may be used for the federal share of these activities. Both the state and the federal shares must be reported to the commission.

### **Funding of Presidential Campaigns by Taxpayers**

The commission administers the Presidential Election Campaign Fund that is created by the \$3.00 checkoff on the first line of the individual income tax form. Those filers checking off do not pay any additional tax, nor is there a reduction in a refund if one is owed. In 1994, about 14 percent of filers checked off.

The fund has three priorities. The first is the contribution to major national parties to pay for the presidential nominating conventions. The amount received is indexed for inflation and amounts to over \$12 million for each party for its 1996 convention.

The second priority is the general election. Soon after nomination, each major party candidate receives a lump

### **FEC Information and Public Records**

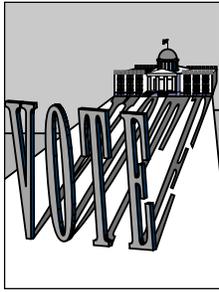
The FEC's Information and Public Records Divisions are excellent sources of current and historical information. They respond to thousands of requests each month. Information can be obtained by writing to the commission at 999 E Street, NW, Washington, DC 20469, by calling (800) 949-2593, or by accessing the Internet at <http://www.fec.gov>. In addition, Flashfax is available by calling (202) 501-3413.

sum amount in excess of \$62 million that is indexed for inflation. No other funds or contributions may be used for the general election. This money may be used only for election expenses.

The third priority is the primary elections. To qualify for this part of the program, a candidate must raise \$5,000 in each of 20 states from individuals only in amounts of \$250 or less for a total of \$100,000. After this initial qualification, candidates may match all contributions of \$250 or less, regardless of where those contributions are raised. Candidates must pledge to use taxpayer funds only for election expenses, and they must comply with state and overall spending limits. They also must pledge not to use more than \$50,000 of their own funds in the campaign.

Some candidates choose not to participate in the matching fund program. Those who do will be audited by the commission to be sure that the taxpayer funds they received were used for election purposes only and that the reports they filed were complete and accurate.

Minor party candidates may qualify for partial general election funds after the election, based on the percentage of votes they received. ♦



# Elections in Cyberspace

*How new information and communication technologies are changing the landscape of American politics*

**Anthony Corrado**

*Update on Law-Related Education*, 20.3, 1996, pp. 10–13. © 1996 American Bar Association.

## **Election Day, November 3, 2020**

As usual, the presidential contest is shaping up to be a close one. The Democratic and Republican nominees lead the field, but neither is expected to gain more than 40 percent of the vote. They are challenged by a number of other candidates, representing the Reform Party, the Green Party, the Libertarians, the Citizens' Party, and a host of other minor parties that have emerged in recent years. Your choice is a difficult one because there are many attractive candidates.

But today you have to decide. So after coming home from work, you turn on your television and select the local political network, which provides an election menu listing all the races and candidates. You select two candidates for the office of president, call up information about their positions on the issues most important to you, watch a few video presentations of their most recent public statements, check the on-line voting-record summaries provided by groups you trust, and sift through several newspaper endorsements that are available in both text and video formats. All of this takes only a few minutes.

You then review some of the information available on candidates running for Congress and various state

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offices, ask a few questions that are answered by their interactive voter outreach services, and watch a couple of advertisements and video clips from their on-demand voter libraries. Then you push a button to call up a ballot, enter your social security number and personal identification number, make the selections, and hit another button to file your ballot with a centralized vote-processing network. Selecting your preferred candidate might have been as confusing as ever, but voting was simple. Welcome to politics in the digital age!

This scenario, which would have been considered science fiction less than 25 years ago, is already more fact than fantasy. New information and communication technologies are developing rapidly, revolutionizing the ways in which we communicate and gain access to information. Cable television, direct broadcast satellites, the Internet, and public on-line services are emerging as powerful new links between citizens and politicians—offering voters access to vast amounts of information, a diversity of viewpoints, and new forums in which to engage in political dialogue. These technologies are so redefining the landscape of American politics that they are likely to have an even greater effect on political life than radio and television did earlier in this century.

## **The Beginning of an Electronic Democracy**

Many observers believe that new technologies offer the prospect of a revitalized democracy and a more informed

citizenry. Ross Perot advocates the creation of “electronic town hall meetings” that link citizens from different parts of the country together to share their views with legislators and even directly discuss and vote on proposed legislation. Speaker of the House Newt Gingrich envisions the day when we will have a “virtual Congress” in which citizens can directly participate in House hearings, gain access to government documents on-line, and contact their representatives through electronic means. Others look forward to a time when voters will be able to cast their ballots or express their views on issues through computer networks or over the telephone, thereby eliminating the physical and procedural barriers that have limited civic participation in the past.

This vision of an “electronic democracy” is becoming more of a reality every day as an increasing number of citizens are making use of new information technologies. Over 20 million Americans already have access to the Internet through their homes, schools, or businesses, and this number is expected to grow dramatically over the next 10 years. Thirty percent of households in the United States now own a personal computer, a percentage that is projected to rise to at least 67 percent by the year 2010. Many of those without computers in their homes at that time will be able to access information networks in some other way, perhaps by simply picking up the telephone. More than half the nation's public schools are already connected to the Internet, including 9

percent of all classrooms—three times the percentage two years ago. The federal government has launched an initiative to have every public school wired to the network by the year 2000, and many local governments and private businesses are working with the federal agencies to make this goal a reality. Public libraries and hospitals are also expanding their efforts to make computer information technology more readily available to everyone.

### **Campaigning on the Information Highway**

The dramatic potential of the Internet as a means of communicating with voters has encouraged many candidates, party organizations, and political groups to experiment with this technology. These initial efforts offer a glimpse of what elections may be like in the future. For the 1996 presidential primary campaign, every one of the major Republican candidates established a web site on the Internet that distributes a wide array of information to voters. For example, the Bob Dole for President web site is <http://www.dole96.org>. Visitors can view a pictorial biography of Senator Dole, access reports on the campaign's state-by-state progress, and make use of a "Dole Library" that houses a digital archive of press releases, position papers, speeches, and video clips. The site also allows individuals to volunteer and pledge campaign contributions on-line, subscribe to an electronic newsletter, and even send personalized Dole postcards to friends and family.

Although President Bill Clinton's reelection campaign did not set up a web site during the primaries, the White House site (<http://www.whitehouse.gov/>) provides a substantial amount of information about the president and his administration, including transcripts of speeches, press releases, copies of government reports, and summaries of the administration's accomplishments. The White House has also established an electronic mail

service and bulletin board that people can use to send messages to the president or vice president.

The contest for the White House is not the only race being run on the information highway. Many members of Congress and congressional candidates have home pages on the Internet, as do hundreds of other political leaders. Party organizations have also gotten into the act, including not only the Democrats (<http://www.democrats.org>) and Republicans (<http://www.rnc.org>), but also many minor parties such as Ross Perot's Reform Party (<http://www.reformparty.org>), the Libertarian Party (<http://www.lp.org>), and the Green Party (<http://www.greens.org/usa/>). Interest groups and lobbying organizations, such as the National Rifle Association, are using the Internet and other digital technologies, including flashfaxes and computer bulletin boards, to inform their members about pending legislation, rally support for issues and candidates, and promote voter feedback. The California Channel, a cable broadcast channel that televises state senate and assembly sessions, has experimented with ways of involving citizens in the legislative process using an 800-number service that allows viewers to participate in hearings by sharing their views with legislators.

These examples are just the beginning of a technological revolution that will radically transform the methods by which we conduct elections and participate in government. Unlike television advertising and other current forms of mass communication, digital communication is relatively inexpensive, allowing all persons to share their views with others and participate in the nation's civic life. While the Internet is still too new to have a major effect on the results of the 1996 elections, many experts are convinced that it will provide average citizens with a meaningful voice in the political process. Indeed, Lawrence Grossman, the former president of PBS and NBC News, has predicted that this commu-

nications revolution may lead to the creation of an "electronic republic" in which the people will become a new fourth branch of government.

### **Voters in the Digital Era**

Digital communication offers the prospect of a more informed and involved electorate. Instead of having to rely on 30-second television ads or brief sound bites in news reports, voters can use the Internet to get copies of entire speeches, position papers, and voting records. Citizens can easily compare the candidates' positions on different issues or contrast the information provided by a candidate with information from other sources available on the Internet. They may also take advantage of one of the many web sites being developed by nonpartisan groups. One such site already on-line is maintained by the nonprofit group Project Vote Smart (<http://www.vote-smart.org>). This site offers voters a wide array of facts on candidates and elected officials, including biographical backgrounds, voting records, and campaign finance data, as well as links to candidates' home pages, all branches of the federal government, and state government election sites. Over time, such sites will make it easy to compare the policy views of different candidates, contrast candidates' campaign pledges to their voting records in office, and track candidates' positions from election to election.

Voters in the digital era will also be able to participate in electoral politics and government in new and potentially powerful ways. In the interactive electronic democracy, people will be able to communicate directly with their political leaders, as well as with each other, through such means as electronic mail and interactive video teleconferences. They will be able to make their policy preferences immediately known to political leaders, while these officials will have the ability to respond directly to constituents' requests and solicit the advice of their supporters on important issues.

## Innovative U.S. Voter Registration Programs

Depending on your state's law, registering to vote has traditionally involved filling out a form and sending it to your state elections office, city clerk's office, library, or department of motor vehicles. There has been a conscious move toward increasing voter registration, and to that end various states have begun to allow their residents to register in a variety of ways. The following is a sampling of voter registration programs that have been sponsored by some states.

*Alaska* For "Clip N' Mail," the state publishes instructions and registration applications in newspapers of general circulation statewide.

*Arkansas* Each year, Little Rock holds a state fair where voter registration booths are set up and attended by three to four registrars per day.

*California* For "Voter Registration Day," approximately two months prior to every statewide general election, the Elections Division of the Office of the Secretary of State, in partnership with the private sector, sponsors a massive effort to encourage registration.

*District of Columbia* There is a 24-hour phone line installed for registration.

*Maine* For "Work and Customer Vote," 30 to 40 corporations, businesses, hospitals, and restaurants are involved in providing registration cards and information to employees and customers.

*Maryland* Mobile vans are used to register qualified residents of Maryland in parking lots, especially near the Motor Vehicle Administration Office.

*Minnesota* Minnesota taxpayers receive two voter registration cards in the state income tax booklet.

*New York* For "The Military Voter," approximately 90 days before each general election, the New York State Division for Serviceman's Voting sends an application to every New York State member of the armed forces.

*Rhode Island* The state conducts voter registration drives at area grocery stores.

*Wyoming* The state conducts primary and election day registration of voters.

The new technologies will thus give ordinary citizens a powerful role in the decisions that affect their lives and may eventually lead to a more democratic and participatory form of government. A "wired republic" will allow citizens to take a more active role in government. Rather than relying on elected officials, party organizations, or organized interest groups to represent their ideas, people may present their own views through electronic messages that will provide legislators with immediate feedback. They can also participate in electronic town halls, where they can be linked with others to debate public issues and reach a consensus on actions to be taken. Last but not least, citizens will be able to cast their votes electronical-

ly, eliminating the need to go to a polling place. This capability should help increase turnout in elections and solve the problem of declining voter participation that has plagued the political system in recent decades.

The growth of digital technologies will also provide voters with an efficient means of initiating and considering policy proposals. People will be able to meet in cyberspace forums to discuss issues, circulate on-line petitions calling for an issue referendum, and vote on those proposals that receive an adequate number of electronic signatures to justify a public ballot. Individuals will thus have the capacity to act on issues of major public concern that legislators or government officials have failed to address.

Because large portions of the electorate will be able to participate in political life on a regular basis, the Internet and other new methods of communication offer the prospect of a more democratic political system that is more responsive to majority views. But while this is generally regarded by digital advocates as one of the most important advantages of an electronic republic, it is also a major cause for concern.

## Questions About Equal Access and Motivation

If political leaders and election campaigns continue to make greater use of electronic means to distribute information, will equal access to these technologies become an increasingly important issue? While a growing share of the electorate will have access to computer information systems, a significant minority—including those living in inner cities and remote rural areas, particularly the poor and the less educated—may not. Members of these groups at present cannot afford a computer, cable television, or a digital telephone system. Will providing access through schools and libraries meet the needs of these groups?

Even if these voters have access to information, will they be able or willing to use it? At least 20 percent of the population presently lacks the basic literacy skills needed to utilize the information already available. Many others may not want to sift through the vast amount of information that will be available and thus will not use the new technologies. Still others may find the amount of material overwhelming and thus prefer to rely on information from a single group or source, instead of exposing themselves to the diverse views that will be accessible on-line. Will this lead to divisions within the electorate, creating a bloc of well-informed, computer-literate voters and a group of computer have-nots or dropouts? If so, is this a problem that needs to be addressed, at least by ensuring that all have equal

access to digital networks and electronic information?

## Questions About Individual Rights and Special Interests

Even if the problems of access and voter motivation can be overcome, the vision of an electronic democracy presents issues that will force us to rethink some of the basic foundations of our political system. As noted by James Madison in the Federalist essays, one of the principles of our system of government is that popular opinion needs to be “filtered” through elected representatives to ensure proper deliberation and protect the rights of minorities. Majority opinions may often represent momentary passions or popular ideas that may infringe on minority rights or entail consequences that would not be in the nation’s long-term interest. Our system of government is based on checks and balances designed to prevent such consequences. But these checks are likely to be undermined in an electronic republic. Political leaders will receive immediate feedback, essentially creating a system characterized by constant public opinion polls. Elected officials may be more hesitant to take unpopular stands and therefore less willing to defend minority interests. New technologies will require a rethinking of the current system of checks and balances to determine whether further procedural safeguards are needed to promote the public good and ensure the protection of individual rights.

Madison also warned of the dangers to free government posed by “factions”—groups motivated by particular interests rather than the public interest. In his view, one of the advantages of such a large country as ours was that it inhibited individuals with “common motives” from organizing and acting on their interests due to the problems created by geographical distance and limited communications. These barriers have steadily eroded and will be all but eliminated in an electronic republic. Emerging technol-

ogy will make it easier for individuals to organize in cyberspace with others who share their interests. This will give rise to new interest groups whose purpose is to participate in electoral politics and influence legislation.

While such new forms of “community” may well expand voter choices and are therefore considered a major benefit of digital communication, they may also serve to increase the fragmentation of the electorate. For example, many interest groups, ranging from the National Rifle Association to the American Association of Retired Persons, are using the Internet and other emerging technologies to communicate with members, distribute information, and lobby Congress. Minor parties, such as the Libertarian Party, Green Party, and Natural Law Party, which have never had the resources for extensive mass media campaigning, are now capitalizing on the possibilities offered by the Internet to spread their message and recruit supporters. And this may be just the beginning. In the future, we may see broad-based organizations like the Democratic and Republican parties replaced by a whole new spectrum of political organizations, each representing a relatively narrow set of interests or views, such as a tax reform party or a group representing minority voters. It is therefore possible that the enhanced communication available in the future will increase the divisions within the electorate and make consensus more difficult to achieve. This would further complicate voter decision making and make it harder to achieve the compromise needed to build coalitions and pass legislation.

## Conclusion

What effects the digital era will have on our political system may ultimately depend on the same factor that has determined its success in the past—the willingness of average citizens to participate. If much of the population chooses not to participate, then many of the problems that we have experi-

enced in the broadcast era, such as public distrust of government, low voter turnout, and the prominence of special-interest groups, will persist. The beneficial, democratizing aspects of the new communications revolution will be achieved only if individuals use the resources to enhance their participation in politics and become more informed about government.

One step in this process is to continue the experimentation that has already begun, thereby expanding efforts to make citizens aware of the new technologies. Another important step is to encourage thinking about the changes that will accompany the digital era and the new procedures, policies, and institutions that will be needed to preserve the values of our constitutional system. This, after all, was the solution proposed by Thomas Jefferson, who wrote, “I know no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.”

## Resources

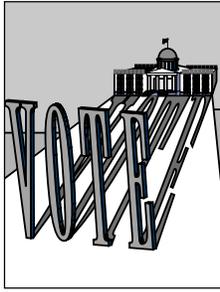
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Garry, Patrick M. *Scrambling for Protection: The New Media and the First Amendment*. Pittsburgh: The University of Pittsburgh Press, 1994.

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Times Mirror Center for the People and the Press. “Americans Going Online ... Explosive Growth, Uncertain Destinations,” news release, Times Mirror Center for the People and the Press, October 16, 1995. ♦



# Webbing It

*Experiencing an election year on the World Wide Web*

*Jennifer Brandsberg*

*Update on Law-Related Education*, 20.3, 1996, p. 14. © 1996 American Bar Association.

This election year, educators are clamoring to use their newfound Internet and technological skills to get up-to-date election information and other political news for the classroom. There are so many resources available that sifting through them to find what you want has become extremely time-consuming. Also, developing meaningful learning experiences from this information presents its own set of difficulties. On the latter problem, Fred Risinger of Indiana University has a periodic column "Web Tech" on the National Council for the Social Studies home page (<http://www.ncss.org/online/links/webtech.html>) and a regular column "Webbing the Social Studies" in the NCSS publication *Social Studies* that explore the use of the World Wide Web as a resource for social studies teaching and curriculum development. On the former issue, the following web site and CD-ROM recommendations should cut down your search time and frustration considerably.

Project Vote Smart ([http://www.vote-smart.org/campaign\\_96/presidential/index.html](http://www.vote-smart.org/campaign_96/presidential/index.html)) has one of the best sites for up-to-date information on the 1996 election and for general educational information. It has links to on-line news organizations, the home pages of all presidential candidates (even the most obscure), and other

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sites related to the election. The project also provides background information on the major issues of 1996, and it has introductory essays on election processes. Campaign Central (<http://www.clark.net/pub/ccentral/home.html>) has election information and extensive links to national, state, and local government sites.

There are a number of news organizations with election coverage on the Internet. ABC News, the *Washington Post*, *National Journal*, and the American Political Network have announced the merger of their on-line political news services. The site at Politics Now (<http://www.politicsnow.com>) includes the political content of *Newsweek* and the *Los Angeles Times*, in addition to that provided by the above-mentioned news organizations. National Public Radio (<http://www.npr.org/hotnews/election96.html>) has a special site containing its election-related news stories, many of which you can listen to as well as read. MTV News: Choose or Lose (<http://chooseorlose.com>) and Rock the Vote (<http://www.rockthevote.org>) have political coverage to pique student interest in the election—including stories about the political stances of various music artists—but are not terribly meaty.

As far as interactive curriculum materials go, some software and reseller companies have CD-ROMs related to election processes and even to the 1996 election specifically. For instance, Social Studies School Service at (800) 421-4246 has a Doonesbury Election Game for Campaign

'96 in which students become candidates for the presidency and run against one another. They choose campaign managers and other staff, develop strategies and ad campaigns, analyze polls, and deal with dirty tricks.

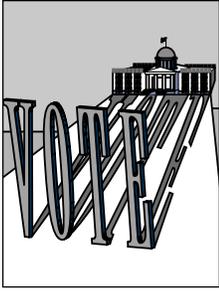
It is also worth noting that the National Council for the Social Studies has a teacher resource section on its home page that allows educators to add Internet resources they have discovered and CD-ROM suggestions. As the number of sites explodes in this new medium, it will be increasingly important to continue to share the gems with one another.

*For additional teaching materials, see "Election Resources" on pages 49-52. ♦*



## Voter Values

What values do people express by their votes? Ask students to write about a personal situation where their values, or the collective values of a group, influenced their action or decision. Have students conduct a community poll of adults or other students to find out what three values are most important to them in voting for or against a candidate.



# On the Road With Motor Voter

*How the National Voter Registration Act has significantly increased the number of registered voters in the United States*

*Becky Cain*

*Update on Law-Related Education, 20.3, 1996, pp. 15–16. © 1996 American Bar Association. Reissued with adaptations from “On the Road with Motor Voter: The NVRA Drives Historic Voter Registration Gains,” The National Voter (December/January 1996): 14–16, with permission of the League of Women Voters.*

**T**he National Voter Registration Act (NVRA) is one law to which the adage “if it ain’t broke, don’t fix it” certainly should apply. In the short time since it took effect on January 1, 1995, the landmark voter registration law (known as Motor Voter) is working well. NVRA requires states to allow citizens to apply to register to vote when they obtain or renew their driver’s licenses by mail and at designated government agencies, including those serving public assistance recipients and people with disabilities. Congressional passage of Motor Voter was the result of an intense, five-year lobbying effort by the League of Women Voters and others. At the May 1993 bill-signing ceremony, President Clinton hailed Motor Voter as the most recent chapter in the historic struggle to expand the American electorate.

Today, NVRA is bringing about the largest expansion of voter registration in U.S. history. Eleven million citizens have registered to vote or updated their voting address in the first year. Political experts predict 20 million citizens will register under the act by the 1996 elections. That’s more than the number of Americans who registered

following the ratification in 1920 of the Nineteenth Amendment, which granted women the right to vote. Registrants under Motor Voter also will outnumber those who registered after the ratification in 1971 of the Twenty-sixth Amendment, which lowered the U.S. voting age from 21 to 18.

Despite Motor Voter’s immediate and immense success, however, the new law faces several potential roadblocks in Congress and in the states. In 1995, opponents on Capitol Hill proposed at least 10 legislative “fixes” that, in reality, would delay, weaken, or repeal NVRA. And members of Congress are not alone in attempting to stall Motor Voter. A handful of state leaders also resisted implementing the law. Most of them lost in court.

For the League and others that fought long and hard for NVRA, the law’s bumpy road to implementation marks a new stage in the ongoing efforts to make voter registration easy and accessible to all Americans.

## By the Numbers

Indeed, NVRA’s numbers provide dramatic proof of the law’s effectiveness. On January 1, 1995, 32 states and the District of Columbia began implementing Motor Voter. Their voter registration rates surged, averaging from three to 13 times more than in similar periods before the federal law took effect. Here are a few examples:

- In Georgia, there were 52,452 voter registrations during January 1995, compared with 85,000 registrations filed in all of 1994, which was an election year. The state predicted a million new voter registrations by the 1996 elections.
- In Florida, more than 105,000 citizens registered to vote in January 1995. That’s four to five times higher than the number of registrations in January 1994.
- In Kentucky, the state board of elections reported that 18,400 people registered to vote in January 1995, compared to 3,459 voter registrations in January 1991.
- In Maine, a state that traditionally is among the national leaders in both registration and turnout, there were 25,000 voter registrations during NVRA’s first six months.

According to reports compiled for the National Motor Voter Coalition, voter registration is up in all of the states implementing the law. Even states that have implemented only parts of NVRA experienced increases in voter registration.

Of the more than 11 million voters who enrolled or updated their registrations in the past year, 5.5 million registered in driver’s license agencies, 1.3 million registered in public assistance agencies, and 4.2 million registered by mail. In 1995, the five states that had the highest numbers of voter registra-

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tions as a percentage of unregistered population were

- Alaska 70.6%
- Iowa 48.3%
- District of Columbia 45.2%
- Michigan 44.6%
- Louisiana 42.8%

The above represents the best test of the effectiveness of programs in increasing voter registration.

In 1995, the top five states registering the highest numbers of voters were

- Florida 1,327,431
- Texas 1,296,105
- Ohio 779,427
- Michigan 771,376
- New York 660,802

While the tremendous increase in registration demonstrates the effectiveness of NVRA, in many states the implementation of disability and public assistance programs leaves room for improvement. Agencies serving persons with disabilities registered only about 58,000 voters, while public assistance agencies signed up 1.3 million people out of a possible 5 million.

Motor Voter is making the electorate larger, more diverse, and more reflective of the American population. NVRA is helping eliminate historic discrepancies by allowing more citizens to vote—particularly young people, minorities, anyone who has recently moved, poor people, and those with disabilities. Registration rates for young people 18 to 21, for example, are expected to double.

While many people assert that the law's success is in voter turnout, a number of other factors have a significant impact on who goes to the polls and for what reason. The presence of a third party candidate may be meaningful, for example, as well as the competitiveness of the race, the issues involved, candidates' ability to communicate with the voters, and the weather. The success of Motor Voter can be measured only in the number of *registered* voters, not in the numbers of people who actually vote in any given election.

Historically, in presidential elections, people vote more often than not if they are registered. Prior to enactment of NVRA, states that had implemented registration reforms experienced a significant increase in the total number of citizens going to the polls. At the same time, because previously unregistered citizens did not turn out in the same percentages as more experienced voters, the percentage of registered citizens going to the polls decreased somewhat (this could simply be a statistical anomaly).

In addition, because citizens registered under Motor Voter are demographically distinct—and, in particular, much younger—turnout among citizens registered under NVRA should be compared to a demographically similar group of previously registered voters. Any meaningful comparison of NVRA-registered voters and others must take demographic differences into account.

The law has removed the bureaucratic barriers and cumbersome procedures that blocked Americans from registering to vote in the past. The voter registration numbers are good news for our electoral system. Voter registration is a barometer of its health, and the latest readings show that Motor Voter is making the system more vigorous.

### Opposition to Motor Voter

Opposition to the law falls into two categories: legal and administrative. The court challenges mounted by the six states—Michigan, Pennsylvania, South Carolina, Virginia, California, and Illinois—that opposed the statute have, for the most part, failed (the Michigan case is still pending in a federal district court); appellate courts in California and Illinois have likewise upheld the federal law. Mississippi instituted a “dual-registration” system. Citizens registering under NVRA programs may vote only in federal elections; there is a separate registration system for state and local elections.

Illinois is attempting to do the same but has already lost the first round in a state court challenge. In some states, failure to implement the law is the result of resistance by administrators to instructing subordinates about the program, of a lack of registration forms at the agencies, or of budget cuts. In 1996, New York, Virginia, and Maryland have all been challenged by Motor-Voter advocates for failure to implement registration programs at required agencies.

### Road Test

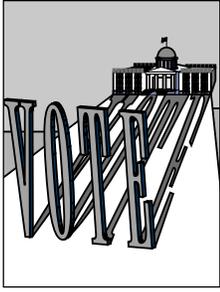
One unresolved issue for political experts and others is how to assess the impact of NVRA. The only test of Motor Voter is the demand for Motor Voter. And the tremendous number of citizens who are taking advantage of the opportunity to register proves the need for this law.

There is also discussion about the potential impact on voter turnout in 1996. Will a large increase in voter registration lead to improved voter turnout? It depends on a number of factors, including how voter turnout is defined. If the *percentage of the voting age population* that actually votes in 1996 is used, then the figure should go up. But if turnout is defined as the *percentage of registered voters* who participate in the election, that number could decline. Still, more people are certain to participate in the election. Other factors—such as the candidates, their messages, and the issues—also greatly influence voter turnout.

Another concern raised about motor voter is that the law will register citizens who have little or no interest in politics. NVRA's critics claim this could lead to “more alienated and uninvolved voters” and to more people voting who don't understand the issues or the candidates. Many political incumbents find this suggested scenario disconcerting.

A recent poll taken by the League suggests that political alienation and cynicism are not deciding factors in

*continued on page 18*



# In the Trenches for Democracy

*Observing the first free elections in newly democratic countries*

*William B. Canfield III*

*Update on Law-Related Education*, 20.3, 1996, pp. 17–18. © 1996 American Bar Association.

**D**emocracy is a contact sport! So said an election observer posted to the first free presidential election ever held in Haiti. Yet for the small, committed band of American election lawyers and consultants who are asked to serve as international observers, that phrase has a very special meaning. Along the front lines and in the trenches of developing democracy in the Third World, international election observers are the forward troops who assure a watching world that a presidential or parliamentary election is truly open, free, and democratic. In many ways, the final certification that a country has joined the worldwide community of democratic nations is expressed through the reporting of election observers who have witnessed the birth of a democratic tradition at the grass roots.

Since the fall of the Berlin Wall in 1989, the world has seen a headlong rush of formerly totalitarian states to embrace free elections. In Eastern Europe, Asia, Africa, and Latin America, nations that were once closed societies with appointed, unelected governments have embraced democracy and given their citizens the right and duty to elect their leaders from among

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a number of candidates with differing platforms and political positions. I and a number of other election monitors and observers have been privileged to serve as the world's "eyes and ears" in an effort to make sure that the transition to democracy in these countries has been accomplished with some significant level of credibility.

What kind of people become election observers, how are they chosen, and what do they do in that role?

Since 1989, I have participated as an election observer at the first parliamentary election held in Bulgaria (1989), the first presidential election held in Haiti (1990), and, earlier this year, at the first presidential election held in Taiwan. In each instance, I represented the International Republican Institute on Foreign Affairs, which is an affiliate of the National Endowment for Democracy, a private organization funded, in part, by the Congress of the United States. While my background is that of an election lawyer in Washington, D.C., my colleagues on these three missions have come from academia, think tanks, law firms, and election consulting organizations. The common background that united these individuals was a strong personal interest in the advancement of democracy around the globe and a commitment to offering their expertise to others who were charged with the responsibility for planning and conducting elections. Election observers generally

have some practical experience in the election process, either as candidates themselves or as campaign officials or workers. Many observers also have a technical background in election administration and the technologies that have been established in the developed world to prepare for and conduct national and regional elections. But, first and foremost, an election observer needs to have a sense that democracy—the ability to choose one's leaders through the casting of a ballot—is the essence of individual freedom.

Observers are chosen to monitor elections in one of several ways. For example, in the United States, the National Endowment for Democracy is often asked by another country to supply an observation team. The NED would turn to its affiliates, the International Republican Institute or the National Democratic Institute, to supply observers known to these two groups. Each institute maintains a list of qualified and interested observers for this purpose. Other ways in which observers are selected are through a direct invitation from the host country or through an invitation extended to the U.S. Congress. Whatever the source of the invitation to participate, an observer is expected to have a background in election law or election administration and be willing to travel.

As international observers, election monitors are generally accredited by

the host government. This facilitates the ability of a monitor to enter election facilities, including polling stations, to observe the process of voting and ballot counting firsthand. An observer's function is to certify that an election was conducted in a free and fair manner and that the results of the election can be relied on by both the citizens of the country and the international community. This mission requires observers to visit the headquarters of the various political parties and candidates participating in the election and to inspect the central election administration facilities utilized by the host government to conduct the election and count the ballots. Monitors travel throughout the country on election day, observing the process by which the election is conducted and the vote is counted. Generally, during

the evening of the election or the next morning, the teams of observers in a country will write a report as to the fairness of the election.

In my experience, the actual observation of the process on election day is the most difficult and rewarding part of the mission. In Bulgaria, I visited remote villages where the last Westerner to pass by came through during World War II. In Haiti, I was present, at 4:30 in the morning, in the heart of the largest slum in Port au Prince as the polls opened and also drove to villages along the border between Haiti and the Dominican Republic where no American had ever been seen—much less one who had come to see the people freely elect their first president. While the physical obstacles to an observation mission can be daunting, the reward at the end always more

than makes up for the physical hardships encountered.

I will never forget the joy of the people in Haiti and Bulgaria standing in long lines, literally for hours at a time, in a baking sun, to have the opportunity to walk into a polling station, cast a secret ballot, and participate in a democratic and free election for their leaders for the first time in living memory. That image was again brought home to me in Taiwan, where, in March, I witnessed the Chinese people, for the first time in the 5,000 years of their civilization, freely elect a president and representatives to their national legislature. The rewards far outweigh the difficulties, and observers are united in a feeling that they are making significant contributions to the growth and stability of democracy around the globe. ♦

*continued from page 16*

whether someone votes. Contacting citizens, encouraging them to vote, and providing them with nonpartisan information about candidates and the issues may increase the likelihood that newly registered voters will turn out on election day.

But when League members look at the same picture, they see an opportunity. The 20 million new registrants will need information—about the issues and about how and when to vote. In other words, voter registration is a critical step toward becoming involved and informed. Providing these types of citizenship lessons is what the League does best. We can capitalize on the success of NVRA by mobilizing an electorate that is larger, more diverse, and more representative of the nation than ever before. We believe NVRA gives us a head start on the road to renewing American democracy. ♦



## Voter Volition

Do your students know how to mount a lobby? Ask them to identify public issues of importance to them, as well as the institution or official(s) that they will need to contact to express their viewpoints. They will then conduct research and generate drafts of a letter and presentation that they will use to lobby for their issue. Have them practice by role-playing in the classroom. Other students will provide feedback on both the letter and the presentation. Students will make necessary revisions to both before contacting public officials.



"Surely these aren't intended to apply to politics."

*From THE WALL STREET JOURNAL—Permission, Cartoon Features Syndicate.*



# Teaching Strategy

## Who May Vote?

Mary C. Larkin

*Update on Law-Related Education*, 20.3, 1996, pp. 19–23. © 1996 American Bar Association.

### Objectives

As a result of this lesson, students will

- List the constitutional guidelines that states must follow when deciding who may vote
- Identify typical state guidelines about who may and may not vote in elections

**Target Group:** Middle school students

**Time Needed:** 2 class periods

**Materials Needed:** Student Handouts 1–3

### Procedures

1. Explain to students that voting is one way people make choices and express their wishes. Write the following sentence on the board: “It is important to vote because ...” Ask students to complete the sentence. Discuss responses with the class.
2. Distribute Handout 1. Tell students to read each scenario and then circle the answer that indicates whether or not they would let that person vote in the school election.
3. Post the signs YES and NO at opposite ends of the classroom. Now read each scenario from Handout 1 aloud. Ask students to stand under the sign with the answer they circled. Then ask them to explain their positions. Use the following questions to clarify students’ positions.

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*Mary C. Larkin is associate director at the National Institute for Citizen Education in the Law (NICEL) in Washington, D.C.*

- Shanika attends your school. She is a B student and wants to vote.
  - a. Will you let Shanika vote? Give your reasons.
  - b. Why does it matter that Shanika makes good grades?
  - c. Would you let Shanika vote if she was failing every subject?
- Sean attends another high school, but he knows someone running for president and wants to vote.
  - a. Will you let Sean vote? Give your reasons.
  - b. What if I said that a president represents the people who vote for him or her? What does that mean?
  - c. May the president of one school represent students in another school?
- Elizabeth attends your school. She is really different: her hair is green. Elizabeth wants to vote.
  - a. Will you let Elizabeth vote? Give your reasons.
  - b. Would it matter if Elizabeth was (name a race other than those of the students)? Why?
  - c. Years ago, African Americans and women were not allowed to vote. What do you think were the reasons given for this? Was it fair?
- Today is Peter’s first day at this school. He hasn’t met anyone and doesn’t know who is running in the election. Peter wants to vote.
  - a. Will you let Peter vote? Give your reasons.
  - b. Does it matter that he does not know the people he’s voting for?
  - c. Do you think people vote in elections without knowing who they’re voting for?
  - d. How can Peter learn about the people running for office?
- Margaret attends your school. She is blind and can’t see the ballot, but she wants to vote.
  - a. Will you let Margaret vote? Give your reasons.
  - b. How are you going to let her know who is running for office?
  - c. If you had someone to vote for her, how will you make sure that person voted the way Margaret wanted to?
- Louis attends your school. He can’t read, but he wants to vote.
  - a. Will you let Louis vote? Give your reasons.
  - b. Do you think that Louis is still able to make a wise choice for president?
  - c. What is the difference between Louis and Margaret?
  - d. Do you think that people who vote in elections should be required to know how to read? Explain that literacy tests were once used in some Southern states to discriminate against African Americans.
- Kim attends your school but is at home sick. Kim won’t be well before the election, but she wants to vote.
  - a. Will you let Kim vote? Give your reasons.
  - b. If you let her vote, how will you get her vote?
  - c. Would it matter if she missed the whole school year?

- Jon attends your school, but he has been suspended. He wants to vote.
  - a. Will you let Jon vote? Give your reasons.
  - b. Does the reason Jon was suspended matter?
- Joby has just returned to your school from the State Training School for boys, where he spent one year for armed robbery. He wants to vote.
  - a. Will you let Joby vote? Give your reasons.
  - b. Does the fact that he committed a violent offense matter?
  - c. Does it make any difference that he was charged in the juvenile system, not the adult system?
- 4. Have groups of no more than four students work together to write rules that explain the qualifications for voting in the school elections. If students have difficulty getting started on their

rules, give them the following open-ended sentence:

- Before a person may vote in the school election, the person must ...
- Have a volunteer from each group record the rules on chart paper. Ask each group to share its list with the other groups.
5. Brainstorm with students a list of people they think should not be allowed to vote in elections.
  6. Distribute Handout 2 and discuss the information on it. Also, paraphrase and elaborate on the information in the box below about who may and who may not vote.
  7. Distribute Handout 3. Tell students to imagine that they live in the pretend state of Freedom. Using the guidelines of the Constitution and the decisions of the Supreme Court, they must tell whether the people described on the

handout will be allowed to vote in the state. Ask students to identify the constitutional guideline that supports their answer.

- No. He is not 18 years old.
- Yes. She is over 18 years old, is a U.S. citizen, and has lived in Freedom long enough (over 30 days).
- No. He has been convicted of a felony.
- Yes. She is over 18 years old, is a U.S. citizen, and lives in Freedom.
- No. He is not a U.S. citizen.
- No, if Freedom is one of the states that does not allow dishonorably discharged people to vote.
- Yes. He is over 18 years old, is a U.S. citizen, and lives in Freedom. He was not convicted of a felony.
- No. She is a mental patient.

### Who May Vote?

Just as students made rules about who could vote in the school election, each state makes laws about who may vote in the state. These laws are similar because all states must follow certain basic guidelines. These guidelines were set by the U.S. Constitution and by decisions of the U.S. Supreme Court.

Each state requires voters to live within that state before they may vote. Some states require voters to live there 30 days, while others only require voters to prove they live in the state. Until 1971, many states required voters to live in the state longer than 30 days. One such state was Tennessee. Tennessee required a person to live in the state for one year and in the county for 90 days before the person could vote. The Supreme Court decided that this law discriminated against people who moved to Tennessee and that 30 days is enough time to require people to live in the state before they may vote.

All states require that you be a citizen of the United States before you may vote. You are a citizen if you were born in the United States or if you were made a citizen by law.

All states allow people with disabilities to vote. The law says that polls must be usable by everyone. If the poll cannot be used by a person with a disability, the state must find another way for that person to vote. Most states have absentee ballots and curbside voting for people with disabilities.

### Who May Not Vote?

Every state denies the vote to certain people. No state allows people in mental hospitals or people who the law says are mentally unfit to vote. Nearly all states deny the vote to persons who have been convicted of a felony (this does not apply to persons treated in the juvenile system). Some states deny the right to vote to the homeless, and some states also deny the vote to persons who have been dishonorably discharged from military service. The state board of elections can tell you what groups are excluded from voting in your state.



What are your students' visions for American society? Have them express these visions in writing, verse, or art. Ask them to identify laws, or formulate their own laws, that will help move society toward that desired future.



## Student Handout 2

### Constitutional Guidelines for Voting

**1. Any person who votes in state elections may also vote in federal elections.**

The Seventeenth Amendment declares that any person who votes for “the most numerous branch” of its own legislature is also qualified to vote for U.S. senators and representatives.

**2. No state may deny a person the right to vote because of his or her race or color.**

The Fifteenth Amendment says that no state may deprive any person of the right to vote regardless of race, color, or previous condition of servitude.

**3. No state may deny a person the right to vote because he or she is a female or a male.**

The Nineteenth Amendment forbids states from depriving a person of the right to vote because of his or her sex.

**4. No state may deny the right to vote to a person who is at least 18 years old because of his or her age.**

The Twenty-sixth Amendment states that citizens 18 years old (or older) may vote. This amendment does not prevent a state from allowing citizens younger than 18 years old from voting. The amendment does prohibit states from setting a maximum voting age.

**5. No state may require a voter to pay a tax before voting.**

The Twenty-fourth Amendment eliminates the poll tax. The poll tax began in Florida in 1889 and spread to 11 Southern states as a way to discourage African Americans from voting.

For many years, in many states, there was a literacy requirement for voting. This requirement was also used to prevent African Americans and other groups from voting. The first literacy requirement was adopted in Connecticut to limit the voting rights of Irish Catholic immigrants. Congress banned all literacy tests in the Voting Rights Act of 1970.





# Perspectives on Voting and Education From the Clinton/Gore '96 Campaign

## The Importance of Voting

President Clinton has said many times in many places that in America we do not have a person to waste. He believes that the beginning of honoring that pledge is making sure that the franchise is extended to and used by every eligible American. By signing the National Voter Registration Act (“the Motor Voter Bill”) on May 20, 1993, President Clinton has made voting easier for more than 11 million Americans. He is grateful to all the young people across this nation, especially Rock the Vote, who worked with him to fight for the Motor Voter Bill.

The Motor Voter Bill is the most recent chapter in America’s history of extending the vote to women and minorities, people with disabilities, and the young—with the power to affect their own destiny and our common destiny by participating fully in our democracy. When blacks and women won the right to vote, when America outlawed the poll tax and literacy test, when the voting age was lowered to 18, and when finally we recognized the rights of disabled Americans—all of these were achieved because the forces of change overcame the forces of intolerance and indifference.

President Clinton believes that it is the right of every American to vote. It is also our responsibility. We cannot expect something for nothing, whether it is from our government or from each other. He is urging all Americans to take more responsibility not only for ourselves and our families but also for our communities and our country. The future is not an inheritance; it is an opportunity and an obligation. It is something every generation has to make, not for themselves individually but for their generation, for their community, and for the larger community that is America.

## Education and Citizenship

President Clinton’s vision of what our American society should be is a collection of people who believe that by working together they can raise better children, have stronger families, have more meaningful lives, and have something to pass on to the next generation. We cannot care only about our individual economic and material self-interest.

Meeting our common challenges as Americans is also the purpose of education. It is about making connections and mastering the complexities of the world. It is about seeing the world as it is and advancing the cause of human dignity. It is not just about learning new facts, new skills, or new technology. Money without purpose leads to an empty life. Technology without compassion and wisdom and a devotion to truth can lead to nightmares.

Education is the work of our young people, but it is also the work of America’s future. All of these concerns come together in education because school is where our people can learn the skills they need to pursue their dreams, especially now when knowledge is more important than ever to our future. School is also the place where our nation’s fundamental values taught by parents are reinforced by teachers—values such as responsibility, honesty, trustworthiness, hard work, caring for one another and our natural environment, and good citizenship.

President Clinton is doing all he can to give young people the opportunity to make the most of their lives—with a stronger economy, greater educational opportunity, a cleaner environment, and safer streets. But he is also asking them to think about their responsibility as individual citizens in making sure that, as we move into the next century, everyone has the opportunity to live up to his or her dreams.

Democracy is a promise for each of us to keep, a promise to be American in the best sense of the word; to be citizens, not spectators; to do the best we can in our families, our jobs, our communities; to shoulder the burden of responsibility. That was the promise our founders made more than two centuries ago. To keep that tradition, we must be believers and builders. And so must we be every day, right now, today. Let us resolve to do it. ♦

*Source:* The Clinton/Gore campaign office. To contact this office, write Clinton/Gore '96 Campaign, P.O. Box 19300, Washington, DC 20036-9300, (202) 331-1996; <http://www.cg96.org> FAX (202) 496-4849.



# Perspectives on Voting and Education From the Dole/Kemp Campaign

## The Value of Participation

Senator Dole has recognized that this summer our nation celebrated the silver anniversary of the Twenty-sixth Amendment to the Constitution. This amendment granted the right to vote to citizens 18 years old and older. During the 1960s, young Americans rallied for the right to vote. They noted that if they were old enough to be drafted and to fight for their nation, they were certainly old enough to have a voice in government. In July 1971, during President Nixon's administration, the Twenty-sixth Amendment became a part of the Constitution. The amendment is the recognition that young Americans have the right and responsibility to exercise the franchise.

As the Republican National Convention met in August 1996, it began a nationwide youth campaign called "Make a Difference ... Lead the Vote." The campaign recognized the importance of including youth in the political process. It also acknowledged that statistics show fewer young people vote than members of other segments of the population. To help reverse this trend, the campaign challenged young adults to become active in their communities and to make a difference with their vote.

Because today's young voters will lead this country into the twenty-first century, the Republican National Convention has made a concerted effort to involve the youth of America in the political process. Young pages had the opportunity to participate in the convention from gavel to gavel as they assisted delegations from the opening session through the nominating process.

On August 15, 1996, the first Young Voters Convention became a vital part of the national convention. This important session offered a forum for young voters to express their views. Through the town hall format, young voters took the podium and interacted with party leaders as they addressed issues important to the youth of America. At the same time, 55 young people from across the nation communicated with leaders through on-line linkups.

The unprecedented inclusion of young people in the convention will be extended throughout the campaign. All Americans have a stake in the future of the country, and they can help direct that future by participating in the 1996 presidential elections.

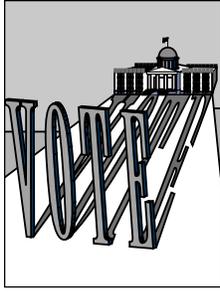
## The Importance of Education

Because he recognizes that youth participation in the political process is essential to the American democracy, Senator Dole acknowledges the importance of education in preparing young people for their roles as individuals, consumers, providers, and citizens. To help all young people prepare for their adult responsibilities, the senator has proposed an "Education Consumer's Warranty." This warranty would help ensure the best possible education for all young people. It provides that all children must be permitted to

- Attend a safe school.
- Be free from educational malpractice at the hands of bad schools, incompetent teachers, timid principals, and intrusive bureaucrats.
- Find out exactly how well they and their schools are doing in terms of achievements in relation to how well they *ought* to be doing.
- Learn the three R's through proven methods.
- Learn the nation's history and democratic values and study the classics of Western civilization.
- Attend a school that is free to innovate and isn't tied down by federal red tape.
- Be confident that their high school diploma signifies a solid education, suitable for further education or a good job.
- Choose a school that is right for them.
- Know that their tax dollars are reaching the classroom, not being siphoned off into overhead and bureaucracy.
- Count on being able to arrive at college prepared to do freshman-level work.

The youth of America is a primary concern of Senator Dole. By focusing on education and including young people in the political campaign and convention, Senator Dole is recognizing the importance of the youth of America—as contributors to the American democracy today and in the future. He urges them and all Americans to help direct the nation by exercising their right to vote. ♦

*Source:* Dole '96 Online Campaign: <http://www.dole96.com>. To contact the Dole for President office, write Bob Dole for President, 810 First Street, NE, Suite 300, Washington, DC 20002, (202) 414-8050.



# Regulating U.S. Campaign Contributions

*Difficulties with federal election laws*

*Trevor Potter*

*Update on Law-Related Education, 20.3, 1996, pp. 26–27. © 1996 American Bar Association.*

Since the founding of the United States, the financing of election campaigns has become both more important and more controversial. In the nation's early years, campaigns were generally inexpensive and operated largely without government regulation. Candidates and parties offered food and drink to recruit and reward supporters and created newspapers to spread their views. Unlike today, the money spent for these activities was not reported to the public, and campaign leaflets by anonymous authors flourished. Nor did candidates or parties need to reveal the sources of their funds. Of course, that was a different time—the nation was much smaller, people were not as mobile as they are today, and voters often knew candidates personally or could attend

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their events, hear them speak, and ask them questions.

The first federal campaign finance laws were passed by Congress in the early 1900s. These laws were in response to the growth of corporations and large “trusts,” the corresponding power of their political contributions, and the advent of similar union activity in campaigns. Reformers argued that the ability of large corporations to contribute to candidates gave these corporations an unfair advantage over individuals and might be used to purchase influence over elected officials. In 1907, Congress passed the first ban on corporate spending in federal elections, known as the Tillman Act. (Congress also enacted a ban on labor union spending in federal elections, but not until the 1940s.)

Over the years, Congress enacted additional federal laws regulating money in federal elections (which include campaigns for the House of Representatives, the Senate, and the presidency). Most of today's campaign financing laws were enacted as a reaction to the Watergate scandal. That scandal began with a break-in at the Democratic Party's national headquarters but grew to include revelations of large hidden campaign contributions (including prohibited corporate money) and allegations of the sale of government positions and decisions. The Watergate scandal led to

calls for greater disclosure and strict limits on campaign contributions and expenditures.

## **Federal vs. State Roles**

Regulation of the financing of state elections (for governors, legislators, etc.) remains with the states. Local laws may establish additional rules and regulations for local candidates (i.e., mayor or county supervisor/commissioner). Elections themselves (voter registration, the preparation of ballots, voting places, maps, etc.) have also traditionally been governed by state law. Recently, Congress passed a law, known popularly as “Motor Voter,” that for the first time required states to distribute registration forms along with other government services such as driver's licenses to make it easier for citizens to register to vote. Congress and the federal courts have also historically played a large role in protecting the rights of all individuals to register and vote.

## **Federal Limits**

Under the present federal campaign finance system, individual candidates (with some assistance from political parties) are responsible for raising and spending the money needed to communicate with voters and win elections. Individuals may contribute up to \$1,000 to a federal candidate per election. Corporations and labor unions

may not give their own money to candidates, but are permitted to raise funds for political action committees (PACs). That money may be used in federal elections. Individuals may give up to \$5,000 per calendar year to PACs, and these committees are limited to making contributions of \$5,000 per candidate per election. Other political committees are formed by groups seeking to gain support for an issue. For example, groups on both sides of the abortion and gun control issues have formed PACs to give contributions to candidates.

Presidential campaigns are governed by a complicated set of rules and are the only federal elections with some public financing. In a primary election, candidates receive funds from the government in an amount matching the private contributions they raised. Republican and Democratic nominees each receive over \$60 million of taxpayers' money for their general election campaigns. To receive these funds, however, candidates must comply with expenditure limits for the primary (applied both overall and state by state) and general election expenditure limits. Furthermore, presidential candidates in the general election may not accept any private contributions, so neither individuals nor PACs may contribute to a general election campaign for president (although they may contribute to party committees).

Political parties receive separate treatment under federal election laws, in recognition of the important role that political parties play in the electoral process. For example, an individual may contribute up to \$20,000 to a political party in a calendar year, and parties have much higher limits on the amounts they may contribute to their candidates. These federal limits apply only to parties' "federal" committees because state campaigns are governed by state law.

Third parties may not qualify for public funding for their presidential

candidates until *after* they have received at least 5 percent of the vote in a presidential election.

### "Soft Money"

Many states' campaign finance rules allow corporations and unions to contribute directly to candidates or political party committees. This has encouraged individuals, corporations, and unions to contribute to party committees in those states, or to the nonfederal accounts of national party committees. These contributions, commonly called "soft money," may not be used directly for federal elections but may be used for voter registration, "get-out-the-vote" drives, and other "party-building" activities that benefit all of the party's candidates, whether for federal or nonfederal office.

Not every expenditure of money involving a federal candidate is regulated by federal election laws. For example, if a group of people pool their money and produce and run a television advertisement urging voters to elect Bob Dole as president, that group is legally considered a "political committee" that must register with the Federal Election Commission, raise money under the federal rules, and report its receipts and expenditures periodically. If, however, the same people produce and run an advertisement thanking President Clinton for his veto of product liability reform and urging callers to contact him and ask him to oppose the bill in the future, the group may not be a federal committee and may not need to comply with any federal campaign finance rules. This may be so even if the advertisement is completely complimentary of Clinton, and even if the advertisement runs the week of the election.

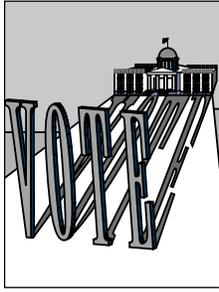
The difference between the two advertisements is that one "expressly advocates" the election of a federal candidate, and the other does not. If an advertisement (or any other use of money) contains words expressly advocating the election or defeat of a

particular candidate, using phrases such as *vote for*, *vote against*, *elect*, or *defeat*, the advertisement—and all the activities involved in its production—must comply with federal election laws. If the advertisement doesn't contain express advocacy, then it is issue advocacy speech protected by the First Amendment of the Constitution and need not comply with federal election laws. The Supreme Court developed this standard to protect free speech from being overly burdened by campaign finance rules. As a result, groups increasingly produce advertisements during an election year that discuss controversial issues on which candidates have taken positions but craft these advertisements so that they fall short of "express advocacy."

Federal campaign finance law is increasingly marked by distinctions such as these, as Congress and the Supreme Court attempt to balance the free speech rights of individuals and groups with the desire to regulate and require disclosure of the money spent to elect members of Congress and the president. ♦



Many Americans don't realize the power of their "voting voice." Have students investigate the powers that voters have in their state, or invite a public official to explain these powers to the class. For example, are initiatives and referendums permitted? If so, what are the laws governing their use? What are some recent examples? What are the laws regulating the recall of public officials? When and how have these powers been used in your state?



# Congressional Districting: A Historical Overview

*Malapportionment, gerrymandering, and the challenges  
to fair voting districts*

*Jan Witold Baran and Jason P. Cronin*

*Update on Law-Related Education, 20.3, 1996, pp. 28–30. © 1996 American Bar Association.*

Every state in the Union is represented by at least one member of the House of Representatives. The U.S. Constitution, however, does not explain how these representatives are to be elected. Since the beginning of representative democracy in the United States, Congress and, later, the courts have struggled to determine what is fair with respect to how voters are represented through the various elected bodies that govern them.

When Americans first began to elect their congressional representatives, they did so in a variety of ways. Some states were divided into districts, and citizens of each district elected one (or sometimes more than one) representative to the U.S. House. Other states opted to have all their representatives elected from all over the state, not using districts at all. Eventually, all states began using single-

member districts to select their congressional representatives. There were, however, two distinct difficulties in using such districts—malapportionment and gerrymandering.

*Malapportionment* concerns districts that are not fairly sized. Districts are usually created, or “apportioned,” based on their population. If districts contain different numbers of people and yet each district still elects only one representative, then the votes of people in a less populous district are worth more than those of the people in a more populous district. Consider a state with one large city and much sparsely populated farmland. If the city were one district and the farmland another, a single vote by a farmer would be more influential than numerous votes by city dwellers. Thus, the size and population of districts have to be carefully considered when shaping the districts.

*Gerrymandering* describes the practice of designing districts to reduce or enhance a particular faction’s political power. In 1812, a politician in Massachusetts named Elbridge Gerry represented a district that was created to include his supporters and exclude his enemies, and the resulting shape of that district reminded some observers of a lizard or salamander. Thus, the term *gerrymander* was coined to describe deliberately creating districts so that they are easier for particular representatives to win.

Malapportionment and gerrymandering have not been confined to congressional districts. State legislatures also rely on district-based elections and similarly confront the problem of what constitutes a fair district. Controversies over districts thus have historically been federal and state problems.

It may seem obvious that districts should contain roughly the same number of people and not be drawn so that specific politicians can always win elections in them. Nevertheless, malapportionment and gerrymandering were widespread until the 1960s primarily because the legislators themselves were responsible for designing the voting districts. After all, they had little incentive to alter the districts that had elected them.

## Courts Take a Role

During the 1960s, the courts began to play a major role in defining districts. Until that time, the U.S. Supreme Court had treated disputes over electoral districts as “political questions,” meaning that they were not the sort of disputes that the courts should resolve, being political rather than strictly legal in nature. The Court’s refusal to act on districting issues, however, was often criticized because even questions of pure constitutional interpretation often seem to be highly political. Consider the “separate but equal” doctrine applied by the Court in the context of racial segregation. Clearly, that had

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enormous political overtones, yet the Court did not hesitate to uphold the doctrine in the infamous *Plessy v. Ferguson*, 163 U.S. 537 (1896), decision, nor to declare it unconstitutional years later in *Brown v. Board of Education*, 347 U.S. 483 (1954).

The Supreme Court ceased to consider districting issues as political questions when it decided *Baker v. Carr*, 369 U.S. 186 (1962). There, the issue focused on the apportionment of the Tennessee legislature, which had not been reapportioned in over 60 years, despite significant changes in population throughout the state. The Court determined that the constitutional right to equal protection under the law, guaranteed by the Fourteenth Amendment, protected citizens from “debasement of their votes” through malapportioned districts.

In reaching this conclusion, Justice Brennan in *Baker* ruled that political questions were limited to “the relationship between the judiciary and the coordinate branches of the Federal Government, and not the federal judiciary’s relationship to the States. ...” Justice Brennan thus chose to limit the political question doctrine to separation of powers conflicts and held that the doctrine does not prevent the Court from acting in districting disputes. A concurring opinion to Justice Brennan’s majority opinion specifically recognized that a fair reapportionment was unlikely without judicial intervention, as only the legislature could reapportion the district, and all of its members had a vested interest in keeping the apportionment that had resulted in their election.

After the Supreme Court ruled in *Baker* that it could decide apportionment questions, it was faced with the difficult task of determining *how* those questions would be resolved. A series of challenges to district apportionment ensued. The most important of these challenges was *Reynolds v. Sims*, 377 U.S. 533 (1964). Similar to the facts in *Baker*, the case involved a challenge to the Alabama legislature, which had

not been reapportioned for years and had some districts with over 40 times the population of others.

### One Person, One Vote

The Court struck down the Alabama apportionment scheme, again relying on equal protection grounds, but this time articulating a guiding principle regarding apportionment: “[T]he conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments can mean only one thing—one person, one vote.”

The Declaration of Independence and the Gettysburg Address had expressed general notions of equality. The Fifteenth Amendment (extending the right to vote to citizens regardless of race), Seventeenth Amendment (providing for direct election of senators), and Nineteenth Amendment (extending the right to vote to women) made it clear that equality applied in the context of voting rights. The commitment to these ideas produced “one person, one vote” as a guiding principle with respect to apportionment.

According to the Court in *Reynolds*, “one person, one vote” meant that districts must be “as nearly of equal population as is practicable,” but this did not necessarily mean that districts had to be created with mathematical precision. Rather, “so long as the divergences from a strict population standard are based on legitimate considerations” such as compactness, keeping political subdivisions together, and preserving identified communities of interest, some deviations could be tolerated. *Reynolds* thus recognized that a state must make an honest and good-faith effort to create districts “as nearly of equal population as is practicable,” but that absolute equality was a “practical impossibility.”

Ultimately, deviations were tolerated for certain political boundaries at the state level, but not even as much as 0.7 percent was permitted for congressional districts. The Supreme Court

refused to allow minimal variations in U.S. House districts if states were unable to show why more precise results could not be achieved using the best available census data. The Court did indicate, however, that certain consistently applied legislative policies might justify some variance, including making districts physically compact, respecting municipal boundaries, preserving the cores of prior districts, and avoiding contests between incumbent representatives.

In the aftermath of *Reynolds*, an intense but ultimately unsuccessful effort was launched to overturn the principle of “one person, one vote” by constitutional amendment. The most widely supported proposal would have permitted one house of a state legislature to be apportioned on a basis other than population, if a majority of a state’s voters approved the plan. But all amendment efforts failed, and implementation of “one person, one vote” proceeded throughout the country. By the end of the 1960s, most state legislatures were reapportioned in accordance with the constitutional standard.

Although judicial action may have effectively addressed malapportionment, gerrymandering exists today. Some scholars argue that gerrymandering, at least in certain circumstances, is beneficial to voters. For example, it has been suggested that some districts should be designed to have a majority of African-American or Hispanic voters so that those minorities are guaranteed a minority representative. Determining when, if ever, districts may be drawn with reference to factors other than population has been a difficult topic for the Supreme Court.

### District Shapes

As with malapportionment, the Court was confronted with the argument that political gerrymandering presented a political question that it should not resolve. The Court rejected this idea in *Davis v. Bandemer*, 478 U.S. 109

(1986), reasoning that political gerrymandering claims were, at bottom, no different from malapportionment claims in that they were based on the adequacy of representation that citizens received for their votes. Thus, the Court could consider the legitimacy of the shapes of districts, in addition to their apportionment. This did not mean, however, that the Court necessarily would strike down districts drawn for particular purposes.

In fact, in *Davis*, the Court sustained an Indiana redistricting plan that had produced a Republican majority in the state legislature, despite the fact that Democrats had received more than 50 percent of the total votes cast in the election. The Court rejected the idea that the failure of a districting plan to yield representation proportional to the number of votes cast for each political party was unconstitutional. Simply because Democrats received the greatest proportion of votes did not mean they were entitled to the greatest proportion of legislators. The Court concluded that a districting system is constitutional as long as it does not “consistently degrade a voter’s ... influence on the political process as a whole” by repeatedly creating a lack of political power or a denial of fair representation to a particular group.

Thus, gerrymandering based purely on political considerations will not necessarily be invalidated. This is consistent with the Court’s long-held view that political decisions are inherent in any districting scheme. As the Court observed in *Gaffney v. Cummings*, 412 U.S. 735 (1973), “[I]t requires no special genius to recognize the political consequences of drawing a district line along one street rather than another. ... District lines are rarely neutral phenomena. They can well determine what district will be predominately Democratic or predominately Republican, or make a close race likely. ... The reality is that districting inevitably has and is intended to have substantial political consequences. It may be sug-

gested that those who redistrict and reapportion should work with census, not political, data, and achieve population equality without regard for political impact. But this politically mindless approach may produce, whether intended or not, the most grossly gerrymandered results. ... [W]e have not ventured far or attempted the impossible task of extirpating politics from what are the essentially political processes of the sovereign States.”

Thus, the Court has recognized that there will be political victors and casualties, however district lines are drawn. Only when drawn intentionally to minimize a particular group’s voting strength, however, is a gerrymandered district unconstitutional.

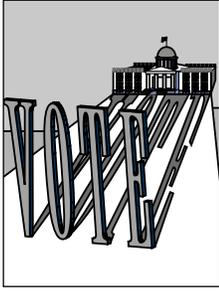
A prime example of such a plan was *Rogers v. Lodge*, 458 U.S. 613 (1982), in which the Court considered a system for electing county commissioners in Georgia. The election system involved a countywide race with a single, at-large voting district. Although this system seemed reasonable on its face, no African American had ever been elected to the county commission in the history of the voting system. Although this fact in itself would not have made the scheme illegal, further investigation showed that there was a history of racial discrimination against African Americans and that the county board was not responsive to the needs of African Americans—in short, the system had been *intentionally* maintained to dilute African-American voting strength. Accordingly, the Court struck down the county’s voting system.

### **Intentional Manipulation Not Tolerated**

The Supreme Court in *Rogers* made it clear that intentional manipulation of voting schemes to diminish minority voting strength would not be tolerated. The Court has also considered voting schemes designed to increase minority voting strength and has likewise found them improper. In the recent cases of *Miller v. Johnson*, 115 S.Ct. 2475

(1995) and *Bush v. Vera*, 116 S.Ct. 1941 (1996), the Court ruled that when the legislature is predominately motivated by race in drawing district lines, the districts must be subjected to strict judicial scrutiny. Such scrutiny requires the state to show that it had a compelling interest to draw the lines the way it did and that its districting plan was narrowly tailored to advancing the compelling interest. In these cases, the states contended that they had a compelling interest to comply with the Voting Rights Act of 1965 and to remedy past racial discrimination in voting, and that the districts under challenge were necessary to accomplish those goals. The Court ruled, however, that because the districts at issue were bizarrely shaped and did not follow traditional districting principles—such as compactness, contiguity, and respect for political subdivisions—they were not narrowly tailored to achieving any compelling governmental interest and thus were unconstitutional. Although the Court has not precluded the possibility of race-based districting altogether, it stressed in *Bush* that American society must “eliminate unnecessary and excessive governmental use and reinforcement of racial stereotypes.” It is therefore highly unlikely that using race as a determining factor in drawing districts will be permitted in the future.

As the previous discussion shows, drawing proper districts for federal and state representatives is not an easy matter. Determining who votes together and how their votes are counted raises many complex questions that often require judicial intervention to resolve. Although it is clear that many such questions remain, it is also clear that the concept of “one person, one vote” is a fundamental constitutional requirement and that any plan that deliberately discriminates against a group of people will not be tolerated. It is likely that these guiding principles will be the basic tools used to resolve future districting questions. ♦



# Social Barriers to Voting

*Youth, apathy, and other factors that may keep people from voting*

*Pauline A. Schneider*

*Update on Law-Related Education*, 20.3, 1996, pp. 31–33. © 1996 American Bar Association.

**W**ill you vote? And if not, why not? Being a landowner is no longer a requirement, women may vote, poll taxes have been abolished, the voting age has been lowered to 18, and registration may be accomplished when obtaining a driver's license. But Americans do not flood to the polling places each time there is an election. Many fail to exercise their right to decide who is to represent them for the next two, four, or six years as their spokespersons in city councils, mayors' offices, governors' mansions, state assemblies, the House of Representatives, the Senate, or even the White House.

In the November 1994 national elections, 85 million Americans reported that they had voted, representing 45 percent of the 18-years-and-over population. 1994 was an off-year election, with the candidates running only for the House of Representatives (elected or reelected every two years) and the Senate (one-third of the seats are up for grabs at two-year intervals for six-year terms). In 1992, the last time a U.S. president was elected, the voter turnout rose to 61 percent, according to the U.S. Census Bureau. Contrast that to a 94 percent turnout in Italy, which has a parliamentary sys-

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tem (the reigning government falls if its leader fails to obtain a majority vote in the national legislature—a “no confidence vote,” as it is called) that has necessitated a new election at least every year since the end of World War II. Frequency of voting does not mean respect for the system, however. Only 3 percent of the Italians respect their political system, vis-à-vis 85 percent of the Americans who approve of the U.S. election system (Wolfinger 1991).

So Americans like the system but don't use it. Some statistics: In November 1994, voter turnout was 47 percent of whites, 37 percent of African Americans, 19 percent of Hispanic Americans, and 18 percent of Asian Americans. These figures represent percentages of the total populations, both citizens and noncitizens, within each group. Those numbers are deceptive. The Census Bureau estimates that the percentage of American citizens (those legally allowed to vote) who went to the polling places in 1994 was actually 48 percent, with no change in the percentages for whites or African Americans, but with an increase to 34 percent for Hispanic Americans and 41 percent for Asian Americans.

A few more 1994 statistics: Only 20 percent of all eligible voters of all races between the ages of 18 and 24 participated in the election. There was no overall difference in the turnout rates between men and women, although women 18 to 44 outper-

formed men of similar ages by 36 percent to 34 percent, and men 65 years and older outpaced women of similar ages by 66 percent to 57 percent. In the middle, men and women 45 to 65 tied at 56 percent (U.S. Census Bureau 1995).

These numbers cannot be characterized as a statistically relevant sampling, but provide a reasonable starting point. Extrapolating from that data, it seems that whites are most often likely to vote, followed by Asian Americans, African Americans, and Hispanic Americans. Older persons are much more inclined to vote than the under-25 crowd, and the percentages of men and women who cast their ballots are virtually identical.

## Youth

Barriers to voting vary among age, social, racial, and economic groups. Younger people, for instance, are often too busy to be bothered or feel they have little or no stake in the outcome of an election. There is school to attend, tests to take, work to be completed, money to be made, and parties in the offing. There is simply no time to vote, particularly if there is a line at the polling station. This is the “barrier” of inconvenience, of not caring enough to make the effort. Put another way, this is the difference between being a “party animal”—or for the first time in one's life, making a few good bucks—and being a political participant. Younger people also often

express the view that it does not matter who is in office, since what politicians do has little direct impact on their lives. This attitude is changed, to some degree, by marriage, a mortgage, children, taxes, and all of the residuals that accompany those lifestyle milestones. Interest grows as the ways in which political decisions affect one's life increase; a vote becomes more important.

### **Apathy**

Apathy remains a significant determinant in voting decisions. People become bored, alienated, or mistrustful of politicians. They may see no real differences between the two political parties—which is, in part, why Ross Perot did well in 1992, since he was seen as an alternative. Closer to home, there has always been the maxim “You can't fight City Hall.” Or the once-famous Chicago machine slogan “Vote Early and Often.” These sometimes ingrained attitudes give rise to the feeling that a vote (one vote) means nothing.

It is not exactly one vote by a single individual in a general election, but one vote per precinct gave John F. Kennedy the presidency in 1960, and one vote per precinct in California made Harry Truman the president in 1948. The Selective Service Act passed in Congress by one vote in 1939, and one vote gave Adolf Hitler the leadership of the Nazi party in 1923. One vote saved Andrew Johnson from impeachment in 1868; one vote brought Texas into the Union in 1845; and one vote gave the United States the English language instead of German (American Bar Association 1996).

Votes count, one at a time, and the apathy syndrome is best overcome by the philosophy that, if someone else does not vote in an election, the person who does vote has more influence. When only half the eligible voters go to the polls for an election, those who do vote have doubled their power.

### **Language**

Americans speak many languages, and if we are to have informed voters, we must communicate with them in a language they understand. The words on a ballot are not so important as those spoken before election day. How does a potential voter judge a candidate whose speech cannot be understood? How does, say, a Spanish-speaking voter make an informed decision as to who should hold whatever office if the issues are presented in English, even if the ballot is in Spanish? There is an underlying premise in the American democratic process that voters know what they are doing, at least part of the time. Faced with a confusion of terminology, potential voters who are not proficient in English may be overwhelmed by incomprehensible words to such an extent that they avoid the voting booth.

### **Education**

Education is another factor in voting trends. More educated persons vote more often than those with less schooling. Only 23 percent of those who never attended high school voted in 1994, compared to 40.5 percent of those with a high school diploma. These percentages rose to 49 percent for persons with some college and to 63 percent for those with four or more years of higher education. The barrier in this instance is one of knowledge—the more people know, the more apt they are to vote because they realize the importance of having some influence on the political system. In a free society, the most important way to change these percentages is to encourage people to stay in school.

### **Poverty**

Poverty has an adverse impact on voting. A mere 28 percent of the unemployed voted in 1994 versus 45 percent of persons employed by private companies, 53 percent of the self-employed, and 63 percent of those employed in government. The unem-

ployed mostly felt they had nothing to lose by not voting. Employees of private firms split, with more persons owning companies voting because they felt the need to be on top of the political situation. Government employees expressed a vested interest in voting: they are electing their bosses.

### **Minority Disincentives**

Race, ethnicity, gender, and sexual orientation also often play a part in election campaigns. When a candidate for national office appears in slick television spots accompanied by a wife, three children, and a dog against a suburban backdrop, some minorities may be turned off. When candidates use terms that can be read as code words for minority inclusion or exclusion, potential voters may decide to sit out an election. A basic fact of voting is that candidates typically must obtain a *majority* of the votes cast and, if they do not need the votes of a minority population, they often ignore them. This can have the effect of alienating groups that are not targeted by a campaign manager, and so they have little incentive to vote.

### **Polls**

Election year polls are popular with the media. They tell us, at a given moment, who is ahead and by how much, based on a statistical sample of prospective voters. The wording of the questions presented often has a definite effect on the replies, but the process has become sophisticated enough to give polls credibility. The trouble with this census taking of public opinion is that it sometimes discourages people from voting if they think that their favorite candidate is 30 percent ahead or 30 percent behind. Why bother? He or she is going to win or lose in any event. Exit polls taken during the 1980 presidential election showed Ronald Reagan as the winner, based on the results in the Eastern and Central time zones. Many voters in California who learned of his lead

stayed home—to the detriment of a number of local candidates.

### People on the Move

Another factor in not voting is that Americans are very mobile. Some 20 percent of potential voters do not have the same address from one year to the next, and one-third move every two years. In 1980, 48 percent of people who had not lived in the same place for two years reported that they voted, compared to 65 percent who had stayed put longer. The discrepancy has nothing to do with being interested, informed, or attentive to the political process. Many of the people who moved simply had not gotten around to registering in their new location. The longer people live at one address, the more likely they are to vote. When people move, many tasks are more important than registering to vote and, because half of all moves take place during the summer, with most elections occurring in the fall, people may have only a month or so to register.

Italy, with its high voter turnout, has an automatic voter registration system that is not affected by moving from one place to another. The Italian government also provides subsidized train tickets to persons wishing to return to their place of registration in order to vote. As would be expected, this means that elections provide an opportunity for many Italians to go home and visit with their families or old friends.

### Conclusion

Registering to vote may not assure that an individual will go to the polls, but it certainly helps. People under the age of 25 will, if registered, vote at the same rate as those who are 55. Even people who profess to have no interest at all in politics will, if registered, vote at a 74 percent rate in a presidential election (Wolfinger 1991).

One final barrier: It may be citizens' civic duty to vote, and they may adamantly favor a candidate and want to show their support for that individ-

ual but refuse to register because the state or locality in which they reside draws its slate of jurors from voter registration lists. Jury duty, while welcomed by some, is a nuisance for people who are already too busy at the office, inconvenienced by transportation, or bored by the thought of going through what they consider to be an ordeal. That is another civic duty, but it is also another story.

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## Electing a President

### Popular Vote

Every four years on election day, Americans go to the polls to cast their votes for president. They can choose a candidate from one of the major parties, select a third party candidate, or write in their choice for president. When the polls close, the votes are counted. Most people think that whoever wins the vote of the people, known as the *popular vote*, wins the election. This has not always been the case.

### Electoral College

When Americans vote for the president, they are actually voting for delegates to the Electoral College. The Electoral College, a group of 538 persons from the 50 states and the District of Columbia, chooses the president. Each state has the same number of delegates as it has representatives and senators in Congress. The District of Columbia has 3 Electoral College delegates. In December following a presidential election, the members of the Electoral College cast their votes for president. Today if a presidential candidate receives at least 270 electoral votes, he or she is the president-elect.

### John Q. Adams vs. Andrew Jackson

Most often, the candidate who receives the most popular votes becomes president. However, candidates who did not receive the most popular votes have been chosen president in the past. In 1824, Andrew Jackson won the popular vote over John Quincy Adams, the second leading vote getter. When the Electoral College voted, Jackson received 99 electoral votes; Adams, 84; William Crawford, 41; and Henry Clay, 37. Because none of the candidates had a majority (more than half) of the electoral votes, the House of Representatives (per the Constitution) had to choose the president. The House chose John Quincy Adams.

### Today's Elections

Since the 1892 presidential election, the winner of the popular vote has also won the majority of the electoral votes. The casting of votes by the Electoral College has become little more than a formality. Delegates to the Electoral College vote in December and send their results to the United States Senate. In January, a joint session of the Senate and House of Representatives counts the votes and declares the president-elect. However, Americans usually know within hours or days after the popular election who will be the president. This is because in most states all the electoral votes are given to the winner of the popular vote.



# Electoral College

*Is it a dinosaur that should be abolished or a last bastion of democracy?*

*Joel K. Goldstein*

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**T**he idea that the people of the United States elect a president on the Tuesday following the first Monday in November remains a persistent myth of American politics. In fact, the Constitution prescribes a much more complicated procedure that vests the power to choose the president and vice president not in the people of the United States, but rather in 538 electors chosen in the 50 states and the District of Columbia, who collectively are known, somewhat misleadingly, as the Electoral College.

The founders expressed pride in this institution. Alexander Hamilton said that if “it be not perfect, it is at least excellent.” Others dissent. In 1967, for example, an American Bar Association special commission called it “archaic, undemocratic ... and dangerous,” and others have echoed that refrain. Still, the institution remains a feature of our Constitution, and one that assumes special importance every leap year when a presidential selection must be made.

The Electoral College represented a compromise among the founders of the United States about one of the most vexing questions they faced—how to elect a chief executive. The Constitutional Convention considered more than 15 different proposals, including plans for election by Con-

gress or one of its houses, by various state officials, by electors, or by direct popular vote. The founders changed their minds on several occasions. At some junctures, they actually approved election by Congress. But some delegates feared that election by Congress would not reward merit, would make the president dependent on Congress, and would, in Gouverneur Morris’s words, be “the work of intrigue, of cabal, and of faction.”

Morris and James Madison were among those who favored direct election by the people. Proponents of direct election argued that it had worked well in some states to elect a governor, would establish the independence and high caliber of the president, and was the most appropriate method for a democratic government. Others doubted the capacity of the public to choose its leader. Elbridge Gerry worried about the “ignorance of the people.” George Mason thought the vastness of the country would prevent voters from knowing enough about possible candidates to choose intelligently.

The Electoral College was designed to accommodate these competing concerns. Electors chosen simply to elect a president and vice president would not be susceptible to cabal or corruption as would a legislature, especially if they met in their different states (not together) on the same date. Nor could they dominate the president’s conduct of his office, especially if they could not serve in Congress or

hold other office. Since the electors would be of the people, the Electoral College bore some resemblance to direct election. The electors would be highly competent citizens, likely, according to Hamilton, “to possess the information and discernment” to make the necessary investigations. As such, they would mitigate concerns about an uninformed electorate.

## **An Original Idea, Modified**

The Electoral College that the framers designed contained the following features regarding the election of the president and vice president as set forth in Article II, Section 1, of the Constitution:

1. Each state has a number of electors for president and vice president equal to the number of senators and representatives to which the state is entitled in Congress.
2. Each state’s legislature may decide how to choose its electors.
3. The electors may not be members of Congress or hold an office of trust or profit under the United States.
4. The electors (a) meet in their respective states and (b) once were to vote by ballot for two persons (superseded by the Twelfth Amendment in 1804), at least one of whom may not be an inhabitant of the same state as the elector.
5. The electors in each state prepare and transmit to the president of the Senate certified lists of the votes, which are opened and tallied in a joint session of Congress.

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6. The person with the most electoral votes, provided a majority of those appointed, becomes president, and the runner-up, vice president (superseded by the Twelfth Amendment).

7. Provision was made for a contingent election of the president by the House of Representatives (if no candidate received a majority or if a tie resulted) and of the vice president by the Senate (if the second and third candidates received equal votes) (modified by the Twelfth Amendment).

Instead of casting two ballots for president, the Twelfth Amendment required that the electors vote separately for president and vice president. Election as president still required a majority of the electoral vote, but now election as vice president required a majority too.

The initial system operated in the first four elections, 1789–1800. In 1789 and 1792, George Washington was elected president, having been named on all ballots. John Adams became vice president, having received a plurality in 1789 (34 of 69 ballots) and a majority in the next election (77 of 132 votes). The development of national political parties by 1796 transformed the Electoral College. No longer were the electors independent actors authorized to use their discretion. Instead, they were partisan loyalists expected to support their party's choice. In 1796, the system produced a Federalist president (Adams) and a Democratic-Republican vice president (Thomas Jefferson). Four years later, ticketmates Jefferson and Aaron Burr received an equal vote from their party's loyal electors, although most intended Jefferson for president and Burr for the second spot. Some 36 ballots of the House of Representatives were required to resolve the deadlock. The results exposed a defect in the original design as modi-

fied by emerging practice. Accordingly, in 1804, the Twelfth Amendment to the Constitution was ratified. It modified, to some extent, the procedures listed in items 4, 6, and 7 above.

In addition to the constitutional provisions, state statutes and political practice have shaped the Electoral College system in important ways. The Constitution left to each state the decision as to how to choose electors. Although some state legislatures chose their state's electors during the early nineteenth century, the predominant method then, and the universal approach during the last 100 years or so, has been for the people to vote for the electors (although most states do not list the electors on the ballot). Similarly, virtually all states decided that electors would be chosen statewide, not by districts, on a winner-take-all basis, not according to percentage of votes. Political parties, which the framers did not anticipate, have continued to choose the slate of electors to run in each state.

### Electoral College: Case Against

The Electoral College has been a favorite target for political reformers. Critics typically raise several points. First, many argue that the institution is undemocratic, especially since it could lead to the election of a president and vice president who received fewer popular votes than their opponents. Such a result, some contend, would be unfair and might not be accepted as legitimate by the public. On 16 occasions, a candidate has won an electoral majority though receiving less than 50 percent of the popular vote. In fact, on several occasions, the Electoral College has awarded the presidency to a candidate who lost the popular vote. For instance, in 1876, Rutherford B. Hayes achieved an electoral majority (after being awarded the electoral votes of three disputed states by a special electoral commission), although Samuel J. Tilden won a popular majority (though one, some contend, that

was the product of electoral fraud). In 1888, Benjamin Harrison won the presidency, although Grover Cleveland won the popular vote (by a margin of less than 1 percent). In other elections, a shift of relatively few votes in certain states would have produced an Electoral College majority for the candidate with fewer popular votes.

Critics also complain that the Electoral College system is undemocratic in a second respect—it weighs the votes of some Americans more than those of others. Since each state, regardless of population, has at least three electoral votes (two for its Senate seats and at least one for each representative), the smallest states have a higher ratio of electors to population than do larger states.

On the other hand, the winner-take-all feature that the states have superimposed on the system tends to magnify the importance of voters in the larger states. A candidate who wins California by one popular vote receives 54 electoral votes; one who wins Delaware gets only three. Accordingly, candidates have reason to commit disproportionate time and resources to, and tailor their platforms to the views of voters in, the largest states, thereby enhancing the influence of groups concentrated in the large industrial states.

Critics also express concern about the lack of accountability of electors. Most electors are relatively anonymous individuals, not the eminent persons the founders envisioned. Although chosen by state parties to support particular candidates, on occasions they have not done so, thereby creating concern about the irresponsible elector.

Finally, the arrangements for contingent election by the House of Representatives and Senate raise some concerns. The House and Senate might elect a president and vice president from different parties. They might deadlock to allow the Speaker of the

House of Representatives to act as president under the current presidential succession law.

Reformers have proposed various remedies for these perceived defects. They range from abolishing the entire institution and choosing a president and vice president by a direct popular vote to the more modest proposal to retain the Electoral College votes with the general ticket and winner-take-all statutory features but eliminate the individual electors. Intermediate proposals include choosing electors in districts in each state rather than statewide or choosing them under a system of proportional representation.

### Electoral College: Case For

Others, however, defend the Electoral College and suggest that the reforms would either undermine important principles of American democracy or cause unintended consequences. They argue that the institution has generally worked well for two centuries. Not only has the recipient of the most popular votes almost always won an electoral majority, but the Electoral College usually produces a proportionately greater margin than does the popular vote (John F. Kennedy's official 0.1 percent popular margin in 1960 translated into a comfortable 303-to-219 electoral victory). This tendency not only contributes to the mandate of the new president, but also alleviates, to some extent, the need to recount all votes in elections that are close. Accordingly, the institution contributes to the ability of American presidential elections to produce a clear result, not uncertainty.

The Electoral College has rarely awarded the presidency to the popular vote runner-up; in those rare instances when it may have done so, it has not reversed a clear result. In 1824, for example, few states chose electors by popular vote, and turnout was very small. In 1876, there were charges of massive vote fraud, which made the results questionable. In 1888, the pop-

ular vote result was a virtual dead heat. On only two occasions—in 1800 and 1824—has the Electoral College not produced a president (requiring balloting in the House) and only once—in 1836—has it failed to produce a vice president (requiring a Senate election).

Moreover, supporters of the Electoral College contend that all visions of democracy do not require that the party with the most votes win control. The House or Senate, they point out, might be controlled by a party whose candidates collectively received fewer votes than their opponents. Nor does democracy always require that all votes be weighted equally. The vote of a person in a small state assumes greater significance in electing a United States Senator, for example, than does that of a person in a large state. Nor is it necessarily a problem that the Electoral College favors majorities in large industrial states. In part, our constitutional arrangements are designed to protect minorities from majority control. Other values are also part of our constitutional structure, such as federalism and protecting minority interests, which the Electoral College system arguably assists.

Defenders of the Electoral College also contend that it helps safeguard the two-party system. The winner-take-all feature makes it difficult for third parties to win electoral votes. A party that could command 15 or 20 percent of the vote evenly distributed across the states would receive no electoral votes and accordingly would have less incentive to run and little appeal to potential supporters. Accordingly, the Electoral College has inhibited the formation of ideological or splinter parties and has encouraged the survival of a two-party system, a feature that lends stability and cohesion to American politics.

Despite the historical controversy surrounding the Electoral College—over the years several hundred constitutional amendments to reform or abolish it have been proposed—there

appears no immediate likelihood that any amendments will be adopted. That could change if, for example, the 1996 elections produce a president who does not win the popular vote or if the election must be decided in the House of Representatives. The Electoral College remains, however, a subject worthy of study because it illustrates different theories of democracy and shows the way in which our country has accommodated competing interests to fashion political institutions.

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# Teaching Strategy

## Let's Play Jeopardy!

### Today's Topic: The Electoral College

Margaret E. Fisher

Update on Law-Related Education, 20.3, 1996, pp. 37-39. © 1996 American Bar Association.

#### Objectives

As a result of this lesson, students will

- List the presidential election steps
- Identify the role of political parties in the election of the president
- Evaluate the need for reform in the Electoral College system

**Target Group:** Secondary students

**Time Needed:** 1-2 class periods

**Materials Needed:** Student Handout, copies of the U.S. Constitution, timer or clock with second hand, award for winner of Jeopardy game (optional)

**Use of Outside Resource Persons:**

An elector from the last presidential election representing the congressional district in which the school is located could report on his or her experiences being selected and voting. The League of Women Voters may also have speakers on the Electoral College. A constitutional lawyer or historian could debate reforms proposed for the Electoral College system.

#### Procedures

1. Have students develop an understanding of the Electoral College in preparation for the Jeopardy game. Students should read pages 34-36, a copy of the U.S. Constitution, and the Student Handout.
2. You may wish to have students participate in a jigsaw exercise in which they teach assigned sections of the reading to other students.

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3. To play the Jeopardy game, divide the class into even-numbered teams, e.g., by rows. Students may move their chairs closer together to confer. Draw the following chart on the board, or use a prepared overhead transparency with the four topic areas as headings and the point values listed underneath. Also, put a score sheet on the board by writing Team A, Team B, etc., for each team.

Constitution	Elections	Founders	Electors
10	10	10	10
20	20	20	20
30	30	30	30
40	40	40	40
50	50	50	50

- a. Explain to students that this game is based on the TV game show *Jeopardy!*, but it is not exactly the same. First of all, students will score points in teams (not as individuals) by correctly answering questions (rather than making up questions to answers provided). In addition, all teams begin with a 50-point score.
- b. Some lottery arrangement determines which team gets to start.
- c. The starting team has the right to select any of the four topic areas for any point value, e.g., Constitution for 50. As the question associated with the point value gets harder, the more points the question is worth. The 10-point questions are easiest, and the 50-point questions, hardest. The team has 30 seconds to select a topic and point value. Once the team has selected, the instructor will read the question from

the following list that is matched to the topic and point value.

d. At this point, any member of any team may raise a hand to answer the question. It does not have to be answered by the team that selected the question. It is crucial that the instructor fairly identify the order in which hands are raised. Perhaps a student could be selected to assist with this aspect of the game.

e. The team that has been identified as the first to raise a hand has 15 seconds to decide on an answer. Students may consult any written materials and with any members of their team.

f. If the team is correct, the score sheet on the board should get the point value put under that team's name.

g. If the team is not correct or does not respond within 15 seconds, the team loses the amount of points for that question. Any of the other teams may answer the question within 15 seconds, gaining or losing points depending upon whether or not they are correct. If the question remains unanswered, with no team raising a hand, the instructor provides the answer.

h. The team correctly answering the prior question selects the next topic at a particular point value. If the prior question went unanswered or was answered incorrectly, the team picking the prior question selects again.

i. Once a topic for a particular point value has been asked, the instructor erases or puts an X through that point value.

j. During the course of the game, a selection of a question may result in the "Daily Double Question." Only the

team selecting what turns out to be the daily double question has the right to answer the question. If successful, they get double the point value.

**k.** At the end of all the 20 squares of point values, the instructor totals each team's score (alternatively, at the end of 40 minutes). At this point, each team decides how much it wishes to risk in answering the "Final Jeopardy Question." Students may risk zero to all of their points. If they answer the question correctly, they earn the amount risked. If they are wrong, they lose the amount risked.

**l.** Students write on a piece of paper the amount risked with the name of their team and hand it to the instructor. The instructor then asks all teams the "Final Jeopardy Question." The teams have 30 seconds to answer in writing. Their final answer is placed with the person in the front seat of each row. Each team reports from the paper what the team's answer is, and the instructor reveals the point value at risk.

**m.** The winning team is the team with the highest point total.

**n.** If an award is available, it should be presented now.

## Questions and Answers for Jeopardy Game

### Constitution

*10 points* What section of the Constitution provides that the president and vice president shall be elected by electors? *Article II, Section I, Paragraph 2*

*20 points* What amendment provides that the president and vice president shall be separate in the candidacy for each position? *Twelfth Amendment*

*30 points* How does the Constitution determine how many electors each state will have? *Each state gets a number of electors equal to the number of senators and representatives.*

*40 points* Where are the political parties mentioned in the Constitution? *nowhere*

*50 points* How many votes does each House of Representatives member get if the election is decided in the House?

*All the representatives from each state combine together to cast one vote.*

### Elections

*10 points* How many times in history has the election of the president been decided by a vote in the House of Representatives? *two times*

*20 points* In what two election years was the president chosen by the House of Representatives? *1800 and 1824*

*30 points* How many times in American history has a president been elected who did not have the largest popular vote? *three times*

*40 points* List two of the three election years that a president was elected who did not have the largest popular vote.

*Students should list two of these three dates: 1824, 1876, and 1888.*

*50 points Daily Double Question* Give at least one reason why some founders objected to direct election of the president. *Two reasons include (1) ignorance of the voters and (2) vastness of the U.S. would limit voters' having enough information on the candidates to vote intelligently.*

(Special instructions for the Daily Double Question. Only the team that selected this question has a chance to answer and to earn twice the points, i.e., 100 points. Students have 30 seconds to answer.)

### Founders

*10 points* True or False There was agreement among the founders of the United States about how to elect a president. *False*

*20 points* True or False Exploring how to elect the president, the founders considered giving Congress the power to elect the president. *True*

*30 points* True or False The president is elected directly by the people every four years. *False*

*40 points* Name at least two proposals to select the president that the founders of the United States considered. *They considered more than 15 proposals, including having elections by Congress or one of its houses, by various state officials, by electors, or by direct popular vote.*

*50 points* Name at least two objections of some founders to having Congress elect the president. *Some founders feared that election by Congress would not reward merit, would make the president dependent upon Congress, and would be "the work of intrigue, of cabal, and of faction."*

### Electors

*10 points* True or False The process for "appointing" presidential electors may vary from state to state. *True*

*20 points* True or False The term *Electoral College* is not found in the Constitution. *True. Article II, Section I, Paragraph 2, talks about electors, but not an Electoral College.*

*30 points* True or False The Constitution does not provide for the popular election of the president or anyone else. *False. While the Constitution does not provide for the direct popular election of the president, it does provide for the popular election of the U.S. senators and representatives.*

*40 points* What does it mean to have a "winner-take-all" approach to choosing electors? *All states have a system of choosing electors on the basis of who gets the most votes, and not according to the percentage of votes.*

*50 points* Who chooses the slate of electors to run in each state? *the political parties*

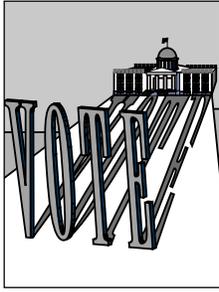
*Final Jeopardy Question* When all 20 squares have been used up (alternatively, when 40 minutes have passed), the teams are then ready for the Final Jeopardy Question. Each team, knowing its point total, is free to risk as many or as few points as it wishes. All teams are eligible to play.

If there is not a majority of electoral votes for vice president, who decides who will be vice president? *Under the Twelfth Amendment, if there is no majority of total electoral votes for vice president, the winner is determined by the U.S. Senate from the top two candidates, each senator having one vote. (Students need only identify the Senate to correctly answer the question.)*

## Student Handout

### Fact Sheet on the Electoral College

1. The Constitution provides that the president and the vice president are elected by electors, each state having a number of electors equal to the number of senators and representatives in Congress. (Article II, Section I, Paragraph 2)
2. To be elected, a president must receive a majority of the total electoral vote. If no candidate receives a majority, the election is decided in the House of Representatives, with each state having one vote.
3. Electors are appointed “in such a manner as the legislature thereof may direct” in each state.
4. The Twelfth Amendment adopted in 1804 provides that the president and vice president shall be separate in the candidacy for each position.
5. Twice in our history the election of the president has been decided by a vote in the House of Representatives: in 1800 and in 1824.
6. Three times in our history a president was elected who did not have the largest popular vote: in 1824, 1876, and 1888.
7. Whereas initially electors were appointed by state legislatures, gradually, state by state, the process changed and electors were elected in popular elections.
8. Historically, political parties quickly gained control of who would become presidential candidates.
9. Today political parties control the appointment of electors through state party conventions, and the selection of presidential nominees is a part of the national convention of each party. Delegates to national conventions are elected in primary elections in some states and in state party conventions in those states whose primary elections are after the national convention.
10. All the electoral votes from a given state are cast for one candidate because of the process by which the party system dominates our elections.
11. For many years, polls have shown that a large majority of the American people favor a change in the Electoral College system. Some ways of amending the system are as follows:
  - a. To eliminate the Electoral College system and rely on the popular vote to elect the president. Critics of this position argue that a direct popular vote may result in a winner who did not win a majority of votes or states. Also, they claim that small states or states with a small population would be overwhelmed by urban centers and that a direct-vote system would encourage more splinter candidates.
  - b. To split the electoral vote in proportion to the popular vote.
  - c. To divide the states into electoral districts, each having one electoral vote.
  - d. To require that an elector vote in a way consistent with the popular vote.



# Presidential Primaries: Front-loaded Fiascos?

*Why the 1996 nominating process could lead  
to the destruction of the two-party system*

*Curtis Gans*

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Reprinted, with adaptations, from Curtis Gans, "The Importance of Primaries," The New  
Democrat (July/August 1995): 20–22, with permission of the author.*

**T**he process that the Democrats and Republicans use to select their presidential nominees is usually over before it begins. By the end of March in a presidential election year, there have been 39 primaries and caucuses within a 43-day period, and 70 percent of the Republican delegates and 63 percent of the Democratic delegates to the parties' conventions have been selected. The parties' nominees this year have been known fully four months before either convention.

While this shortened schedule may please some—the leaders who want calm conventions, politicians who don't want to work so hard, the broadcast networks that long ago gave up any pretense of wanting to expend any resources to inform the citizenry—it could be profoundly destructive to the political system as a whole.

How destructive? Let us count the ways:

**1. Limiting competition to the rich and the famous.** In former years, poorly financed candidates could win early contests and establish their credibility, thus permitting them to raise enough money to compete in later primaries. But with 27 contests occurring within two weeks after the New Hampshire

primary, such tactics are impossible. According to conservative estimates, a candidate needs at least \$25 million up front in order to survive the first three weeks of the campaign alone.

That restricts the candidate field to those who have great personal wealth or have access to those with wealth (in order to raise \$25 million before the primary season starts) or to figures like the Rev. Jesse Jackson, whose name recognition and grassroots support offset the need for massive amounts of money.

**2. Enhancing the worst aspects of campaigns.** The crowding together of so many primaries and caucuses means that grassroots campaigning is limited to two states—Iowa and New Hampshire. For almost all other states, the campaign consists of 30-second spot advertising and airport visits by the candidates. This minimizes citizen engagement through lack of contact with candidates and maximizes voter turnoff due to attack advertising.

**3. Appointing the wrong arbiters.** The most important actors in the 1996 nominating process are neither the party leaders who know the most about the characters and qualifications of the candidates nor the citizens who will be called upon to vote for and be governed by them. No, the most important actor honor will fall to financial contributors, the media, and political consultants.

Since it takes a \$25-million war chest to compete, it will be those with money who determine the worthiness of candidates. And since most primary voters had no chance to personally assess the competitors, it is the media—with their built-in cynicism, tendency to run in a pack, and ability to ruin candidacies through magnification of minor failings—who provide the basis for judging a candidate's character and qualifications. And, since the nature of the campaign will virtually eliminate grassroots campaigning, it will be political consultants skilled in 30-second spot advertising who will determine who wins or loses.

That is a sorry set of credentials for determining the next leader of the most powerful nation on earth.

**4. Eliminating the possibility of second judgments.** The point of the party selection process should *not* be to discover and reward the person who has the political skill and tactical judgment to quickly win a series of primary and caucus confrontations. The issue is the ideological direction of both major political parties and the qualifications of two individuals to govern the United States. That judgment should not be made in haste.

Yet the process forces haste. It does not allow for second thoughts and re-evaluation. It does not permit late-filing candidates to test the character

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and capabilities of a front-runner over a reasonable period. It will not give a candidate time to overcome an early television-magnified mistake. And it will deprive the parties of any escape hatch should any late revelations tarnish the candidate chosen by the new six-week system.

**5. *Destroying conventions.*** When ABC News president Rooney Arledge declared a few years ago that the parties should shorten their conventions to two days to ensure media coverage, there was legitimate outrage at the implicit blackmail. But, if the nominees are known in March, what conceivable purpose is there for the parties to convene, and what news—other than the candidates' speeches—is there to cover?

**6. *Promoting third and fourth parties or candidates.*** An unintended side effect of the nominating system is the likely emergence of new parties and/or serious independent candidates. Two aspects of the new system—money and time—make this more likely.

Because the process demands \$25 million up front, and the only sources of money (individuals, limited by law to \$1,000 donations, and political action committees, limited to \$5,000 donations) are not notorious risk takers, the opportunity for change within the major parties is minimal.

## How Did We Get Here?

The 1996 nominating process has already yielded one consequence that is both unintended and negative—the lengthening of the campaign. For the first time in memory, almost all the major candidates announced a year before the first set of primaries and nearly two years before the next election. They did so in order to compete in the *real* primary contest—the contest to raise the more than \$2 million a month needed to be ready when the primary season began.

And because of this early competition for dollars and recognition, the shortened process has produced an

excess of political posturing and a shortage of statesmanship in the year in the presidential political cycle normally devoted to governance.

Because this process is potentially so damaging, it might be well to ask how we arrived at it and what might be done to change it.

Our brave new nominating system has evolved out of the abject terror of Democratic Party leaders at any televised repetition of two events:

- The 1968 convention, when divisions between generations and over American military involvement in Vietnam erupted into violence in Chicago, in part due to a lack of responsiveness and democracy in the Democratic Party's nominating process.
- The 1972 convention, when changes in the party's nominating process aimed at enhancing accessibility and accommodating the demands of certain previously underrepresented groups—women, African Americans, and the young—produced a convention in which the mayor of Chicago was ejected, the party's nominee gave his acceptance speech after midnight, and prime-time televised fare included the former attorney general of New York addressing the convention as “fellow lettuce-boycotters.”

Since 1972, party leaders have used any and every device to ensure decisions, nominees, platforms, and other issues were settled well before delegates convened in the summer. Early candidate-filing deadlines were adopted to ensure that no late candidacies would prolong the rush to a decision. Moral and economic pressure was applied to trailing but still viable candidates to quit the race.

As a result, states with later primaries and caucuses, increasingly shut out of decision making, began moving the dates of their presidential contests earlier in the year to ensure they would have a say in the process.

And regions, dissatisfied with the ideological cast of their party's nominee in previous elections, began

grouping their state primaries on a single date to maximize their influence.

All of which has driven the nominating process—for both parties—to where it is today.

## An Alternative View

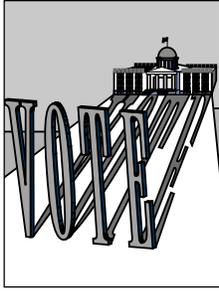
There is, of course, another way of looking at both history and the nominating process other than through the prism of fear and state self-interest:

- The events of 1968 and 1972 were unusual excesses created by the extraordinary and unlikely-to-be-repeated divisions in party and public caused by the war in Vietnam.
- This nation is best served by a two-party system that promotes social cohesion, organizes the public debate, provides for continuity, and accommodates orderly change.
- Orderly change is best accommodated through a nominating process sufficiently accessible to the forces of change and sufficiently long to determine whether that change is necessary or desirable.
- The character, competence, qualifications, and concerns of the president of the most powerful nation in the world are deserving of greater scrutiny, evaluation, and re-evaluation than a six-week primary season allows.
- Conventions continue to have an important role—determining the party nominee in some years and unifying the party behind a person and a platform in others. A convention that is more than a coronation might serve two purposes—reminding the media of their responsibility to society and constructively educating the public about the complex processes of democracy.

Whatever nominating system is chosen should reinforce the needs of governance in nonelection years and resist the more harmful aspects of the campaign process: consultant-driven television campaigns in any given political year.

We can accomplish these broad aims in one of two ways.

*continued on page 43*



# Laws Must Be Nonpartisan, Not Bipartisan

*How current campaign finance laws and regulations help keep incumbents in and challengers out*

*Ross Clayton Mulford*

*Update on Law-Related Education, 20.3, 1996, pp. 42–43. © 1996 American Bar Association.*

**W**idespread public support for term limits is nothing more than an expression of frustration with the results of current election laws, which have produced incumbent re-election rates of over 90 percent (even in the “revolutionary” year 1994). Revamping those laws is essential to open the process to new participants and competition.

In political circles, campaign finance reform has been viewed as a zero sum game. Liberals support it as a way to reduce the impact of the disparate distribution of wealth on elections. Conservatives oppose it as a restraint on individual liberty and freedom of speech. Meanwhile, officeholders are more practical. They scour proposed regulations for a Democratic or Republican bias that might alter their re-election chances.

The public sees it differently. Support for campaign finance reform comes not from an ideological base, but from a weariness of incumbency

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and the bundling of affairs of state with re-election war chests.

Our current campaign finance laws are a snapshot of 1974 and lock in a stagnant picture structured as a bipartisan balance of the political interests of elected Republicans and Democrats. But those interests don't diverge: incumbents of both parties benefit from the structure and have much more in common on the issue with each other than they do with challengers in their own party.

The laws must be *nonpartisan*, not *bipartisan*. They should encourage citizen involvement, level the playing field, and balance the interests of all *candidates*—both incumbents and challengers—to end, not tilt, biases favoring what the public perceives as a political or governmental class.

Election laws are protective of incumbency and illogical in application, but in a manner with which both parties agree. The Federal Election Commission is “balanced” by three Democrats and three Republicans. But party deadlocks are not the problem. Unanimous FEC decisions are the rule: incumbents win, challengers lose. Regulations benefiting incumbents pass, while others do not.

FEC actions against challengers outnumber those against incumbents more than five to one. Are challengers some kind of lawless class—a danger to our system? In addition to their

well-documented financial advantages, incumbents have advantages that never appear in financing reports: franking (free mailing) privileges, staff political work, a salary during the campaign season, and more. Challengers, on the other hand, may violate the law in any number of unexpected ways: if they run a campaign while remaining on a corporate payroll or simply retain health benefits.

Several underlying causes provoke public dissatisfaction with the current legal structure and its effects on the practice of politics:

- Political parties have devolved into fund-raising shells, ways of permitting what would otherwise be illegal contributions. They are largely brand labels by which candidates select campaign operatives, direct-mail specialists, media consultants, and pollsters. Party platforms are a battleground of ideological extremes with little relevance to candidate positions or the public.
- Political campaigns have alienated rather than involved voters. Polls and focus groups tell professional operatives which emotional issues to hit. Discussion and civil debate of long-term economic and policy issues are ignored as too dry or too complex. Enormous sums of money are expended not to enlighten or educate, but to inspire distrust and anxiety. The public's contact with its representatives is

often limited to polarizing 30-second attack ads.

- The enormous advantages enjoyed by incumbents by virtue of ballot-access and campaign finance laws are supplemented by overwhelming financial support of incumbents by interest groups with narrowly focused legislative agendas. Over half of incumbents receive the majority of their war chests from interest groups. Significantly,

large proportions of these contributions come during the legislative cycle, not at election time.

- The rise of interest-group dominance in incumbents' financing means congressional representatives receive their information, financing, and arguably their most acute sense of issue accountability from entities with varied but narrowly focused interests. No special lobby represents broad-

based, long-term, or intergenerational economic issues.

The mission of election campaign finance laws should not be to balance party interests. The mission is to pursue the *public* interest. This is best accomplished by nonpartisan encouragement of citizen involvement through fairness and impartiality. ♦

*continued from page 41*

The parties could take the suggestion offered some years ago by Democratic Senator Terry Sanford of North Carolina and remove the candidates from the delegate selection process. Under such a system, citizens would elect delegates who, in a timely and democratic manner, would then judge the qualifications of the candidates and make final decisions at the party conventions.

Alternatively, either by party leadership order or with the help of a bipartisan commission on the nominating process, the parties could reverse the front-loading of the prenomination process to maximize

the number of individual state contests, minimize the use of manipulative media, and provide sufficient time for the evaluation and re-evaluation of choices. We should consider raising the limits on individual and collective campaign contributions—at least to a threshold of candidate usefulness. This would reduce the length of time needed to raise the cash to compete and, perhaps, put an end to two-year campaigns. It would make the candidate's ability to raise an army of \$1,000 donors less of a determinant of eventual outcome. It would also make possible the entrance into the campaign of candidates who have a public

following and something to say—but don't have the money to compete.

America's political system has been strong because it has been flexible. Out of fear and self-interest, the two major parties have created a nominating process that virtually eliminates that flexibility.

The choice is between changing the process or further fragmenting an already too-fragmented society—between orderly change within the two parties or, perhaps, the end of the two-party system as we know it.

That choice, for the parties, should be simple. ♦

## *Do You Know?*

1. What was the "Peanut Special"?
2. Who was the first president to have an official inaugural ball?
3. What famous detective protected Abraham Lincoln on his inaugural trip to Washington, D.C.?
4. What famous American poet read a poem at the Kennedy inauguration?
5. Which nominee for president had the following slogan, symbol, or campaign style?

- |                                      |                                |
|--------------------------------------|--------------------------------|
| _____ "I Like Ike"                   | <b>a.</b> Eugene J. McCarthy   |
| _____ a shoe with a hole in the sole | <b>b.</b> Edward M. Kennedy    |
| _____ "Clean Gene"                   | <b>c.</b> Dwight D. Eisenhower |
| _____ the sunflower                  | <b>d.</b> William H. Harrison  |
| _____ cross of gold speeches         | <b>e.</b> Alfred M. Landon     |
| _____ "Tippecanoe and Tyler, Too"    | <b>f.</b> Adlai E. Stevenson   |
| _____ "We're Ready for Teddy"        | <b>g.</b> William J. Bryan     |

Source: World Book of America's Presidents: The President's World. Chicago: World Book, Inc., 1994.

**Answers:**  
(1) a special train to Jimmy Carter's inauguration, chartered for the citizens of his hometown in Georgia  
(2) James Madison  
(3) Allan Pinkerton  
(4) Robert Frost  
(5) c, f, a, e, g, d, b



## *Should a State Adopt a Mail-In Ballot Procedure for a Special Election for U.S. Senator?*

*Jennifer Brandsberg*

*Update on Law-Related Education, 20.3, 1996, pp. 44–48. © 1996 American Bar Association.*

### **To the Teacher**

This forum is a student-organized discussion of a legal issue. Your students are responsible for the forum. Your role is to provide copies of materials to the students and to serve as a consultant.

Forum planning should not begin until students are familiar with the mail-in ballot procedure. You might select readings and use teaching strategies that will give students the background needed to participate in the forum, or you might furnish them with other materials you find useful. A list of resources appears after the sample roles.

The positions expressed in the roles in this forum are derived from the debate surrounding Oregon's special election to replace Bob Packwood in January 1996. Oregon has used the mail-in ballot for many years for county elections and some statewide initiatives, but the January election marked the first time that a national office was determined by a mail-in ballot election. The sample roles provide positions on the mail-in ballot issue generally and also address specific problems with using the new ballot procedure in an election for national office.

The forum should take from two to five class periods, depending on the number of roles, amount of discussion, and whether or not the class chooses to invite guest speakers. Independent research will elevate the quality of student presentations and overall scholarship. You, or your students, may elect to use all the sample roles, or you may revise or replace them. Make sure the roles represent diverse philosophical viewpoints.

### **To the Student**

This forum will give you an opportunity to take responsibility for your own learning. It is similar to a town-hall meeting, where people come together to debate issues. The activity will help you explore other people's views and examine your own.

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During this forum, you will consider whether your state should adopt a mail-in ballot procedure for a special election for senator of the U.S. Congress. During the forum, it will be important for you to critically evaluate this public policy issue. Some questions you might consider in your evaluation are

- What is the mail-in ballot procedure and what is its goal?
- What problems does the mail-in ballot procedure seek to address?

- What are the pros and cons of the mail-in ballot procedure?
- Are there alternatives to the mail-in ballot procedure that address the same problems?

### **How to Conduct the Forum**

1. The class selects five students to serve on a forum panel.
2. All students complete the preforum ballot and submit it to the panel.
3. Students form groups to develop or adapt forum character roles.
4. The class identifies community members to invite to participate in the forum. Community members may represent themselves or their organizations, role-play sample roles suggested here, create new roles, act as student coaches, or assist students in any aspect of the forum. Include your teacher in making plans to invite guest speakers.
5. The panel selects a facilitator and clerk from among student volunteers. It also organizes the class's selection of students to role-play sample and created roles.
6. The clerk schedules the presentations of all roles.
7. The panel conducts the forum.
8. All students complete a postforum ballot. The panel reviews, compares, summarizes, and reports the results to the class.

### **Getting Ready**

To prepare for this forum, review literature, including readings from your teacher, as well as other materials



available from national, state, or local organizations that have positions on the mail-in ballot procedure. A few resources are listed at the end of this forum. Talk to registered voters in your community as well as people who are knowledgeable about official voting procedures. Professionals who may be able to help you prepare for the forum, or who might participate in it in various roles, include teachers, county or city election officials, lawyers, political science professors, reporters, registered voters, past and present candidates for public office, and political consultants.

## Background

Your state must hold a special election to replace one of its senators who retired before her term ended. Voter turnout has been consistently low for special elections, and state election officials are searching for ways to increase voter participation. In response to voter complaints about the inconvenience of voting at specified polling locations, state officials are considering adopting a new voting procedure that would allow voters to send their ballots in by mail anytime during a three-week period. Ballots would be mailed to all registered voters several weeks before the voting period began, and the state government would cover all postage costs. As a preliminary step, state election officials are conducting a series of meet-

ings in local communities to discuss the mail-in ballot procedure.

## Introduction

**Roles** The following people have been asked to present their views to a mock community meeting initiated by state election officials on the mail-in ballot procedure. They have been selected to testify because they have thoughtful but differing opinions about the new ballot procedure. Students playing the roles of these people should have five minutes to present their positions and to answer questions from the audience. Students in the audience may play the role of state election officials. When questioned by the audience, the students should answer in a manner consistent with their roles.

**Role 1: Ellen Reynolds** Good evening. Thank you all for coming to this public forum on the mail-in ballot procedure. My name is Ellen Reynolds, and I am a representative from the Elections Division of the Office of the Secretary of State. We are conducting this series of community meetings to find out how the people of this state feel about adopting a mail-in ballot procedure for the upcoming special election for senator to the U.S. Congress. The Office of the Secretary of State supports this new procedure, and I would like to take this opportunity to explain why we are asking you to consider it for the election.

It is a basic belief in our democracy that the best government is the one that is governed by the most people. However, voting on a particular day at a specific place is often inconvenient for busy people and results in low voter turnout. In this state, approximately 65 percent of registered voters participate in the major national elections that occur every two years. In special off-year elections, voter turnout is usually significantly lower—sometimes below 40 percent. Increasing voter participation is very impor-

tant for the strength of our democracy. We believe that the mail-in ballot procedure will increase voter participation in the upcoming special election because it is easy, quick, and convenient for today's voters.

In addition to increasing voter participation, there are other benefits to the mail-in ballot procedure. The total cost of the election to the taxpayer will be reduced, even when we include the cost of postage. There will be no polling centers to rent and no poll workers to hire. This will also make the administration of a mail-in ballot election significantly easier than that of a traditional election. Though there has been some concern about whether the U.S. Postal Service is reliable enough to handle the ballots, we plan to work closely with postal officials to make sure that the ballots are delivered accurately and on time.

The extended election period of three weeks should also result in a more informed electorate. Too often, election day sneaks up on voters who feel forced to make a decision before they really have a chance to learn about the issues. In a sense, the ballot's arrival in the mail gives voters a three-week warning period, during which they can discuss election issues with family, friends, and civic groups. We believe that the mail-in ballot procedure will result in greater and better participation.

**Role 2: Duane Wilson** Hello, my name is Duane Wilson, and I am a political consultant. I have helped candidates run traditional campaigns in the past and am currently working on strategies to deal with a mail-in ballot system. I support efforts to increase voter participation, and I feel that the new procedure could be used very effectively in local and state elections. However, I fear that this new procedure will make it much more difficult for candidates to run for national office. The mail-in ballot should not be used in such high-stakes elections.

To take full advantage of the three-week voting period, candidates will have to map out their campaign strategy much sooner, spend more money at early points in the campaign, and spread their advertising out over a longer period of time. There will be a great deal of effort placed in “get-out-the-vote” drives to increase the number of people participating who might support the candidate.

Identifying all registered voters will also be very important because local election authorities will periodically post lists of voters who have turned in their ballots during the three-week election period. This procedure will enable candidates to focus financial resources and telephone contacts on those people who wait to vote until later. Some candidates may purchase sophisticated computers to track who has voted and who has not.

All these strategies will require a great deal of money, surely more than is needed to run a successful campaign in a traditional election. This will be particularly true in this first election because candidates will be unfamiliar with the new system. As a country, we have voiced our concerns about the high price of running a campaign and the negative effect it has on an ordinary citizen’s ability to hold public office. Though the mail-in ballot should increase voter participation, it may decrease the ability of the citizenry to participate in the political system by running for public office.

**Role 3: Chris Tamura** Thank you for inviting me to this forum on the mail-in ballot procedure. My name is Chris Tamura, and I am not a registered voter. I have been asked by the panel to comment on whether the new procedure would make it more likely for me to register and vote in the upcoming election. I don’t believe that it will make much of a difference for people like me.

I don’t pay much attention to politics anymore. Over the years, I have

watched many politicians come and go, and it doesn’t seem like my life changes very much. Every election year, politicians make big promises about the sweeping changes they are going to make for our state and our country, but I just don’t see that they change much for the better in the end. Besides, it is too time-consuming to keep up with all the important issues that need to be decided.

It sounds like the mail-in ballot procedure is a good idea for people who are registered and who are inclined to vote. It should save them a lot of time and hassle at the polls. But what it doesn’t do is make it easier to get information about the issues, and I think that for people who aren’t registered to vote, access to information is the biggest problem.

**Role 4: Evelyn Jaeger** Good evening. My name is Evelyn Jaeger, and I am a registered voter. I agree that voter participation is a big problem in this state and in the country. Americans have really taken the right to vote for granted, and something needs to be done to promote greater civic responsibility in the population. Instituting the mail-in ballot procedure will probably increase voter turnout, but will lessen that sense of responsibility.

When Alexis de Tocqueville visited America in the 1830s, he remarked that its citizens were constantly forming civic associations that served to strengthen notions of community and democracy. There is much evidence that technology, work, and leisure habits have separated individuals from one another and lessened Americans’ sense of community and civic duty.

Voting at a common time in a common polling place is one of the few remaining opportunities people have to gather together as a community for a common act. When we make our individual election decisions in the presence of other citizens, we are supporting individuality and collective responsibility, both of which are

important characteristics of our democracy. If we institute the mail-in ballot procedure, the communal aspect of voting will be lost, and citizens will be further separated from one another. Out of the civic realm, voters may be more likely to make selfish, not civic-minded, decisions.

While I agree that the mail-in ballot procedure will make voting more convenient and less expensive, I believe that it will cost our democracy entirely too much.

**Role 5: Hank Grabek** I am Hank Grabek, and I have been a registered voter in this state for 50 years. In all that time, I have missed only a handful of elections, and I was saddened each time. I treasure my right to vote. It is a privilege as well as an obligation, and I am proud to share it with my fellow citizens on election day in the polling station. However, I do support the new ballot procedure.

As I get older, it is harder and harder for me to get to the designated election sites. I have also seen how difficult it is for my granddaughter, who is a single mother, to make time for her civic duties. The best-laid election day plans can be ruined by illness, a late day at work, unexpected travel, and any other of life’s little surprises. It is no wonder that a large number of registered voters never make it to the polling booths on election day.

While I agree with the argument that a certain sense of community is lost with mail-in ballots, I think that it is largely a symbolic loss. I think that most people just get in and get out of the polling booth as quickly as they can, with little regard to the other citizens around them. It is more important to get a true sense of the will of the people, and this can be done only if we find ways to increase participation. I believe that the mail-in ballot procedure will help us do just that.

**Role 6: Ana Rodriguez** Good evening. My name is Ana Rodriguez, and I am a reporter for the city newspaper.

The comments made here tonight interest me both as a reporter and as a citizen, and I would like to use both voices to express my doubts about this new ballot technique.

As a reporter, my primary responsibility is to provide people with information about their community, their country, and the world. As I am sure you are aware, the media play a large role in framing the issues important to an election. Sometimes the media can even influence the election, as when reporters uncover information about candidates that influences voters' decisions.

In this election, it is projected that a majority of voters will send in their ballots within the first few days of the three-week period. What happens if the media uncover a new, important piece of information about a candidate after a large number of voters have already sent in their ballots? This is not an unlikely scenario. Voters who cast their ballots early are basing their decisions on an incomplete campaign, and they risk making a relatively uninformed decision.

As a citizen, I am concerned about the techniques that election officials will use to reduce the possibility of cheating. At a traditional polling station, you complete your ballot without attaching identification to it. You must sign into the station so that poll workers know that you are registered; but, otherwise, the actual voting process is secret. With the mail-in ballot procedure, your identification and a signature will be included in the envelope with the completed ballot to prevent double voting and other fraud. With these measures, how do I know that my anonymity will be maintained?

While I worry about the effects of these measures on the traditional anonymous vote, I also wonder whether they will be enough to prevent cheating. Supporters of the procedure hope that people will take the three-week voting period to find out about the issues by talking to family,

friends, and civic groups. While I agree that issues should be discussed with community members, I am concerned that some people might be forced to vote a certain way by these same groups. A spouse looking over your shoulder as you vote or a boss asking workers to complete their ballots in the workplace—these are real possibilities that infringe on our right to make election decisions in secret, without the fear of intimidation.

On the whole, as a reporter and a citizen, I must question the wisdom of adopting this mail-in ballot procedure at this time. Other states are experimenting with the idea as we speak. Let's wait until more evidence about its effectiveness is in.

### Resources

Claiborne, William. "Oregon Election Officials Tout Mail-in Ballot Result," *The Washington Post*, February 2, 1996, p. A13.

Egan, Timothy. "Living Rooms Replace Polling Booths in Oregon's Mail-in Senate Election," *The New York Times*, November 21, 1995, p. A19.

Keisling, Phil. "What If We Held an Election and Nobody Came?" *Washington Monthly* (March 1996): 40-41.

Ornstein, Norman. "A Vote Cheapened," *The Washington Post*, February 8, 1996, p. A25.

Rosenfield, Margaret. "All-Mail-Ballot Elections." *Innovations in Election Administration*, No. 11. Washington, D.C.: National Clearinghouse on Election Administration, Federal Election Commission, 1995.

Subcommittee on Elections of the Committee on House Administration, U.S. House of Representatives. *Hearing on Alternative Ballot Techniques* (September 22, 1994). Washington, D.C.: U.S. Government Printing Office.

### Web Sites

Oregon Secretary of State

<http://www.sos.state.or.us>

Federal Election Commission

<http://www.fec.gov>





## Forum Ballot

# Should the State Adopt a Mail-In Ballot Procedure for a Special Election for Senator of the U.S. Congress?

Circle the choice that best answers how you feel about voting and the mail-in ballot procedure.

	strongly agree				strongly disagree
1. Voting is the most important act that a citizen can perform.	1	2	3	4	5
2. When large numbers of people participate in an election, our democracy is made stronger.	1	2	3	4	5
3. The secret ballot is an important part of a democratic election system.	1	2	3	4	5
4. It is important for people to come together at a common place and time to cast their ballots.	1	2	3	4	5
5. Voting at a common place and time is inconvenient for people.	1	2	3	4	5
6. The government has a responsibility to make voting more convenient for people.	1	2	3	4	5
7. Voting by mail is no different than voting at a polling station.	1	2	3	4	5
8. Voting by mail is a good idea, and it should be adopted by every state.	1	2	3	4	5
9. Voting by mail will probably increase voter participation.	1	2	3	4	5
10. Voting by mail will cause people to feel less a part of the community.	1	2	3	4	5
11. Voting by mail will increase the cost of a candidate's campaign for national office.	1	2	3	4	5
12. Voting by mail will be less expensive for the taxpayer than traditional elections.	1	2	3	4	5
13. Voting by mail is fine for smaller local elections, but it should not be used for large national elections.	1	2	3	4	5
14. Voting by mail increases the chances for cheating.	1	2	3	4	5
15. The U.S. Postal Service is too unreliable for a mail-in ballot system.	1	2	3	4	5
16. Three weeks is an acceptable amount of time for voters to mail in their ballots.	1	2	3	4	5

### Write a short answer.

- Having considered the issues in the mail-in ballot procedure, I (agree with/disagree with/don't know how I feel about) the idea of adopting a mail-in ballot procedure for the Senate election in my state because . . .

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- Read the two statements below and choose the one you agree with most. Explain in a few sentences why you agree with the statement.

The mail-in ballot procedure will strengthen democracy because more people will be able to participate in elections.

The mail-in ballot procedure will harm democracy because it will decrease our sense of community with other citizens.

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# Election Resources. . . .

Paula A. Nessel

## Prepare for the Fall Election— Order Now!

Get ready for the November 1996 election now, so you don't have to scramble for materials in the fall, when it may be too late.

This being a presidential election year, the nation will be swamped with speeches, advertisements, debates, and "public service" announcements advising people how to vote for the "best" candidate. Following is a list of materials—teaching kits, books, simulations, videos, and more—that will help answer students' questions regarding the election process from both an institutional and political outlook. There is information on voting rights, the Federal Election Commission, political conventions, the Electoral College, and organizing a political campaign, among other important topics. Be prepared for fall—order now!

## Activity Books— Electing a President

Grade Level: 4–6

Help students learn about the electoral process and what it means to be informed citizens who vote. \$2.50 (minimum order \$10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

## How We Elect a President

Grade Level: 2–3

Students get involved in the presidential campaign as lively illustrations and grade-appropriate vocabulary help them understand the meaning of our democracy's most important day. \$2.50 (minimum order \$10.00);

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*Paula A. Nessel is the project coordinator for the American Bar Association National Law-Related Education Resource Center (NLRC) in Chicago.*

Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

## Path to the White House

Grade Level: 7–9

Teach students to probe the issues and strategies involved in the 1996 race for the White House. Candidates' biographies and up-to-date photos, maps, charts, and graphics stimulate critical thinking and lively class participation. \$2.50 (minimum order \$10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

## We Choose Our President

Grade Level: K–1

Help students understand the importance of the presidential election. Through pictures, simple text, and plenty of in-close activities, students learn about the president as the leader of our country, what the president does, and who the candidates are. (16 pages) \$2.50 (minimum order \$10.00); Weekly Reader Corporation, Customer Service Center, 3001 Cindel Drive, Delran, NJ 08370, 800/446-3355.

## Books—

### Choosing the President 1992: A Citizen's Guide to the Electoral Process

Grade Level: Secondary/Adult

A 160-page book from the League of Women Voters of California Education Fund. It analyzes the workings of political parties; campaign finance systems; convention delegate selection; party conventions; campaign techniques, strategies, and costs; voter behavior; and the electoral process. \$9.95 paperback (hardcover is out of print); shipping and handling included; quantity discounts available; Lyons & Burford, Publishers, 31 W.

21st Street, New York, NY 10010, 212/ 620-9580.

## Electing a President: The Markle Commission Research on Campaign '88

Grade Level: Secondary/Adult

This book by Bruce Buchanan reports the findings of the Markle Commission on the Media and the Electorate 1988 study of geographic and demographic factors on citizen participation in the election. \$27.95 plus shipping and handling; University of Texas Press, P.O. Box 7819, Austin, TX 78713-7819, 800/252-3206.

## The Election Survival Guide

Grade Level: Secondary/Adult

Available in early September, this guide will include information about on-line resources, voter registration, and how to be involved in electing a president and a directory of civic organizations. Free; multiple copies available to civic groups; Wisconsin Public Television, Citizens '96, Outreach Coordinator, 821 University Ave., Madison, WI 53706-1412, 608/265-4445, FAX 608/263-1952.

## Survey of Innovative Voter Registration Programs Across the USA

Grade Level: Secondary/Adult

A 30-page manual listing programs in every state and the District of Columbia (1996). \$5.00 plus \$2.00 shipping/handling (quantity discounts available); Standing Committee on Election Law, American Bar Association, 740 15th Street, NW, Washington, DC 20005, Attn: Bonita Ross, 202/662-1692.

## Curricula—

### First Vote: A Teaching Unit on Registration and Voting

Grade Level: 12

Lessons address attitudes toward voting, preparing for adulthood, becoming

ing a contributing member of society, and expanding the right to vote. Includes information about registering to vote and actual registration. Free; People for the American Way, 2000 M Street, NW, Suite 400, Washington, DC 20036, 202/467-4999.

### **KIDS VOTING**

Grade Level: K–12

This licensed program is a 50/50 cooperation between the school system and the community. The KIDS VOTING curriculum is taught at all grade levels, and students accompany their parents to polling places to cast special ballots on election day. Licensees receive implementation manuals, curricula for all grades (1,300 pages) and on-site consulting. Licensing fee plus about \$1.50 per child, about 35% raised in cash and the remainder in-kind (e.g., printing); KIDS VOTING, Marilyn Evans, President, 398 S. Mill Avenue, Suite 304, Tempe, AZ 85281, 602/921-3727.

### **Making History: A Social Studies Curriculum in the Participation Series**

Grade Level: 7–12

*Making History* helps teachers prepare students for democratic participation in society. Students are encouraged to use their own experiences to assess controversial issues. Activities explore the meaning of empowerment in the community and the nation at large. Students review case studies of community action, study models for decision making, and discuss strategies for creating change. (90 pages) \$19.00, nonmembers; \$17.10, members; Educators for Social Responsibility, 23 Garden Street, Cambridge, MA 02138, 800/370-2515.

### **Political Decision in 30 Seconds**

Grade Level: 6–12

A lesson on analyzing a 30-second political advertisement, including student participation in developing guidelines for producing responsible television ads. \$3.00 (shipping included); Phi Alpha Delta Public Service Cen-

ter, P.O. Box 3217, Granada Hills, CA 91394-0217.

### **Teaching Presidential Elections '96: A Guide for Educators**

Grade Level: 9–12

A collection of more than a dozen simulation, discussion, and role-play activities. Includes reproducible handouts and a pull-out primary/caucus scorecard. *Teaching Presidential Elections* is FREE with a minimum purchase of \$50.00 (before shipping and handling are added). Additional copies are available for \$5.95 (code L1778-96); Close Up Publishing, 44 Canal Center Plaza, Alexandria, VA 22314-1592, 800/765-3131.

### **News Media Resources—**

#### **ANPA Foundation's 1992 Election Supplement**

Grade Level: Middle School, but includes suggestions for adapting to other grade levels

A 12-page tabloid outlining lesson plans for classroom activities involving the use of newspapers to study national, state, and local elections. \$25.00; Newspaper Association of America Foundation, Nancy Osbourne, 11600 Sun Rise Valley Drive, Reston, VA 22091, 703/648-1053.

#### **Newsweek Social Studies Program**

Grade Level: Secondary

Fall 1996 titles include "The Changing American Political Spectrum/Campaign 1996" and "Understanding Political Cartoons," plus a 1996 election map. Free with subscription to *Newsweek*; Newsweek Education Program, P.O. Box 414, Livingston, NJ 07039, 800/526-2595.

#### **USA Decision: The Power of Each Voice**

Grade Level: Secondary

The Classline Today, Teaching Plan, curriculum guide, student supplements, and "Path to the Presidency" poster accompany subscriptions to *USA Today* newspapers in the *USA Today* Classline Series. The curriculum guide addresses themes of respon-

sibilities of citizenship, the election process, and election issues. The student supplements guide students through the decision-making process required of responsible voters. Teaching Guides \$3.00/Supplements \$.35; ask that teacher or school subscribe to newspaper; 1 per week for a 10-week time frame (newspapers cost \$.30). Call 800/USA-0001 to be referred to appropriate regional office of *USA Today*, or call 800/757-8322 for Education Subscriptions.

### **Organizations—**

#### **Federal Election Commission**

Has reports on topics such as ballot access, federal election statistics, and the Electoral College. Contact Federal Election Commission, 999 E Street, NW, Washington, DC 20463, 800/424-9530, ext. 4, or 202/219-3670.

#### **Human SERVE: Campaign for Universal Voter Registration**

Promotes the idea that allowing citizens to register to vote in an array of government agencies could raise registration and voting in the United States, especially among poorer and minority groups. Monitors adherence to the National Voter Registration Act. Contact Human SERVE, Campaign for Universal Voter Registration, 622 West 113th Street, Suite 410, New York, NY 10025, 212/854-4053.

### **Pamphlets—**

#### **Getting Out the Vote: Developing a Plan to Increase Voter Registration and Turnout**

Grade Level: Secondary

Provides information that will begin to increase voter registration and turnout by assessing the factors that affect voters in addition to developing a plan of action that will impact elections. One copy free; additional copies \$3.00 each (product code #5490040 45); American Bar Association, Service Center, P.O. Box 10892, Chicago, IL 60610-0892, 312/988-5522.

**Getting Out the Vote: A Guide for Running Registration and Voting Drives (#424)**

Grade Level: Voting-age students  
A 16-page booklet explaining how to run a voter registration and “get-out-the-vote” drive. \$1.25 each (quantity discounts available) plus \$1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

**How to Judge a Candidate (#818)**

Grade Level: Secondary  
This pamphlet describes seven steps on how to evaluate a political candidate. Also included are sections entitled “See through distortion techniques” and “Evaluate candidates’ use of television,” as well as a “Candidate Report Card” for the student to complete. \$.75 each (quantity discounts available) plus \$1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

**How to Watch a Debate (#819)**

Grade Level: Secondary  
Subheadings include “Candidate Debates: A Behind-the-Scenes Look,” “Impact of Debates,” and “Rate the Debate.” Suggested activities also included. \$.75 each (quantity discounts available) plus \$1 shipping and handling; League of Women Voters, 1730 M Street, NW, Washington, DC 20036, 202/429-1965.

**Voting Rights and Registration Program**

Grade Level: Secondary  
Information designed to educate and encourage the public to register and vote. Special emphasis on educating students about their rights and responsibilities as first-time voters. One copy free; additional copies \$3.00 each (product code #5490221 91F); American Bar Association, Service Center, P.O. Box 10892, Chicago, IL 60610-0892, 312/988-5522.

**Simulations—**

**Campaign**

Grade Level: 6–8  
Designed to teach how to organize and run a campaign for any elected office, be it for a student council or for a mock government election on a local or national level. \$34.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Campaigns ... the Electoral College**

Grade Level: 8–12  
Designed to help students understand that the president of the United States is elected, not by a popular vote, but by that mysterious group “the Electoral College.” This simulation will help them unravel the mystery and make what seems a boring concept an exciting experience. \$26.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Delegate: A Simulation of a National Political Party Convention**

Grade Level: 7–9  
Students are divided into five groups, from radical to reactionary, that work to build a platform and to select a nominee by bargaining and compromising with the various candidates. \$22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Electors: A Simulation of the Electoral College Process**

Grade Level: 7–9  
Students play roles of the two major party candidates and the chairs of each state’s electors. Features playing roles of the 1824 election, which resulted in a deadlock resolved in the House of Representatives. \$26.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Votes: A Simulation of Organizing and Running a Political Campaign**

Grade Level: 7–9  
Candidates, staff, and voters all play a role in this simulation. Committee members determine issue positions, disperse funds, and make decisions.

\$22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Votes: A Simulation of Organizing and Running a Political Campaign**

Grade Level: 8–12  
Designed to teach students the pressures and problems political parties face when working for votes in a political campaign. \$22.00; Interact, 1825 Gillespie Way, #101, El Cajon, CA 92020, 800/359-0961.

**Teaching Kits—**

**“Black Voting Rights”**

Grade Level: Secondary  
This portfolio of primary-source documents traces the struggle for black voting rights, beginning with the Reconstruction era after the Civil War. Includes four essays and 19 historical documents (e.g., “Opinion of W. E. B. Du Bois,” *Crisis*, 1920). \$35 plus handling; Jackdaw Publications, Division of Golden Owl Publishing, P.O. Box 503, Amawalk, NY 10501, 800/962-0022.

**Choosing the President: The 1996 Presidential Election Kits**

Grade Level: Middle/Secondary  
A ready-made unit for teaching about the election process and how it works. Includes two videos, *Electing a President* and *The Presidency*; two posters, “The Path to the White House” and “The Electoral College”; plus a 52-page resource guide filled with questions and answers about the election, reproducible activity sheets written on three levels, a glossary, and much more. \$119.50 plus 8% for shipping and handling; Knowledge Unlimited, Catalog Department, P.O. Box 52, Madison, WI 53701, 800/356-2303.

**“Votes for Women: The Fight for Suffrage”**

Grade Level: Secondary  
This portfolio of primary-source documents traces the history of the American women’s suffrage movement. Includes five essays and 14 historical documents (e.g., *The Revolution*, 1868

publication by Susan B. Anthony). \$35 plus handling; Jackdaw Publications, Division of Golden Owl Publishing, P.O. Box 503, Amawalk, NY 10501, 800/962-0022.

### Videos—

#### First Tuesday

Grade Level: 8 and up

A futuristic story in which a group of students sets out to reinstate voting, which had been eliminated in the U.S. due to apathy.

Length: 20 minutes. \$20.00; San Diego Registrar of Voters, 5201 Ruffin Road, Suite 1, San Diego, CA 92105, 619/694-3403.

#### First Vote

Grade Level: 12

A collage of on-the-street interviews, teen discussion, and historical sequences addressing the responsibilities of being an adult, the importance of voting, the enfranchisement of minorities and young people, and the impact of young people's participation in changing their communities.

Length: 14 1/2 minutes. Contact Citizen Participation Project at People for the American Way for current cost; People for the American Way, Citizen Participation Project, 2000 M Street, NW, Suite 400, Washington, DC 20036, 202/467-4999.

#### Your Vote

Grade Level: Middle/Secondary

History of the right to vote in America, reviewing the development of universal suffrage, highlighting the people and events that won the vote for African Americans, women, Native Americans, and 18-year-olds.

Length: 27 minutes. \$40.00; Taft Institute, 420 Lexington Avenue, Suite 2458, New York, NY 10170, 212/682-1530.

*Also see "Webbing It" on page 14 for additional resources.*

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