

**FIXING THE ELECTION PROCESS: LESSONS LEARNED FROM STATES AND LOCALITIES**

by  
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A thesis submitted to Johns Hopkins University in conformity with the requirements for  
the degree of Master of Arts

Baltimore, Maryland  
May 2022

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## **Abstract**

America is currently ranked 30 out of 35 countries in voter turnout among its peers in the Organization for Economic Cooperation and Development. When you delve deeper, participation in American democracy appears even more problematic, as certain socioeconomic and demographic groups are significantly less likely to participate than others, potentially skewing results. Several new reforms are being implemented across the country in different states to help remedy these perceived problems. These changes have come in the form of new electoral systems such as Ranked Choice Voting (RCV), new public financing systems such as the Democracy Voucher program in Seattle and the nine-to-one matching funds program in New York City, the expansion of convenience voting across the country, and new voter ID laws. By implementing these reforms, governments intend to increase turnout and allow for more accurate and equitable participation. Opponents argue that these reforms are intended to sway elections in a partisan manner and will result in increased instances of voter fraud.

The research analyzes case studies in Maine, San Francisco, Seattle, New York City, and multiple other states and localities to determine the impact these reforms have had on voter turnout as a whole, as well as changes in turnout across different demographics and socioeconomic groups. This research finds that the implementation of RCV results in higher turnout, more cordial campaigns, and higher voter satisfaction. Additionally, both Seattle and New York City's public financing methods are ultimately effective at increasing participation but are primarily utilized by groups that are traditionally already likely to participate. Finally, convenience voting measures such as Same Day Registration and All-Mail voting increase turnout but again are utilized primarily by those demographics who are already likely to participate. Beyond this, there is no evidence of increased instances of voter fraud as a result of

these reforms. Ultimately, the thesis recommends that it would be beneficial for states and the federal government to implement these reforms to make American democracy more equitable.

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## **List of Acronyms**

ID	Identification
NVRA	National Voter Registration Act
RCV	Ranked Choice Voting

## Introduction

America is the oldest democracy in the world, primarily due to the structure of the government and the Constitution. Because the Constitution is written as a living document and was left intentionally vague, it has allowed the country to adapt over time, constantly changing to confront any potential issues and problems that it may face. Additionally, it delegates a large amount of freedom to the individual states to run their governments as they see fit. Besides allowing the American governmental structure to survive across centuries, it has also allowed states to act, in the words of Justice Brandeis, as “the laboratories of democracy” for different government structures and election methods.

The United States Constitution clearly delineates the powers given to individual states and the federal government concerning selecting electors and conducting elections for the House and Senate. Individual states are afforded the power to choose the “Times, Places, and Manner of elections for Senators and Representatives”; however, Congress may “make or alter such Regulations.”<sup>1</sup> Power is primarily granted to the state to regulate their elections since the Founders felt they would be best able to determine how to carry out those elections. Still, the Framers provided the ability for Congress to make or alter the regulations created by the state to ensure that states would not implement unfair election processes or refuse to conduct elections. The powers granted to Congress in the Elections Clause have been utilized throughout history to create the modern election process as we know it: a Single National Election Day, splitting states into districts for the House of Representatives, campaign finance regulations, and the National Voter Registration Act. The U.S. Supreme Court has acknowledged that the interactions between state and federal government under the Elections Clause are unique when compared to

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<sup>1</sup> U.S. Const. art. I, § 4.

other portions of the Constitution. Unlike the Supremacy Clause, which requires a direct conflict between state and federal laws, the Elections Clause allows the federal government to supersede state law at will if they deem it necessary. The Supreme Court describes the power granted to Congress in the Elections Clause as “paramount,” and they explain that it “may be exercised at any time, and to any extent which Congress deems expedient.”<sup>2</sup> Congress should therefore pay close attention to how elections are being conducted on the state level to determine if there are changes that should be made federally to make elections more efficient nationwide.

Throughout America’s history, the conduct of elections and who is eligible to participate in them has substantially changed due to Congress' efforts utilizing the Elections Clause. From the elections of a young nation, where traditionally only White landed gentry could vote, to the 15<sup>th</sup> amendment in 1870, which prevented denying the right to vote based on color, race, or previous servitude, to the 19<sup>th</sup> amendment in 1920, which granted women the right to vote, to the Voting Rights Act of 1965<sup>3</sup> which made voting more accessible to African Americans and other minorities, to the 21<sup>st</sup> Century which has expanded All-Mail Voting and voter registration. Over America’s history, the country has also seen the conduct of elections change radically from the late 1700s, where candidates were expected to disperse alcohol at polling stations, to the Whistle-Stop Train Tour of William Henry Harrison in 1836, to the use of Television in the JFK and Nixon election in 1960, and finally to the multi-million-dollar campaigns that are occurring in today’s political landscape.<sup>4</sup> A majority of these changes and advancements have been

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<sup>2</sup> *Arizona v. Inter Tribal Council of Arizona*, 570 U.S. 1 (2013)

<sup>3</sup> Voting Rights Act of 1965 (PL 89-110, 79 Stat. 437)

<sup>4</sup>William Henry Harrison was the first candidate to use the train to campaign, traveling across the country starting in Wilmington, Delaware, to get his message to as many citizens as possible. He ultimately lost that year to Martin Van Buren, but revolutionized campaigning in the progress.



prompted by more progressive social norms and advances in technology, allowing the government to become more representative of the public it governs.

To make American democracy as effective and representative as possible, it is necessary to ensure that as many citizens can participate as possible with minimal barriers to participation. There are several different ways to participate in the electoral process, from voting to volunteering to donating, each with different barriers preventing participation. This thesis will focus on how election systems, campaign financing, and the conduct of elections differ on the state level and the impact these differences have on participation. Suppose these differences increase participation across all demographics and promote equality. In that case, there is potential that they could be implemented on the federal level or on a state-wide basis to ensure that elections continue to be conducted effectively.

The research will begin by observing differences in the current electoral system by focusing on first past the post and Ranked Choice Voting (RCV). RCV has recently gained popular favor across the country and has been implemented in Maine for state-wide elections. It is believed that this will increase participation by making third-party candidates more viable, making citizens feel as if their vote counts, and making elections more cordial. To determine the impact of RCV on elections, the research will focus primarily on Maine, the first state to utilize RCV in state-wide elections, and San Francisco, which has been utilizing RCV for the longest time in the United States. This will be done by looking at the historic voter turnout in elections and polling, focusing on the general sentiments of elections to see if voters feel as if their votes matter more and elections are more cordial between candidates. One of the proposed downsides of RCV is that it is too complex and will result in more incorrect or invalid votes being submitted; therefore, it is necessary also to analyze whether or not there are indications that RCV

actually complicates voting. In both of these case studies, it appears that the shift to RCV has resulted in a healthier democracy. Both Maine and San Francisco have seen their voter turnout increase since shifting to RCV. Additionally, voters feel that their votes matter more, they are freer to vote for the candidate they prefer, and that elections are more cordial. Beyond this, it does not appear that RCV is more confusing or harmful to any group's turnout. This potential downside can be further minimized by ensuring that localities provide education and public awareness campaigns well ahead of time to ensure that voters understand the new electoral system.

Political donations are one of the forms of participation that witness the most significant difference in participation across different ethnicities and socioeconomic groups. Nearly a third of individuals who had a family income of over 150,000 dollars made political donations in the 2016 election, compared to seven percent of families who made less than 30,000 dollars.<sup>5</sup> The next chapter of this research will focus on public financing in campaigns as a means to achieve more equitable participation and representation. Public financing has been accomplished on the federal level by receiving voluntary donations during tax season. There are many different ways that elections have been financed on the state and local levels, ranging from matching funds to tax credits for donating to campaigns to democracy vouchers. In order to gain a better understanding of the impact of different methods of public financing, the research will focus on case studies of Seattle and New York City's public financing of local elections. Seattle utilizes a first-of-its-kind Democracy Voucher program where any registered voter over the age of 18 receives 100 dollars from the city to donate to candidates who meet specific requirements to participate in the program. On the other hand, New York City utilizes a matching funds system

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<sup>5</sup> Adam Hughes, "5 facts about U.S. political donations," *Pew Research Center*, May 17, 2017. <https://www.pewresearch.org/fact-tank/2017/05/17/5-facts-about-u-s-political-donations/>

where donations made by individuals are matched at a nine-to-one ratio by the city government. Each of these methods removes different apparent barriers to participation which should boost participation. Seattle's method removes the need for a citizen to have extra income to participate. New York City increases the impact of a citizen's donation, which aids in removing a feeling of political inefficacy, but still requires them to have disposable income to participate. Both Seattle and New York City's methods of public finance are effective at bringing new donors into the fold and creating a more equitable donor pool.

Individuals face several obstacles when going to cast their ballot: having free time on Election Day, registering ahead of time, and having a correct form of voter ID to cast a ballot. The balancing act in the policy realm is between making ballots more accessible to the public and ballot security. Thanks to the COVID pandemic, the 2020 presidential election provided a unique natural experiment to explore changes in the voting process on voter turnout, as many states changed their voting processes to mitigate risks from the pandemic. Many states expanded the number of citizens eligible for absentee voting and additionally expanded early-voting opportunities. Taking advantage of this natural experiment, the final chapter focuses on different convenience voting measures such as expanding absentee ballots, All-mail voting, Same Day Registration, and voter ID laws. The research finds that it is not enough only to make it easier to register; there must also be some way to motivate citizens to vote. The expansion of Same Day Registration has resulted in a slight turnout increase. Still, it appears to be utilized mainly by demographics that are already more likely to vote. Additionally, the research finds that the implementation of All-Mail voting results in a significant increase in turnout. Finally, the research displays that the less strict voter ID laws are in a state, the higher voter turnout exists, with no corresponding increase in voter fraud. Additionally, the research demonstrates that

while popular sentiment believes that more relaxed voter ID laws and the expansion of convenience voting would primarily serve to benefit the Democratic party, that might not be the case. It does not appear that the implementation of All-Mail Voting or changing voter ID laws has a substantial partisan effect or increases voter fraud.

There were some complications in conducting this research. For one, different states have different available data from each of their elections, making it more difficult to draw parallels between different case studies. Additionally, many of these reforms have been implemented in relatively recent years, resulting in smaller sample sizes that complicate drawing meaningful conclusions from the data. Ultimately, there are a multitude of variables that could impact election turnout, and as such, it will be necessary to continue to verify the implications of these reforms over the years; as the sample size grows, their impact on turnout and participation will become more clearly defined.

The ability of each individual state to decide how they desire to conduct elections allows for numerous natural experiments to be run in parallel and for states to learn from the reforms made in other states. By observing the electoral reforms that have been taken from Maine to California, parallels can be drawn that will allow for recommendations to be suggested for different locales to maximize voter turnout and create more equitable participation across all forms of political participation. The conclusion and recommendations section of this thesis will expound on the findings of each of the chapters and make recommendations for what reforms could be implemented on the federal level and in other states and localities that will have more success in optimizing turnout efficiently. Additionally, for a number of these reforms to be successful, there must be large education campaigns conducted to ensure that citizens understand how the programs work and can utilize them properly. By having a proper understanding of the

impact of reforms, it allows decision-makers and citizens to better argue for changes that will benefit the American political system. While the popular belief is that the expansion of convenience voting measures and removal of voter ID laws will benefit underrepresented ethnic groups, it appears that they tend to benefit groups that are already more prone to participate in the electoral process. This knowledge allows the government to determine why this is occurring and decide if another reform may be more effective at achieving its intended purpose.

By having a better understanding of the impact these reforms have on participation, states will be able to make more informed decisions regarding the implementation of reforms and how to make them as successful as possible. Finally, recommendations will be made regarding future research that could be beneficial. Several of the reforms that are discussed in this research are new reforms, and as such, there is a limited amount of data, which leaves room for future research to be conducted to either verify or refute the findings in this work. Also, as the years continue to pass and more elections are performed, American democracy will continue to grow, and new reforms will be developed. Each of these reforms should be researched to verify that they are acting in the best interests of the majority of Americans and creating a government that is as equitable as possible. It is essential that governments have as much information as possible to properly assess any potential repercussions of implementing new policies as it is sometimes possible that there are unintended consequences when public policy is changed. This consistent questioning attitude will guarantee that governments correctly understand the impact of the reforms they have implemented and that American democracy can continue to grow and prosper. This research will serve to provide amplifying information to local, state, and federal entities regarding the impacts of changing the election process, which has been seen in areas across the United States who have been reforming their processes.

## **Chapter One: Ranked Choice Voting**

### **Introduction**

In order to expand the effectiveness of democracy, it is necessary to ensure that maximum participation occurs at all levels. This, in turn, will increase the likelihood that citizens feel adequately and accurately represented.<sup>6</sup> No one electoral system is exactly the same, and around the world, different countries utilize different systems with highly differing results. Electoral systems range from plurality systems, in which the candidate with the most votes wins regardless of the overall percentage of votes that they receive, to majority systems, where the winner must have over fifty percent of the vote, to proportional systems, where the number of representatives assigned is proportional to the number of votes that they receive. None of these systems are perfect, and each has inherent benefits and flaws. One significant downside of plurality systems, like the first past the post method that the United States primarily uses, is that they have the potential to leave a large portion of the electorate disillusioned with the process and feeling as if they have minimal influence on the political system. Another issue with plurality systems is that they force citizens towards one of two main choices, further increasing dissatisfaction. In the United States, voter participation fluctuates between thirty-five and sixty percent of eligible voters depending on several factors such as the office the election is for, the level of competition, and the complexity of the election.<sup>7</sup> Another major contributor to why some people decide not to participate in the election is an overall sense of disillusionment that results from many different factors. However, a significant source of this disillusionment comes from the unique way that America practices democracy.

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<sup>6</sup> While a majority of citizens agree increased participation is beneficial to the democratic process, there is a portion of the population who believes that participation and the reduction of political inequality is not vital nor constructive to the democratic process.

<sup>7</sup> Amelia Thomson-DeVeaux, Jasmine Mithani, and Laura Bronner, "Why Many Americans Don't Vote," Five-Thirty Eight. 26 Oct. 2020. <https://projects.fivethirtyeight.com/non-voters-poll-2020-election/>

A potential cure to this ailment in American Democracy is to revamp the electoral system to something that could result in more meaningful representative elections. Electoral systems became a hot-button topic during the early twentieth century when countries began enacting electoral reform as a means to have more representative, liberally principled governments. Several electoral systems may increase American voter turnout, such as proportional systems, where each party is assigned a number of seats based on the proportion of the vote they won, or mixed voting systems, where some members are elected by one-on-one plurality votes and others by proportional representation. Additionally, voter turnout could likely be increased by making Election Day a Federal Holiday, making it easier to register to vote, or even making mail-in-voting more widespread and easier to utilize, which will be discussed further in Chapter Three. One solution that is gaining momentum to reduce America's disillusionment is shifting America's electoral system to RCV instead of the current first past the post model. RCV is not an untested model around the world or in American society. Outside the United States, RCV, or some variation, is used in most developed democracies. Inside the United States, some local races currently utilize RCV, such as races in California, Massachusetts, New Mexico, Minnesota, and several others. Significantly, in 2016, Maine voted to use RCV for all state and federal primary elections, general elections for Congress, and general elections for President beginning in 2020.

In *Democracy and the Politics of Electoral System Choice*, Amel Ahmed, studies a series of electoral transformations over the years in multiple countries and establishes that a significant reason for electoral reform is to maintain order and therefore occurs as a response to the current political parties and structure at the behest of politicians.<sup>8</sup> Alan Renwick expounds on Ahmed's work and discusses that although politicians have substantial influence over electoral systems, if

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<sup>8</sup> Amel Ahmed, *Democracy and the Politics of Electoral System Choice: Engineering Electoral Dominance*. (Cambridge, NY: Cambridge University Press, 2014)

a majority of the populace becomes unhappy with the current system, it is possible to push through a change to make the system work better for the people.<sup>9</sup> In *Helping America Vote: The Limits of Election Reform*, Martha Kropf, and David Kimball look into the possibility of electoral reform inside the United States. Kropf and Kimball determine that electoral reform in America occurs due to "triggering events." Specifically, they address the 2000 election between President Bush and Vice President Gore.<sup>10</sup> Events such as this, where the winning candidate does not receive the majority of the popular vote, can act as a catalyst for reform; with this occurring again in 2016, America has seen renewed calls for reforming the Electoral College and how the President is elected.

In "Maine Ranked-Choice Voting as a case of Electoral-System Change," Jack Santucci discusses what principles are necessary for Ranked-Choice voting initiatives to succeed. He hypothesizes that fertile soil exists for reform where most voters prefer the losing major party to the alternative, the losing party knows this, and some spoiler is present.<sup>11</sup> He finds that when Maine adopted RCV, the losing major party supported reform, they had reason to believe more voters supported reform than did not, and there was no similarly positioned party. Additionally, he posits that RCV will find more support in elections with spoiler, third-party candidates. RCV systems allow third-party candidates to achieve greater success as voters will not view casting a ballot for third-party candidates as throwing their votes away or being a waste of time. Is it possible, then, to overhaul America's electoral system in such a way that it will fix several ailments that are destroying American confidence in the political system? Currently, America's

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<sup>9</sup> Alan Renwick, *The Politics of Electoral Reform: Changing the Rules of Democracy*. (New York: Cambridge University Press, 2013)

<sup>10</sup>Martha Kropf and David Kimball, *Helping America Vote: The Limits of Electoral Reform*. (New York, NY: Routledge, 2012)

<sup>11</sup> Jack Santucci, "Maine Ranked-Choice Voting as a Case of Electoral-System Change." *Representation* Volume 53, Issue 3. (July 2018): 297. <https://doi.org/10.1080/00344893.2018.1502208>



Single Member Plurality system serves only to disillusion the populace, resulting in lower voter participation and less accurate participation. Shifting to a RCV system will reinvigorate the public, resulting in better voter turnout, more positive feelings regarding elections, and fewer voting errors than a first past the post model.

First, it is necessary to explore the current thought process as a frame of reference for where the research will fall. The significant implications of changing an electoral system are how it will affect three things, the voter, campaign strategy, and the outcome of those elections. After this, the research will delve into specific case studies in the State of Maine and San Francisco, California. The research will compare the use of RCV in Maine, the first state to implement the practice state-wide for federal elections, and San Francisco, the first city to use RCV in the modern era. By observing Maine, the newest and most extensive user of RCV, the research will draw connections across a more diverse electorate and see if any factors contribute to making RCV harder to implement in state-wide elections than the local elections a majority of studies have focused on. Next, the research will investigate similar factors in San Francisco to draw parallels between the two and help determine if the impact due to RCV is different in different-sized electorates and elections. This research will develop a new point of view as Maine is the first state to utilize RCV on a state-wide scale, and by comparing their participation, and feelings regarding RCV to San Francisco, there is potential to uncover how the impacts of RCV are different on a state-wide level than when they are conducted only on the municipal level.

## **Literature Review**

### **Voter Impact**

Over the past few election cycles, there has been a substantial decrease in the middle ground between the two major political parties. In 2016, Pew conducted a poll that revealed that

most Democrats and Republicans, 75 and 64 percent respectively, felt as if the other party was close-minded. A majority of each party also felt as if the other Party's members were immoral, and a majority of Republicans felt as if Democrats were "unpatriotic."<sup>12</sup> This hyper-partisanship among the public has reduced voter turnout due to disillusionment with the political process and governmental organizations inside the United States.<sup>13</sup> For most voters in the United States, first past the post elections are the only electoral system they have ever experienced. Because of this, the implementation of a new electoral system will have a significant impact on the voter. This can result in both beneficial and potentially harmful outcomes. Most researchers suggest that this shift would allow voters to vote more sincerely and accurately represent themselves. One of the significant proposed drawbacks of this method is that elections may become more complex and result in more exhausted ballots. In order to determine whether these potential benefits and risks have merit, several studies have been conducted.

In *Patterns of Democracy*, Lijphart argues that proportional systems are better than their counterparts because they allow for a more accurate representation of societal, ideological, and ethnic division in society.<sup>14</sup> This increase in the accuracy of representation will result in a greater buy-in for the system, which would increase voter participation. Simultaneously, however, some argue that the increased confusion from having a new electoral system that requires voters to select multiple candidates and rank them in order of preference, when compared to the current model, will result in lower participation and more improperly filled out ballots, which may result in reduced participation.

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<sup>12</sup> "Partisan Antipathy: More Intense, More Personal", Pew Research Center, October, 2019.  
<https://www.pewresearch.org/politics/2019/10/10/partisan-antipathy-more-intense-more-personal/>

<sup>13</sup> Thomson-Deveaux, "Why Americans Don't Vote".

<sup>14</sup> Arend Lijphart, *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. (London, UK: Yale University Press, 1999)

In "Self-Reported Understanding of Ranked-Choice Voting," Todd Donovan, Caroline Tolbert, and Kellen Gracey conducted a survey to determine whether RCV is actually more complex when compared to plurality systems across all demographics. They found that there is no indication that RCV is more confusing than the current plurality system and found no reason to believe that any ethnicity is affected more negatively than another.<sup>15</sup> Lindsay Nielson's research in "Ranked Choice Voting and Attitudes toward Democracy in the United States" echoes this narrative. In this study, Nielson utilized two groups: each given fourteen candidates; one group was instructed to utilize RCV and the other plurality. Nielson found no indication that RCV was more complex than the plurality system. Additionally, she found that regardless of the method they voted with, the participants felt that RCV elections were fairer and would not significantly impact the election outcome. Interestingly, Nielson also discovered that those participating in RCV were likely to reach across party lines and split their top two spots between two competing parties.<sup>16</sup> This indicates that RCV systems may lead to voters being more open to reaching across the aisle. In "Rank Deficiency?" Jesse Clark determines that voters who utilize a RCV system can vote more sincerely and better express their personal views than in a plurality system. However, he does find evidence that it lowers voter confidence and does take longer to vote than it would in a plurality election.<sup>17</sup> That being said, David Farrell and Ian McAllister conducted a study on voter satisfaction in RCV systems. Farrell and McAllister found a higher level of voter satisfaction with the election outcome as a whole in countries with preferential

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<sup>15</sup> Todd Donovan, Caroline Tolbert, and Kellen Gracey, "Self-Reported Understanding of Ranked-Choice Voting," *Social Science Quarterly*, Volume 100, Number 5 (August 2019).

<sup>16</sup> Lindsay Nielson, "Instant-Runoff Voting and Attitudes on democracy in the United States: Results from a Laboratory Experiment," Center for the Study of Democracy (2011), 13.  
<https://www.democracy.uci.edu/files/docs/conferences/grad/2011/Nielson%20-%20Instant%20Runoff.pdf>

<sup>17</sup> Jesse Clark, "Rank Deficiency? Analyzing the Costs and Benefits of Single-Winner Ranked-Choice Voting?" *MIT Political Science Department Research Paper No. 2020-8*. 1 OCT 20. <http://dx.doi.org/10.2139/ssrn.3703197>

voting.<sup>18</sup> Higher satisfaction with electoral results and the process will translate to increased voter participation and more accurate representation. Additionally, Farrell and MacAllister compared elections in candidate-centric and party-centric systems. Doing so, they found that overwhelmingly RCV elections in candidate-centric systems result in significantly higher levels of voter satisfaction.<sup>19</sup>

In *Breaking the Two-Party Doom Loop*, Lee Drutman presents several arguments both supporting and opposing RCV. One potential downside is that the system is so complex that it will confuse and discourage participation among minority and impoverished communities.<sup>20</sup> A majority of Americans do not closely follow politics. To yield the benefits of RCV, the voters must make intelligible rankings based on their preferences for candidates. In the current plurality system, Americans already struggle with having sufficient information and understanding of the races in their district. In 2016 shortly before the Presidential election, only 48 percent of Hillary Clinton supporters felt they understood her positions. Only 41 percent of Donald Trump supporters thought they understood his.<sup>21</sup> When asked to rank more candidates in an RCV election, this information deficit becomes even more of a concern. In support of RCV, Drutman does find that RCV promotes more honest voting and greater participation, even though it does require a higher bar for entry to be used effectively. Douglas Amy's research in *The Case for Proportional Elections in the United States* also reveals similar conclusions to Drutman. Amy finds that cities

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<sup>18</sup> David Farrell and Ian McAllister, "Voter Satisfaction and Electoral Systems: Does Preferential Voting in Candidate-Centered Systems Make a Difference," *CSD Working Papers* (2004): 8. <https://escholarship.org/uc/item/4c51z9mt>

<sup>19</sup> Ibid.

<sup>20</sup> Drutman, *Breaking the Two-Party Doom Loop*, 181

<sup>21</sup> J. Baxter Oliphant, "Many Voters Don't Know Where Trump, Clinton Stand on Issues," Pew Research Center. September 23, 2016. <https://www.pewresearch.org/fact-tank/2016/09/23/ahead-ofdebates-many-voters-dont-know-much-about-where-trump-clinton-stand-on-major-issues/>.

in the United States and countries overseas that have shifted to RCV have also seen increased participation, more accurate representation, and higher voter satisfaction.<sup>22</sup>

### **Campaigns and Strategy**

In the current first past the post system, campaign strategy has evolved substantially over time. Campaigns have become increasingly candidate-centric, negative, and divisive. Ideally, campaigns would focus on the issues, and each candidate's personal life would take a back seat. However, campaigns have become increasingly personal, especially in the last two elections. Additionally, advertisements have become increasingly negative over time. Research has determined that negative advertisements are more effective at getting the message across to voters and increasing support.<sup>23</sup> Importantly, campaigns have become increasingly divisive and have served to drive a wedge between the American populace on either side of the spectrum. By taking advantage of identity politics, the effectiveness of negative campaigning over positive campaigning, and pitting the masses against each other, campaigns have found a recipe for success in the current electoral system at the populace's expense. It is possible to shift campaign strategies to be more beneficial for all by embracing a new electoral system.

RCV provides the possibility to roll back the clock and incentivize candidates to conduct positive campaigning. Because of the ranking system, staying positive provides a legitimate benefit of being a voter's second choice which could result in success. Following November 2013 local elections, Rutgers University, in collaboration with Professor Caroline Tolbert and Todd Donovan, polled 2400 likely voters in several cities that utilize RCV and a few cities that do not use RCV as a control group. Tolbert and Donovan found that in cities with RCV, voters

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<sup>22</sup> Douglas Amy, *The Case for Proportional Elections in the United States*, (New York: Columbia University Press, 1993)

<sup>23</sup> Erika Franklin Fowler, Michael M. Franz, and Travis N. Ridout, *Political Advertising in The United States*. (New York: Routledge, 2016), 8.

were five times less likely to say that the candidates criticized each other "a great deal" and three times more likely to say that they did not criticize each other at all.<sup>24</sup> Additionally, Tolbert and Donovan established that candidates participating in RCV were less likely to feel they were portrayed negatively by their opponent than in non-RCV cities (29 to 40 percent).

Drutman continues on in *Breaking the Two Party Doom Loop* to discuss how RCV has contributed to elections becoming more policy-focused.<sup>25</sup> This is because, in an RCV system, candidates will fill more places on an ideological spectrum instead of just left or right, which mitigates the viability of running a campaign purely on grand promises and alleging the other party as extremist.<sup>26</sup> To stand out among the pack, candidates must display their differences from the other liberal or conservative candidates on each issue and attempt to garner broad acceptability among as many groups as possible. Additionally, because parties would have "smaller tents," there are fewer internal differences to navigate to form a coalition.

One of the most substantial changes in campaign strategy and execution that may occur with the adoption of RCV is the propensity for candidates and parties to support other candidates in the race. Michael Gallagher discusses this when reviewing changes in Ireland since they have adopted a proportional representation system. During his analysis, he found that many parties and candidates will tell their supporters not only "vote for me" but then "vote for this candidate as option 2, and this candidate as option 3."<sup>27</sup> Ben Reilly found that in Maine's Second district, almost 70 percent of Republicans did not enter a second preference on their ballot; however, the Democrats overwhelmingly entered a second preference, and in turn, the Democratic candidate

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<sup>24</sup> Andrew Douglas, "Ranked Choice Voting and Civility: New Evidence from American Cities," Fairvote: The Center for Voting and Democracy, April 2014, 2. <https://fairvote.app.box.com/v/rcv-new-evidence-us-cities>

<sup>25</sup> Drutman, *Breaking the Two Party Doom Loop*, 214.

<sup>26</sup> Ibid.

<sup>27</sup> Michael Gallagher, "Party Solidarity, Exclusive and Inter-Party Relationships in Ireland, 1922-1977: The Evidence of Transfers," *Economic and Social Review*, Vol. 10, No. 1 (1978).

received a large number of second preference votes allowing for the Democratic candidate to come from behind in the second tabulation and beat their Republican opponent.<sup>28</sup> This inter-candidate support and potential for inter-party support in elections open the door for newfound cooperation between parties and forming effective coalitions in government.

### **Election Outcomes**

If RCV, or any electoral system change, aims to revolutionize the American democratic process, it is essential to determine if the change would actually impact the outcome of elections. The most straightforward way to determine if RCV affects the outcome of an election is to look into elections that resulted in a second round of tabulation and resolve if the outcome was different from if the election occurred in the old first past the post model.

In 2018, the first year that Maine used an RCV model, only three elections resulted in a second round of tabulation: the Democratic Gubernatorial Primary, the Democratic Congressional Primary (Second Congressional District), and the general election for the Second Congressional District.<sup>29</sup> Only the general election race resulted in a different result than would have been received in the legacy plurality system in these three races. After the first round of tabulation, Poliquin had 134,184 votes (46.33 percent), and Golden received 132,013 votes (45.48 percent). After redistributing the last-place candidate's votes, Golden ended up winning the election 142,440 to 138,931. Since 2004 when San Francisco began using RCV, there have been a total of 15 RCV races in the United States where a candidate other than the first-round leader ended up winning.<sup>30</sup> This translates to a 4.2 percent change in electoral results across the

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<sup>28</sup> Benjamin Reilly, "A Tale of Two Continents: Ranked Choice Voting in Australia and America," Paper Submitted to *Annual Meeting of the American Political Science Association*, Washington D.C., 29 August 2019.

<sup>29</sup> Adam Crepeau and Liam Sigaud, "A False Majority: The Failed Experiment of Ranked-Choice Voting," The Maine Heritage Policy Center, 2019, 20. <https://mainepolicy.org/wp-content/uploads/RCV-Final-Booklet-.pdf>

<sup>30</sup> "Who Wins RCV Races?" FAIRVOTE. Accessed on 19 June, 2021. [https://www.fairvote.org/data\\_on\\_rcv#research\\_rcvwinners](https://www.fairvote.org/data_on_rcv#research_rcvwinners)

353 single-winner RCV races. One potential problem with this research is that most RCV races occur on a local level where there is less diversity than state-wide or nationwide races where there is a possibility for a higher number of candidates and more variety in the outcome.

Another metric used to determine the impact on the electoral outcome is the percentage of races that result in the Condorcet candidate winning. The Condorcet criterion state that the candidate who would win a one-on-one matchup against every other candidate should win the election.<sup>31</sup> RCV does not guarantee that every election will result in the Condorcet candidate winning; however, it is more likely to occur than in a plurality system. Since 2004, only one RCV election, the 2009 Burlington mayoral election, has resulted in the Condorcet candidate not winning. In this election, the three candidates received 37 percent, 34 percent, and 29 percent of the vote. Thus, the system eliminated the third-place candidate; however, it became apparent that supporters of the top two candidates each ranked him higher than the other candidate when reviewing ballot image data. In this situation, the Condorcet candidate would have lost either in a two-round runoff or a plurality system, thus demonstrating that RCV does not result in Condorcet candidates losing when the current method would enable them to win.

In *Full Representation: The Case for a Better Election System*, Douglas Amy argues that adopting RCV will make third parties viable.<sup>32</sup> Recent elections have seen more citizens feel as if they need to pick between the lesser of two evils, and several voters think, in the current system, as if a vote for a third-party candidate is a vote for their less preferred candidate. Amy concludes that America understands that fair competition is good for consumers in the business sector, and politics would benefit from similar competition.<sup>33</sup> By shifting to a RCV system,

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<sup>31</sup> Ibid

<sup>32</sup> Douglas Amy, *Full Representation: The Case for a Better Election System*. (Northampton, MA: Crescent Street Press, 1997), 18.

<sup>33</sup> Ibid.



voters can vote for their preferred candidate regardless of party and not have to worry about "throwing away" their vote.

Table 1 presents the differences between a first past the post system and a RCV system on several metrics that a change in the electoral system could impact. The first past the post system that the United States utilizes clearly presents a number of issues that result in disillusionment among the American public. By shifting to RCV, there is a potential to increase voter participation across the country, which would create a government that is more representative of the public than is currently seen with a relatively low voter participation rate. Additionally, RCV allows citizens to vote their conscience without the concern of "throwing their vote away," which results in increased accuracy of representation. Due to the relatively higher information deficit in a RCV system, it is necessary to ensure that there are thorough educational campaigns regarding how voting will work, the candidates themselves, and the issues. This allows citizens to ensure that they use this new electoral system properly, resulting in the maximum possible benefit. Providing thorough education prior to the election on the new system reduces the amount of voter confusion faced by the electorate. Also, it improves voter satisfaction by ensuring that they fully understand how the election was determined. As seen following the 2020 election, transparency regarding election results and processes are key to ensuring that voter satisfaction remains high.

**Table 1:** Suggested Effects on Democracy of First Past the Post vs. RCV Systems

	<b>First Past the Post</b>	<b>RCV</b>
<b>Voter Participation</b>	Lower	Higher
<b>Voter Satisfaction</b>	Lower	Higher
<b>Voter Confusion</b>	Low	Low
<b>Information Deficit</b>	Lower	Higher
<b>Quality of Representation</b>	Lower	Higher
<b>Campaign Conduct</b>	Less Civil	More Civil

### **Methodology**

From the above discussion, it is clear that there are definitely some potential benefits and risks associated with shifting to a RCV electoral system. The potential improvements that could be felt at the citizen level could have substantial ramifications throughout the system. That being said, there is also the potential that RCV will not remedy the ailments that are facing the United States. Proponents of the first past the post system argue that the system is easier and more straightforward to use; it allows for the opposition party to have a significant enough number of seats to check the power of the majority party as well as pose itself as the opposition and encourages political parties to be broadly based and field a diverse set of candidates. In order to delve deeper and look at the actual implementation of RCV in the United States, this thesis will be looking at two different cases that will shed some light on the issue. First, the research will focus on Maine, which implemented RCV recently and is currently the only state utilizing RCV for federal elections. Next, the research will focus on San Francisco, which has been utilizing RCV since 2004 in municipal elections. In order to support the hypothesis, the research will be looking at voter participation before and after the implementation of RCV, the number of

overvotes in pre and post-RCV elections, and the general sentiment of the citizens regarding their feelings on elections and RCV versus first past the post. A number of factors go into properly assessing voter turnout between RCV elections and plurality elections. One of the most significant factors that could impact voter turnout is the level of the election. Local elections traditionally have the lowest voter turnout, and runoff elections traditionally have significantly lower turnout than the original elections, especially if they are held originally on a day with other races. That being said, one would expect that the change in voter turnout would still vary by a similar percentage of the whole for each election, regardless of the level. In order to assess the complexity of ballots, the research will be looking at the number of overvotes in each election compared to the plurality system and exit polls that covered the perception of how RCV was implemented. It would be irresponsible to measure the complexity of ballots by analyzing undervotes, as some people decide not to vote in certain races for more reasons than the system's complexity, such as not being interested in down-ballot elections or not supporting more than one candidate.

## **Case Studies**

### **Maine**

In November of 2016, Maine passed an initiative in order to implement RCV for all primary and general elections for governor, state legislature, and federal congressional offices.<sup>34</sup> Maine initially used RCV in June of 2018 for state and federal primary elections. Concurrently with this election, voters agreed to continue using RCV for all future state and federal general and primary elections, which finally occurred in November of 2018. After this, the state passed a resolution to expand RCV to the presidential primary and general elections, which was initially

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<sup>34</sup> “Timeline of Ranked Choice Voting in Maine” FairVote, Accessed 21 July, 2021.  
[https://www.fairvote.org/maine\\_ballot\\_initiative](https://www.fairvote.org/maine_ballot_initiative)

utilized for the 2020 Presidential elections. Still, even though this resolution received the second most votes out of any initiative in Maine history, a few legal battles have occurred regarding the constitutionality of RCV in the state.<sup>35</sup> The most substantial case, *Barber v. Dunlap*, was started by the incumbent congressman Bruce Poliquin, who began the lawsuit after he lost his seat in the second round of tabulation after leading the first round. The court ruled that RCV was constitutional, and Bruce Poliquin ultimately conceded the election to his Democratic challenger.

On June 12, 2018, Maine conducted their first set of RCV elections, including the Democratic Gubernatorial Primary and the Democratic Congressional Primary for the second district. Of note, the Republicans still decided to run their primaries for both of these elections as plurality elections. By November 6, 2018, the Republicans had filed lawsuits to prevent conducting the Gubernatorial general election as a RCV election. Instead, it was run as a plurality vote; however, they could not stop the election for Maine's Second District from being conducted in a RCV manner.

**Table 2: Maine Voter Turnout, 2010-2020**

<b>Year</b>	<b>Gubernatorial Democratic Primary</b>	<b>Democratic Primary District 2</b>	<b>Republican Primary District 2</b>	<b>Congressional District 1 General</b>	<b>Congressional District 2 General</b>	<b>Presidential General</b>
<b>2010</b>	(P) 37.7	(P) 14.0	(P) 15.5	(P) 62.9	(P) 55.4	
<b>2012</b>		(P) 17.9	(P) 28.2	(P) 72.6	(P) 74.4	(P) 73.6
<b>2014</b>	(P) 21.2	(P) 22.5	(P) 27.8	(P) 62.6	(P) 66.3	
<b>2016</b>		(P) 18.1	(P) 16.5	(P) 76.1	(P) 62.1	(P) 72.5
<b>2018</b>	(R) 37.9	(R) 28.1	(P) 29.6	(P) 72.0	(R) 55.9	
<b>2020</b>		(P) 29.2	(R) 39.8	(R) 82.1	(R) 73.0	(R) 78.0

Note 1: All values are displayed in percent of registered voters.

Voter turnout was calculated using information available from the Maine Department of State website using the number of votes received in each election divided by registered voters

<sup>35</sup> Ibid.

when the election occurred. Elections from 2010 through 2020 were used to have a representative sample of elections going far enough back to determine what trends may exist. Presidential Primaries were not considered because they are still conducted as plurality elections, and therefore any change in voter turnout would not be due to RCV. For this reason, in general, only elections conducted during this period that shifted from plurality to RCV were considered.

Interestingly, the Republican and Democratic parties changed off whether their Congressional primary elections for the second district would be carried out as RCV or plurality elections, with the Republicans conducting it as RCV in 2020 but not in 2018 and the Democrats conducting it as RCV in 2018 and not 2020 even though the general election was RCV for both years. The data shows that the Democratic Gubernatorial Primary, Republican Congressional Second District Primary, both Congressional District General Elections, and the presidential election all had increased turnout after shifting to RCV from the plurality system. Voter turnout for the Democratic Primary in the Second Congressional District increased in 2018 from the plurality percentage in 2016 but did not beat out the turnout number in 2020 when it went back to a plurality election. This is most likely due to the increased turnout for primaries based on 2020 being a presidential election year. Additionally, the Second Congressional District saw a decrease in turnout between 2016 and 2018 after shifting to RCV, again most likely due to being a mid-term election year, and then saw a marked increase in 2020 when the Presidential election came back around. Other than these few cases, it appears that shifting to a RCV system did increase voter turnout by some amount, even if it was fairly minimal in some cases.

Besides the potential for improving voter participation in elections, another significant impact that RCV could have is improving the general sentiment of the electorate regarding elections. Elections have become increasingly hostile over the last several years, with many

Americans beginning to feel as if the system does not accurately reflect their beliefs. In 2016, over half of each party viewed the other party as close-minded, and over a third viewed the other party as both dishonest and immoral.<sup>36</sup> Additionally, the hostility of elections is beginning to affect the role of America on the international stage. Following the Portland, ME mayoral election after shifting to RCV, a non-profit organization, FairVote, conducted an exit poll with early voters. FairVote found that 40.5 percent of respondents felt that the election contained less negative campaigning during the exit poll.<sup>37</sup> Beyond this, over 45 percent of respondents shared the belief that they felt more inclined to vote for their preferred candidate than they did in previous elections, with only five percent saying they were less likely. This is substantial because the freedom to elect the candidate with whom one most clearly aligns will result in an electorate with greater faith in the electoral process and more satisfied with the results than if they feel it necessary to choose between the lesser of two evils. FairVote also conducted polling state-wide to aid in determining how the general public felt regarding RCV. After completing the survey, they discovered that 67 percent of voters state-wide support RCV or prefer RCV to their previous electoral system.<sup>38</sup>

Routinely, one of the pitfalls of RCV that its opponents propose is that it is overly confusing and will result in an increased number of invalid ballots. The basis for this criticism is that Ranked Choice ballots require additional information to utilize the ballot to its full extent. The belief is that this heightened requirement paired with a new ballot will result in increased confusion as ranking candidates is not as clear-cut as traditional plurality voting. If RCV ends

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<sup>36</sup> Pew Research, “Partisan Antipathy”.

<sup>37</sup> “Portland, ME Mayoral Election: One-Day Survey Results.” InstantRunoff. Accessed July 22, 2021. <http://instantrunoff.com/assets/NewFolder-2/Portland-ME-Survey-11-3-11.pdf>

<sup>38</sup> “Exit Surveys: Voters Evaluate Ranked Choice Voting After First Use.” FairVote, Accessed July 21, 2021. <https://fairvote.app.box.com/s/hlzeu53uw0nrw9yzhbjk4flx2uf9x4fg>

up being too complex to be carried out properly, it will not be able to provide the suggested benefits. During FairVote's exit polling across Maine after their first use in 2018, they found that 78 percent of voters felt that they understood RCV well or reasonably well, and 74 percent of voters felt as if the process was "easy."<sup>39</sup> In Maine's Second Congressional District's Democratic Primary in 2018, only .24 percent of ballots cast were overvotes.<sup>40</sup> Additionally, only .34 percent of Maine's 2018 Democratic Gubernatorial Primary, which contained seven candidates, were overvotes. In their first state-wide general election, the Congressional election for the Second District, only .32 percent of their total ballots were overvotes. This is markedly lower than in most traditional elections, where some elections result in overvotes as high as two to three percent. A significant reason that Maine had success with its implementation of RCV is that they ensured that educational resources were part of the rollout plan. In preparation for RCV implementation, the state created a website, handed out fliers, created videos and a simple FAQ that explained terms and described how the process works from when a voter steps into the ballot box to the tabulation of results. It is essential to provide these means to educate the general public to ensure that they understand what they are doing the first time they vote utilizing this method to minimize exhausted ballots.

## **San Francisco**

In 2002, San Francisco became the first city to switch to a RCV system, and in 2004 they conducted their first election. After the success of the 2004 election, San Francisco expanded the use of RCV to almost all of its city-wide offices. San Francisco has been successfully utilizing a RCV system for almost two decades. In that time, it has played a deciding role in the election a

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<sup>39</sup> Ibid.

<sup>40</sup> Theo Landsman, Drew Spencer, and Rob Richie, "Ranked Choice Voting in 2018: A Mid-Year Report," FairVote, July 2018, Accessed 22 July, 2021. <https://fairvote.app.box.com/s/038bz15b80dlsc0mcsgtzxvs2yh4sfp7>

handful of times while also saving the city a significant amount of money by removing the need for a high cost, low turnout runoff election later in the year. Additionally, San Francisco spent a good deal of money and time educating their citizens on the RCV process to ensure that the process went smoothly and that there was very little confusion.

San Francisco will be slightly different to analyze because RCV is only used in local elections, unlike Maine, which uses it in several elections across larger constituencies. This means that any polls start off with a much more homogenous pool of potential respondents than if they could pull from the entire state of California and experience larger, more substantial elections. Currently, the population of San Francisco is around 800,000, and the population of Maine is about 1,300,000, which also impacts the homogeneity of the voter pool. The benefit of San Francisco is that they have been utilizing the system for almost two decades which allows for a good amount of perspective and allows for the ability to observe trends over a more extended period of time to trend outcomes of RCV properly.

First, the research will look at the impact of RCV on voter turnout for the San Francisco local elections. It is essential to compare the trend of voter turnout from election type to election type since smaller local elections will tend to have less turnout than general elections during Presidential election years. Again, this means that we will expect voter turnout to fluctuate with the different elections that are happening; when there are only municipal elections, the voter turnout will be likely lower than in midterm or Presidential election years, even though the municipal elections are the ones that are being conducted using RCV. Additionally, San Francisco does not provide historical voter registration numbers to compare with actual election turnout, which results in only being able to assess voter turnout by election cycle, not each individual election, as Maine does.



San Francisco used RCV for the first time in its 2004 municipal elections, which were performed simultaneously with the 2004 General Election. They continue only to use RCV for municipal elections. In their traditional federal elections, they continue to use the first past the post system. From Table 3, we can glean that voter participation did actually increase for consolidated general elections for both Presidential and midterm election years. Additionally, it is also interesting that the impact on municipal elections is relatively minimal, making it even more interesting that voter turnout increased in the elections containing races that were not RCV. Some noticeable decreases in voter turnout were observed for the Statewide Consolidated Primaries in 2010 and 2014, which were conducted as direct primaries. Intriguingly, this caused a decrease in participation as one would think that if they were directly electing the nominee instead of delegates, they would be more interested in the race's outcome. It appears that the substantial decrease in voter turnout in 2009 and 2013 was likely due to the elections that were occurring on those ballots. In both of those elections, only the City Attorney and Treasurer were being elected, which would help explain why turnout was lower than in other municipal elections, which include Board of Supervisor seats and Mayoral elections. Beyond this, it does appear that shifting to a RCV model increased turnout in almost all elections across the board, with the exception of municipal elections, which had a minimal increase.

**Table 3:** San Francisco Voter Turnout, 1996-2020<sup>41</sup>

<b>Year</b>	<b>Consolidated Primary</b>	<b>Consolidated General</b>	<b>Consolidated Municipal</b>
1996	40.47	61.97	
1997			30.41
1998	46.23	55.85	
1999			44.95
2000	44.9	66.5	
2001			29.62
2002	34.15	50.08	
2003			45.67
2004	42.51	74.31	
2006	37.11	60.66	
2007			35.62
2008	64.75	81.25	
2009			22.58
2010	34.70	61.02	
2011			42.47
2012	30.83	72.56	
2013			29.30
2014	29.70	53.03	
2015			45.45
2016	56.59	80.71	
2018	52.61	74.49	
2019			41.64
2020	60.56	82.10	

Note 1: All values are displayed in percent of registered voters.

Beyond increasing voter turnout in different cities, RCV will also impact how the constituents feel about their representation. If someone feels as if they had a legitimate say in who is representing them and were able to select the candidate who represents them best, they will be more likely to feel optimistic about elections. Across all ethnic groups, only 53 percent of respondents in San Francisco, and other bay area cities, remembered candidates criticizing each other.<sup>42</sup> Beyond this, independent voters, when asked about their feelings regarding

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<sup>41</sup>“Historical Voter Turnout.” San Francisco Department of Elections. Accessed, July 22, 2021. [https://sfelections.sfgov.org/sites/default/files/Documents/ElectionsArchives/OpenData/HistoricalVoterTurnout\\_SF.txt](https://sfelections.sfgov.org/sites/default/files/Documents/ElectionsArchives/OpenData/HistoricalVoterTurnout_SF.txt)

<sup>42</sup> Sarah John and Caroline Tolbert, “Socioeconomic and Demographic Perspectives on Ranked Choice Voting in the Bay Area,” FairVote, April 2015. <https://fairvote.app.box.com/v/socioeconomic-demographic-rcv>

candidates' campaigns, were more satisfied with RCV systems than plurality systems.<sup>43</sup> The fact that independents are more satisfied with RCV campaigns than plurality could be indicative that plurality campaigns promote more ideologically extreme campaigns. Additionally, a poll conducted in 2015 showed that of all the cities in the Bay Area that utilize RCV, most voters believe that it is the best system and would stick with it. Following the first time they utilized RCV, a study was conducted that revealed that 46 percent of voters were more willing to vote for their preferred candidate now than in a plurality system.<sup>44</sup> This ability to vote more freely and avoid a "lesser of two evils" decision should directly improve the public's sentiments regarding American Democracy.

It is also crucial to the success of democracy that voters can adequately understand the ballots that they are filling out and complete them appropriately so that they are actually counted and not just disposed of. Before shifting to RCV, San Francisco implemented many information campaigns to prepare its citizens for the shift to RCV and minimize the risk of the system being overly complex for citizens. After their initial election in 2004, exit polls were conducted concerning how the RCV process was implemented and voters' feelings regarding it.<sup>45</sup> The researchers found that approximately 86 percent of citizens felt they understood RCV either fairly well or perfectly well. Concerning relative ease, following the 2004 elections, San Francisco State conducted a study that found over 67 percent of the public found the system "easy" to use, while only 18 percent found it challenging to use. Also, an impressive 71 percent of voters said that they liked RCV "A lot." Importantly, in 2014, a poll was conducted by Rutgers asking San Francisco and non-RCV cities how well they understood their electoral

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<sup>43</sup> Ibid.

<sup>44</sup> Francis Neely, Lisel Blash, and Corey Cook, "An Assessment of Ranked-Choice Voting in the San Francisco 2004 Election," FairVote, May 2005. [http://archive.fairvote.org/sfrcv/SFSU-PRI\\_RCV\\_final\\_report\\_June\\_30.pdf](http://archive.fairvote.org/sfrcv/SFSU-PRI_RCV_final_report_June_30.pdf)

<sup>45</sup> Ibid.

system, and 49 percent of voters in San Francisco felt they understood the system exceptionally well, compared to only 40 percent of voters in non-RCV cities.<sup>46</sup> Interestingly, San Francisco not only has a lower rate of overvotes, which a high rate would be indicative of a misunderstanding of how the ballots work but also has a lower rate of undervotes, indicating citizens are participating more actively in all elections.

During the 2012 Senate Primary, a plurality election, San Francisco had 1.6 percent of their ballots count as overvotes.<sup>47</sup> In the 2014 Gubernatorial Primary, another plurality election, they had an overvote rate of 0.5 percent. San Francisco's average amount of overvotes in RCV elections since 2004 is 0.3 percent, well below the percentages for both of these plurality elections. As Table 4 indicates, RCV elections have had a slightly higher amount of overvotes over the last eight years when combining elections. However, plurality elections with a large number of candidates, such as the Presidency, routinely have a higher amount of overvotes than the RCV election average, and that average is additionally brought down by state representative races that have a high number of undervotes and very few candidates.

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<sup>46</sup> "Voters Understand Ranked Choice Voting" FairVote, February 2015. Accessed 23 July, 2021. <https://fairvote.app.box.com/v/voter-understanding-rcv>

<sup>47</sup> Rob Richie and Eli Hanson-Metayer, "Voter Error in Top Two Primaries Can Be Far Higher than in RCV Races," FairVote, August 12, 2014. <https://www.fairvote.org/voter-error-in-top-two-primary-can-be-far-higher-than-in-rcv-races>

**Table 4:** Percent of Ballots as Overvotes in San Francisco Elections, 2012-2020

<b>Year</b>	<b>Non-RCV Average</b>	<b>RCV Average</b>
<b>2012</b>	.26	.24
<b>2013</b>	No Elections	.20
<b>2014</b>	.23	.16
<b>2015</b>	No Elections	.19
<b>2016</b>	.25	.36
<b>2017</b>	No Elections	No Elections
<b>2018</b>	.28	.28
<b>2019</b>	.21	.11
<b>2020</b>	.15	.21

Note 1: All values are displayed in percentages.

Interestingly, RCV elections from 2004 to 2014 have an undervote rate of 9.48 percent, and non-RCV races have an undervote rate of 13.01 percent. This is significant because it indicates that people are participating more actively in RCV elections and not skipping certain races. The idea that information costs would be too high and would result in skipping elections was a common criticism of RCV before implementation. But if undervotes remain consistently lower in RCV elections, it would be indicative that either there is not a more significant potential information deficit, or that the public is better preparing themselves for RCV elections to compensate for potential increased information costs, both of which would be beneficial for the quality of elections in the United States.

Based on this information, it is apparent that RCV has had similar effects in Maine and San Francisco. For example, both Maine and San Francisco have seen increased voter participation since each one began implementing RCV. Interestingly, San Francisco has seen a constant increase in voter turnout across election cycles that include races that are larger than municipal and are therefore not conducted as RCV elections, but when an election is municipal, their voter participation remains relatively stagnant. Additionally, in both Maine and San

Francisco, the citizens who have used RCV prefer it to the Single Member Plurality alternative. Maine also found that in some RCV elections, campaigns are becoming increasingly more cordial as winning a number two slot on a ballot could have significant ramifications in a competitive electoral field. The data also indicates that RCV elections either have fewer overvotes or a similar amount than their Single Member Plurality alternatives, which indicates that RCV does not complicate the electoral process. If this is the case, it is doubtful that this electoral system is more complex than the traditional Single Member Plurality alternative. Finally, both states have suggested that a significant reason for the lack of confusion when shifting to a RCV model was the public education they utilized and the campaigns they pushed in the months, weeks, and days before implementation to ensure that citizens would have their voice heard.

## **Conclusion**

Some inherent difficulties arose while reviewing these case studies. For one, Maine has only been conducting RCV elections for a few years, which means that much of their data is short-term, and as such, it is much more difficult to draw meaningful trends. Additionally, Maine has been having difficulty in court defending the legality of utilizing RCV, making it more difficult for them to implement it fully and effectively. This may also be adding confusion to voters who are unsure what elections will be RCV or plurality when they show up to the polls. Because of this, while the information gained from Maine would be helpful in establishing a meaningful way to shift to RCV initially to minimize any potential pitfalls, it would be difficult to apply the lessons learned to maximize long-term predictiveness. Additionally, it was difficult to sufficiently compare San Francisco and Maine because of the differences in what information they provide and how they track it. It would be highly beneficial to draw parallels between

different states if there was a uniform means to report data from elections and what information should be public data on the Department of State website.

As America continues to become increasingly politicized and the public continues to feel disillusioned regarding the political process, election reform will likely continue to be an important topic. Beyond this, we have also seen several states and cities begin moving towards RCV in the last several years, from the Bay Area to Maine, to Alaska, to Minneapolis, to Utah, and currently, discussions are occurring in Seattle to adopt the system. The more places that begin to implement RCV, the more meaningful data will be able to be collected in order to determine if it is possible to implement the practice across the country successfully and what the potential implications of that are. I believe this research has suggested a few other avenues of research moving forward. It would be interesting to delve into why voter turnout is increasing in San Francisco for election cycles where not all the races are RCV elections, but in municipal only elections where a majority of the races are RCV, the turnout rate is relatively constant. It would also be interesting to look at the impact of plurality elections on independent voters. It appears that independent voters in RCV cities see the most significant difference in their sentiments regarding the election and the animosity between candidates in the two systems. This could potentially be due to the structure of RCV, and it would be fascinating to look deeper into how independents feel differently about elections than partisan voters do. Based on the statistic that 64 percent of voters in San Francisco who knew of RCV before the election voted for three candidates as opposed to the 47 percent who did not, it is clearly essential to ensure that the public is well informed of any potential changes in their political lives.<sup>48</sup> Because of this, it would also be interesting to investigate the best way to educate voters before and after shifting to

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<sup>48</sup> Neely, “Assessment of Ranked Choice Voting”, 2.

RCV, which could be applied to many political changes in the future. Another potentially interesting field of research would be to investigate why exactly RCV is reducing the number of undervotes in elections, and if it is as a result of the more focused educational campaigns that come along with RCV or if voters are actually more invested in politics.

In both Maine and San Francisco, it does appear that the shift to RCV has resulted in a healthier democracy. In both of these locations, there has been an increase in voter turnout; a majority of the population of each state feels freer to vote for who they think best represents them, and elections have become more cordial between candidates. Beyond this, the populations of both states have shown that the RCV process is not as complex as some pundits fear, regardless of whether the elections are being conducted at the municipal or the state level. As long as each locale utilizes an educational campaign to explain RCV to its constituents, the process will likely succeed immediately upon implementation. As more constituencies move to different electoral systems, it will be important to continue to analyze the impacts of these shifts in order to ensure that our democracy is operating as efficiently as possible.



## **Chapter Two: Campaign Finance**

### **Introduction**

A healthy electoral system is one in which all citizens can participate equally, and no one group of citizens' voices are more significant or influential than those of another group. This is not necessarily the case in the United States. There are many ways to participate in the democratic process in the United States, such as volunteering, voting, campaigning, and donating to campaigns. Each of these practices comes with its own respective barriers to entry, whether that be time, personal training, or, significantly, adequate finances. Overwhelmingly, donating to campaigns is one of the least evenly distributed forms of participation across all socioeconomic classes. Successful campaigns have widely attributed their success to having the most money and appropriately using the candidate's war chest, making it even more critical that barriers to participation are reduced for campaign financing. Currently, one of the most significant predictors of a citizen's likelihood to donate to a political campaign is the amount of disposable income that they have. Suppose the wealthy are being afforded more influence due to their innate ability to donate more funds to campaigns, spend more money on campaign adverts, and sway the public in support of their causes. In that case, their beliefs on issues are likely being prioritized over those who are less fortunate, resulting in a system that is not working as efficiently as possible for most Americans.

In order to ensure that American Democracy is operating for the majority of citizens, it is necessary to ensure that as many people are participating as possible and that all citizens' voices are equally considered and valued. One of the unique aspects of American democracy is that municipalities and states are able to implement their own policies regarding campaign finance which allows for case studies to be conducted and lessons to be learned to determine if other methods may be effective on the national stage. By utilizing a campaign finance system that

removes barriers to entry and multiplies the impact of small donors, we will see increased, more equitable donor participation and a government that contains representatives who are more demographically representative of the public they represent. There are several different options to remove the income barrier from donating to campaigns being utilized across the country; two of the more unique public financing schemes are utilized in Seattle and New York City. Seattle, for example, utilizes a campaign finance system that gives all voting-aged citizens money to donate to campaigns. In comparison, New York City uses a nine-to-one matching program where the city matches a citizen's donation nine-fold. By looking into these two systems, we can compare the impact of a system like Seattle's, which completely removes income as a factor to participate, and New York City's, where income remains a barrier, but the influence of smaller donations is more significant to determine which is more effective at reforming the campaign finance system.

By administering an effective campaign finance system that removes barriers to participation, I would expect to see an increase in the percentage of the population donating to campaigns, a more representative portion of the population donating to campaigns, and elected representatives that are more demographically representative of the electorate. To study this, the thesis will begin by discussing previous research that has been conducted into the barriers to participation in campaign finance and the impact of having a campaign finance system that allows large donors to have more influence. Next, the research will look at the Seattle elections from before and after implementing their Democracy Voucher program and compare participation and the demographic breakdown of elected officials. After, the thesis will delve into New York City's local elections, comparing the same factors over the years as New York began with a lower matching program and slowly upped it to its current nine-to-one matching

scheme. Finally, I will analyze the data and determine if there is any basis for the belief that removing barriers to participation will have a meaningful impact on elections and participation.

## **Literature Review**

Equality in the political realm is the foundation of the United States of America and democracy as a form of government. In order to ensure that everyone's view is heard and responded to equally, it is essential to ensure that all citizens can participate equally in the political process. Donations to campaigns have long been one of the most unequal forms of political participation since not all citizens have extra funds to donate, and those that do, for the most part, cannot compete with the wealthy. This has led to many studies concerning the impact of increased strictness of campaign finance laws, new public financing systems, and their impact on equality of political representation.

In "Campaign Finance Laws, Policy Outcomes, and Political Equality in the American States," Patrick Flavin investigates local elections and how the difference in campaign finance laws impacts the representation of those from different socioeconomic statuses.<sup>49</sup> To determine this, Flavin observes how strict a state's campaign finance regulations are and compares them with the percent of donations from business interests and the amount of funding from each state that goes to welfare programs. The author finds a statistically significant relationship between the proportion of donations from wealthy donors and the amount of state funding that goes towards welfare programs. After establishing this relationship, Flavin also finds a statistically significant relationship between how strict a state's campaign finance laws are and a corresponding decrease in funding from large businesses. Because large businesses are donating

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<sup>49</sup> Patrick Flavin, "Campaign Finance Laws, Policy Outcomes, and Political Equality in the American States," *Political Research Quarterly* 68, No. 1 (2015). <https://journals.sagepub.com/doi/abs/10.1177/1065912914554041>

less to campaigns and a more significant amount of funding comes from individual small donors in these situations, politicians are better able to represent the views of those citizens who are not as well off. Nicholas Stephanopoulos provides more evidence regarding the impact of large donors on representation in “Aligning Campaign Finance Law.”<sup>50</sup> Stephanopoulos looks at the work conducted in Congress and historical campaign donation levels and finds that public financing and contribution limits align legislative results with the will of the median voter. Significantly, Stephanopoulos also discovers that when issues are divided between socioeconomic groups, historically, the government is most likely to provide preference to those from the upper tenth percentile.<sup>51</sup>

Michael Schwam-Baird, Costas Panagopoulos, Johnathon Krasno, and Donald Green conducted a study to determine the impact that different forms of campaign finance reform and non-partisan messages encouraging their use would have on small-donor participation as a means to improve the diversity of donors.<sup>52</sup> In order to accomplish this, they conducted field experiments sending postcards to incentivize the use of two different forms of incentive programs, public matching funds and tax credits. They found that non-partisan motivations did not significantly increase the use of the programs but also that citizens are more likely to use tax incentive programs if they are of a more considerable amount. This is because a more extensive tax incentive outweighs the time and effort costs of filing for a tax credit after the fact. Additionally, they found that New York City’s six-to-one matching program was less effective at

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<sup>50</sup> Nicholas Stephanopoulos, “Aligning Campaign Finance Law,” *Virginia Law Review* 101, No. 5 (2015): 1469. <https://www.jstor.org/stable/24643400>

<sup>51</sup> *Ibid*, 1471.

<sup>52</sup> Michael Schwam-Baird, Costas Panagopoulos, Jonathan S. Krasno, Donald P. Green, “Do Public Matching Funds and Tax Credits Encourage Political Contributions Evidence from Three Field Experiments Using Non-Partisan Messages,” *Election Law Journal* 15, No. 2. (2016.) [https://www.researchgate.net/publication/303905741\\_Do\\_Public\\_Matching\\_Funds\\_and\\_Tax\\_Credits\\_Encourage\\_Political\\_Contributions\\_Evidence\\_from\\_Three\\_Field\\_Experiments\\_Using\\_Nonpartisan\\_Messages](https://www.researchgate.net/publication/303905741_Do_Public_Matching_Funds_and_Tax_Credits_Encourage_Political_Contributions_Evidence_from_Three_Field_Experiments_Using_Nonpartisan_Messages)

increasing the number of small-donor donations though it did increase the amount of money received from small donors. This study demonstrates that to increase donor participation, it is necessary to either lower the cost or increase the incentives for small donors to participate in the process.

In *Campaign Finance and American Democracy*, Yasmin Dawood delves into the history of campaign finance reform in the United States and its impact on corruption, political equity, and representation in the United States.<sup>53</sup> In this work, she addresses not only why some citizens are pushing for campaign finance reform as a means to promote equality and remove the unfair bias they feel exists towards the wealthy in American politics; but also describes why some, including the Supreme Court, are opposed to campaign finance restrictions because it is seen as a restriction on First Amendment freedoms. She continues on to elaborate on the fact that money has the unique ability to skew legislative priorities because it provides large donors and corporations access to legislators that are not available to ordinary citizens. Additionally, she covers several different methods to make campaign finance more equal such as vouchers, making donations anonymous, and making all campaigns entirely publicly funded.

One of the proposed methods to provide public funding to elections is with vouchers sent to citizens to donate to candidates. This program has been spearheaded in Seattle's local elections since 2017. Therefore, there is enough data to begin to analyze the impacts of the change on the political process in the city. Brian McCabe and Jennifer Heerwig did precisely this. After pulling the data, they found that the shift to Democracy Vouchers effectively

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<sup>53</sup> Yasmin Dawood, "Campaign Finance and American Democracy," *Annual Review of Political Science* 18, (2015): 331. <https://www.annualreviews.org/doi/pdf/10.1146/annurev-polisci-010814-104523>

promoted the egalitarian aspect of campaign donations in municipal elections.<sup>54</sup> McCabe and Heerwig find that while the change to their public financing system made the donation system more egalitarian, it is still not entirely representative of the demographic diversity of the voter pool, and the citizens who used vouchers tended to be predominately white liberal females. Additionally, McCabe and Heerwig found that Asian Americans and those from lower socioeconomic brackets were less likely to assign all of their vouchers successfully.

In a subsequent study of the Seattle Democracy Voucher program, Geoffrey Henderson and Hahrie Han investigated the impact mobilization has on the utilization of Democracy Vouchers.<sup>55</sup> Henderson and Han found similar results to McCabe and Heerwig, acknowledging that the program helped diversify the donor pool for Seattle's municipal elections. Besides acknowledging the program's improvement in the demographic participation of their campaign finance system, Henderson and Han go one step further to address the still low levels of participation even though there is a higher level of equality in this new system. They find that mobilization efforts promoting the use of the Democracy Vouchers were most effective for voters who were already actively voting in elections, more so than new voters or those who are not historically active in the political process.<sup>56</sup> They found this result for several reasons; one of the most prevalent was the fact that many Seattle residents share a general feeling of political inefficacy, which translates to a lack of willingness to put effort into the system when they feel that wealthy special interests will vastly outspend their contributions.

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<sup>54</sup> Brian J. McCabe and Jennifer A. Heerwig. "Diversifying the Donor Pool: How Did Seattle's Democracy Voucher Program Reshape Participation in Municipal Campaign Finance," *Election Law Journal: Rules, Politics, and Policy*. 18, No. 4. (2019) <https://www.liebertpub.com/doi/full/10.1089/elj.2018.0534>

<sup>55</sup> George Henderson and Hahrie Han, "If We Build It, Only Some will Come: An Experimental Study of Mobilization for Seattle's Democracy Voucher Program," *Cambridge University Press*. (2020) <https://www.cambridge.org/core/journals/journal-of-experimental-political-science/article/if-we-build-it-only-some-will-come-an-experimental-study-of-mobilization-for-seattles-democracy-voucher-program/044B4B06EB3BBC3FD4D249AD4BF53C80>

<sup>56</sup> Ibid.

New York City utilizes a different form of public financing, fund matching. Angela Migally, Susan Liss, and Frederick Schwarz Jr. studied New York City's unique approach to public financing and found many promising results.<sup>57</sup> Importantly, they found that this method of campaign finance encourages candidates to engage with supporters early and often encourages buy-off into their campaign and consistent campaign engagement from the public. Significantly, they also found that candidates who participated in the six-to-one matching program received most of their funding from private individuals donating less than 250 dollars. In contrast, candidates who did not participate in the program continued to receive most of their funding from special interest PACs and unions. Additionally, the authors discovered that contributions from New York City residents to New York City municipal elections were almost three times the level of their donations to statewide elections. This increased participation in the electoral process that occurs only during municipal elections is most likely due to the impact of the city's six-to-one matching program.

In *Equal Dollars per Voter: A Constitutional Principle of Campaign Finance*, Edward Foley discusses the importance of not allowing wealth distribution to allow certain citizens to have more say in the electoral process than their less monetarily blessed counterparts.<sup>58</sup> His proposed idea is that all citizens should be afforded the same financial resources to donate to campaigns regardless of their finances and that the government should provide this money. This is based on the principle that voting is not the only form of participation in the political process and, in fact, is the final form of participation for most citizens; therefore, it is not enough for

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<sup>57</sup> Angela Migally, Susan Liss, and Frederick A.O. Schwarz, Jr., "Small Donor Matching Funds: The NYC Election Experience," *Brennan Center for Justice*. [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_Small-Donor-Matching-Funds-NYC-Experience.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_Small-Donor-Matching-Funds-NYC-Experience.pdf)

<sup>58</sup> Edward B. Foley, "Equal-Dollars-Per-Voter: A Constitutional Principle of Campaign Finance," *Columbia Law Review* 94, No. 4 (1994) <https://www.jstor.org/stable/pdf/1123282.pdf?refreqid=excelsior%3Af65b133e90dccb167aa9450effe2fb64>

citizens to only have an equal vote, all forms of participation must be as equal as possible. Private resources should not come into play during the electoral process because the entire process must be fair, not only the final result of the electoral process.

## **Methodology**

In order to explore this topic and discover if different public financing schemes have an impact on donor participation and, in turn, on the issues that governments prioritize, it will be necessary to look at some different schemes. To accomplish this task, the research will compare the public financing schemes in Seattle and New York City and the impact that they have had on their electoral systems. Seattle recently shifted to a public financing system that utilizes tax dollars that are given to citizens in the form of vouchers. In turn, these citizens can take those vouchers and give them back to candidates as financial support. On the other hand, New York City implemented a matching program, which takes tax dollars and puts them towards already existing donations, thus multiplying their impact. Each of these methods attacks different reasons for low participation and inequality in the system. The Seattle Democracy Voucher method means that citizens can participate whether or not they have the funds for the donation since the money is coming entirely from the government. This removes a massive bar to participation. New York City provides matching funds that require the same bar to entry as standard donations to a campaign; the citizen must have enough free money to spare in order to participate. However, because New York City matches those funds at a nine-to-one ratio, it does mean that small donors' money can go that much further and help decrease the gap between megadonors and the grassroots movement. In addition, New York City has implemented a spending cap on its candidates, which makes small donors that much more important and viable as a strategy. This would help encourage more small donor donations as it would make them



more likely to believe that their donations will be able to have an impact and drive change in campaigns in the face of mega-donors who have significantly more money at their disposal. In order to determine donor participation, the research will be looking at the percentage of eligible voters that donated since the different policies have been implemented and determining if new public financing schemes drove more participation. Additionally, the thesis will look at the demographic composition of candidates for office, those who actually win the elections, and those donating to campaigns and compare whether it has become more reflective of the city's demographics since implementing new public financing schemes.

## **Case Studies**

### **Seattle**

In 2015, Seattle city residents voted to implement an increased property tax in order to fund several campaign finance changes, one of which was the Democracy Voucher program. As a result, each Seattle resident is mailed 100 dollars in Democracy Vouchers each election cycle. As long as a candidate is on the approved list from the Seattle City Government to receive Democracy Vouchers, citizens can then divvy up their donations however they see fit to whichever candidates will best serve their interests. In addition to giving every citizen free money to donate to candidates, the city also implemented individual donation limits of 300 and 550 dollars depending on the office to help limit major donors' influence on elections.

Luckily, the city of Seattle publishes a large amount of information and conducts thorough studies on its public financing system. Every two years, the city conducts a program review to publish information regarding program participation and health. During its initial biennial review in 2017, the program was proud to boast a 300 percent increase in donor

participation among Seattle city residents from the previous municipal election cycle.<sup>59</sup> The following biennial review was conducted in 2019 and again boasted impressive numbers. During the 2019 municipal elections, the donor participation rate increased by over double the 2017 participation rate in the democracy voucher program. Almost 2.5 million dollars in funds were distributed to candidates across the city.

While the system effectively increased the participation of donors across multiple election cycles, the increase in participation has not been equal across all demographics. In 2017, the city saw a 300 percent increase in donor participation; however, that increase was mainly in the wealthy, white, elderly demographic, in other words, a demographic that already sees traditionally higher participation rates. These demographics are traditionally more active in the electoral process due to their stability, free time, and the government affecting more aspects of their lives than other demographics. Even though it primarily benefited demographics that already participate highly in elections, the evidence still suggests that it motivated new donors inside all demographics, with nine out of ten voucher users having never contributed to a political campaign before the 2017 election.<sup>60</sup> Table 5 illustrates the differences in participation among different demographics in the Seattle area.

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<sup>59</sup> Seattle Ethics and Elections Commission, “Democracy Voucher Program Biennial Report 2017,” [https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20-%20Biennial%20report%20-%2003\\_15\\_2018\(0\).pdf](https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20-%20Biennial%20report%20-%2003_15_2018(0).pdf)

<sup>60</sup>Berk Consulting, “Seattle Democracy Voucher Program Evaluation,” April 20, 2018. <https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/DVP%20Evaluation%20Final%20Report%20April%2025%202018.pdf>

**Table 5: Participation in Democracy Voucher Program**

Age	Voucher Return Rate <sup>1</sup>	Race	Voucher Return Rate <sup>1</sup>	Income (in thousands of dollars)	Voucher Return Rate <sup>1</sup>	Political Participation (by voter participation) <sup>1</sup>	Voucher Return Rate <sup>1</sup>
<b>18-29</b>	2.25	<b>White</b>	4.31	<b>&lt;30</b>	1.93	<b>&lt;50</b>	0.75
<b>30-44</b>	3.41	<b>Other</b>	2.89	<b>30-50</b>	3.09	<b>50-99</b>	3.94
<b>45-59</b>	4.01	<b>Hispanic</b>	2.71	<b>50-75</b>	4.27	<b>100</b>	8.25
<b>60+</b>	6.15	<b>Asian</b>	2.46	<b>75-100</b>	5.35		
		<b>Black</b>	2.40	<b>&gt;100</b>	5.09		

Note 1: Value displayed in percentage.

Additionally, individuals who were already active participants in the electoral system through other methods such as voting, were more likely to participate in the Democracy Voucher program.<sup>61</sup> Although the increase in participation was not universal, it still took a significant step toward creating a more egalitarian donor pool in the 2017 elections. As a whole, Democracy Voucher users were more representative of the Seattle electorate than private donors. In the 2017 election, a more significant proportion of Democracy Voucher users were low-to-moderate income and younger than their private donor counterparts. Interestingly, it appears that the breakdown of Democracy Voucher participants was fairly similar to private donors with regard to race. Although only 79 percent of registered voters in Seattle are White, 86 percent of Voucher users are white, and 87 percent of cash donors are white.<sup>62</sup> While the campaign finance system still underrepresents most demographic groups, it still boasts a more egalitarian distribution than cash donors. In the voucher system, those who make over 100,000 dollars

<sup>61</sup>Jennifer Heerwig and Brian McCabe, “Expanding Participation in Municipal Elections: Assessing the Impact of Seattle’s Democracy Voucher Program,” University of Washington, Accessed 18 Nov 2021. [https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/UW\\_Seattle\\_Voucher\\_Final.pdf](https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/UW_Seattle_Voucher_Final.pdf)

<sup>62</sup>Ibid.

made up 27 percent of cash donors and only 17 percent of voucher users.<sup>63</sup> Additionally, minorities made up a more representative amount of the voucher participation pool across all ethnicities than the cash donor pool. Still, even with this substantial increase in participants in the electoral system, only four percent of the Seattle electorate donated to campaigns in that election cycle.

In order to maximize the use of the program and the likelihood of creating a more equitable campaign finance program, it is necessary to advertise the program effectively. This contributes to maximizing participation and ensuring that vouchers are utilized correctly. Understanding this, the city of Seattle invested a large amount of resources in informing the public about the new program. Interestingly, it appeared that different ethnicities received this information through different means. Whites, for example, were more likely to hear about the program through receiving their vouchers in the mail than people of color.<sup>64</sup> Additionally, Whites were more likely to hear about the program from the local news, whereas people of color were more likely to hear about the program from campaigns.

Use of the Voucher Program in the 2019 municipal elections continued to show improved participation. In 2019, the voucher program saw an 83 percent increase in participation from 2017.<sup>65</sup> Contributing factors for this increase could be that it is following the inaugural election, so more citizens would have known about the program and that a more significant number of candidates qualified and sought out voucher funding. This is supported by the fact that districts with more candidates who were eligible to use vouchers had a higher voucher return rate.

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<sup>63</sup> McCabe and Heerwig, Diversifying the Donor Pool.

<sup>64</sup> Berk Consulting, 2017 Election, 31.

<sup>65</sup> Berk Consulting, "Seattle Democracy Voucher Program Evaluation," July, 2020. 2.

[https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20DVP%20Evaluation%20Report%20July23\\_2020.pdf](https://www.seattle.gov/Documents/Departments/EthicsElections/DemocracyVoucher/Final%20DVP%20Evaluation%20Report%20July23_2020.pdf)

Results from 2019 also demonstrated a significantly higher participation rate in elections, up over ten percent from the 2013 and 2015 election cycles. Between 2017 and 2019, the gap between the percentage of voucher users 65 and older and 18-24 grew almost four times.<sup>66</sup> The younger age demographic had the lowest increase in utilization between the two election cycles, which tracks with voter participation which only marginally increased for this demographic between those two years even though turnout overall saw a six percent increase. Additionally, Seattle saw an increase in participation across all ethnicities between the 2017 and 2019 elections; however, Whites saw a significantly more substantial increase in utilization than other races.<sup>67</sup> Notably, while there was an increase in participation across all income brackets, the most substantial increase was from households that made over 100,000 dollars. In contrast, lower-income brackets saw a much more modest increase. Still, residents who used the voucher program were significantly more diverse than cash donors. In both the 2019 and 2017 elections, over 88 percent of voucher users used the vouchers as their exclusive means to donate to campaigns.<sup>68</sup> Additionally, only 2.9 percent of voucher users in 2019 had contributed to the 2015 election; this is significant because it indicates that most voucher users would not have contributed if they did not have the vouchers.

Notably, the 2017 election demonstrated that the Democracy Voucher program could also limit big money's influence on elections. The 2017 elections saw the average donation decrease, almost half from its 2015 number, to 82 dollars.<sup>69</sup> This was primarily due to the increased

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<sup>66</sup> Ibid, 27.

<sup>67</sup> Jennifer Heerwig and Brian McCabe, "Building a More Diverse Donor Coalition: An Analysis of the Seattle Democracy Voucher Program in the 2019 Election Cycle," Georgetown University.  
<https://georgetown.app.box.com/s/r2skgxfnc230ukkb3dfqgm4576phzabd>

<sup>68</sup> Elle Eshleman, "The Effect of Seattle's Democracy Voucher Program on Counterbalancing Wealthy Voices and Diversifying the Donor Pool," Duke University, March 30, 2020.  
<https://sites.duke.edu/honorsthesis2020/files/2020/04/Elle-Eshleman-Final-Thesis.pdf>

<sup>69</sup> Berk Consulting, 2017 Election, 32.

amount of small donations from the Democracy Voucher program implementation and the reduced individual donation limit. Although these new measures were implemented to limit the influence of large donors, both the elections in 2017 and 2019 saw increased income from independent expenditures when compared to pre-Voucher program elections.<sup>70</sup> This is significant because the 2019 election saw donations from vouchers exceed the donations from traditional campaign finance; however, it was still significantly less than the number of independent expenditures that came into the elections. Interestingly, support from independent expenditures substantially benefited moderate candidates more than their liberal counterparts. In contrast, the amount of money from vouchers was distributed much more equivalently between moderate and liberal candidates, at a rate of almost 50-50.<sup>71</sup>

Interestingly, throughout the 2017 and 2019 local elections, there has not been a substantial change in the demographic breakdown of candidates than from pre-Voucher elections. In 2015, there were nine election contests that had a participation rate of 57 percent men, 38 percent female, and five percent other.<sup>72</sup> In 2019, these numbers were similar, with 55 percent male, 40 percent female, and five percent other. Again, similar numbers were seen between the 2015 and 2019 elections concerning race. In 2015, Seattle saw 16 percent of candidates identify as people of color, and in 2019 that number grew slightly to 20 percent, which is still well below the 33 percent that would represent the citizenry accurately.

### **New York City**

On the other hand, New York City has utilized a matching funds program since the mid-1980s. Over that time, the system changed the requirements necessary to receive that funding

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<sup>70</sup> Eshleman, 21.

<sup>71</sup> Ibid, 36.

<sup>72</sup> Berk Consulting, 2019 Election Cycle, 12.

and the number of matching funds applied to each donation, starting with a one-to-one ratio up to 1,000 dollars in the 1980s to a nine-to-one matching scheme up to 250 dollars. Currently, the system utilizes that nine-to-one matching scheme meaning that a candidate's campaign can receive as much as 90 additional dollars for their war chest for a ten-dollar donation. In order to receive matching funds, candidates must receive a certain amount of donations from their district above ten dollars, agree to the rules put forth by the Board of Campaign Finance, be on the ballot, and have an opponent on the ballot. Finally, they must submit a personal financial disclosure and conflict of interest statement with the Campaign Finance Board.

During the 1997 elections, New York was still using a one-to-one matching ratio compared to the multiple ratios used since the early 2000s. If the program were operating as designed, it would be expected that increasing the multiple of matching would also result in more small donors and shift the proportion of the donor base that is small donors. Between the 1997 and the early 2000's elections, there was a substantial increase in the number of donors who contributed less than 250 dollars. In the 2000s, local candidates raised money from a 29 percent larger number of donors who contributed less than 250 dollars than in the 1997 election. Interestingly, in 2009 New York saw a substantial increase in small-donor participation, of almost 55 percent from 2007, while that election also saw a decrease in voter participation. Additionally, the donors giving 250 dollars or less in these elections came from neighborhoods with lower median incomes than those where donations were more likely to exceed 250 dollars.<sup>73</sup> Beyond this, donors contributing 250 dollars or less and thus benefiting the most from the matching program were more likely to come from neighborhoods with higher poverty rates,

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<sup>73</sup> Michael Malbin, Peter Brusoe, and Brendan Galvin, "Small Donors, Big Democracy: New York City's Matching Funds as a Model for the Nation and States," *Election Law Journal: Rules, Politics, and Policy*. March 2020. <https://www.liebertpub.com/doi/full/10.1089/elj.2010.0099>

higher percentages of people of color, and lower percentages of those with post-high school education. These groups are statistically more likely to have different priorities regarding public policy than their more educated, more wealthy, more homogenous counterparts.

Over the years, New York has increased the amount of matching that qualifying donations receive. Because of this, it is possible to look at the impacts of increasing matching funds and how that affects participation. Looking at the data between 1997 and 2013, when New York City increased matching from one-to-one to six-to-one, it appears as if the increased matching also resulted in a more significant number of small donors donating to campaigns and a larger percentage of money being spent coming from these small donors. Over the years, the six times increase in matching funds resulted in an on average 40 person per 100,000 person increase in small donors for elections across the city.<sup>74</sup> Over the same period, New York City saw an increase in the average percentage of funds from small donors, from 45 percent to 63 percent. These numbers were even more impressive in the city council's 2013 election cycle. In those elections, over 90 percent of funding came from individual donors, which significantly impacted the effectiveness of special interests.<sup>75</sup>

New York City conducted a new set of municipal elections in 2021. As a result of the fund matching program, New York City is welcoming the most diverse group of City Council members in the history of New York City, one that is significantly more representative of the city. Currently, New York City boasts a breakdown of 42.73 percent White, African-American 24.31 percent, Hispanic 14.35 percent, Asian 14.09 percent, 47.7 percent Male, and 52.3 percent

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<sup>74</sup> Michael Malbin and Michael Parrot, "Small Donor Empowerment Depends on the Details: Comparing Matching Fund Programs in New York and Los Angeles," *The Forum Vol 15 Iss. 2* July 29, 2017. <https://www.degruyter.com/document/doi/10.1515/for-2017-0015/html>

<sup>75</sup> New York City Campaign Finance Board. Impact of Matching Funds. <https://www.nyccfb.info/program/impact-of-public-funds/>



Female.<sup>76</sup> As shown in Table 6, we can see that the current breakdown of the New York City City Council is 71 percent Male and 29 percent female, 48.9 percent white, 22.4 percent Hispanic, 4.1 percent Asian, and 24.5 percent African-American. This represents one of the most diverse City Councils that New York City has ever seen. As displayed in Table 6 below, it is evident that as the public matching system got up and running and became more effective through increased matching amounts and having candidates agree to spending caps, the city council began to become more representative of the public that it serves.

**Table 6: NYC Council Demographics vs. NYC Demographics by Year<sup>77</sup>**

	<b>2021 Council</b>	<b>2020 Census</b>	<b>2010 Council</b>	<b>2010 Census</b>	<b>2000 Council</b>	<b>2000 Census</b>	<b>1990 Council</b>	<b>1990 Census</b>
<b>Male</b>	71.4	47.7	68.1	47.5	57.6	52.6	64	53.1
<b>Female</b>	28.6	52.3	31.9	52.5	42.4	47.4	36	46.9
<b>White</b>	48.9	42.7	40.4	44	63.6	35.0	76	43.2
<b>African-American</b>	24.5	24.3	29.8	25.5	24.2	24.5	16	25.2
<b>Asian</b>	4.1	14.1	4.3	12.7	0	9.8	0	6.7
<b>Hispanic</b>	22.4	14.3	25.5	13.0	12.2	27.0	8	24.4

Note 1: All values are displayed in percentages.

## Results

### Seattle

Understanding that the Democracy Voucher program is somewhat limited in its data based on only being a program for a few election cycles, it is still possible to draw meaningful conclusions from the data. Significantly, Seattle has seen an increase in participation in the program every election that it has been used and a substantial increase in donors from the elections previous to its implementation. This indicates that the program has successfully encouraged new donors to participate in the electoral system. The fact that a large percentage of

<sup>76</sup> World Population Review, New York City 2021. <https://worldpopulationreview.com/us-cities/new-york-city-ny-population>

<sup>77</sup> New York City, 2000 Census Data. <https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2000/demonyc.pdf>

voucher users had never donated to a campaign before indicates that the program effectively removes barriers to participation that may have prevented the campaign finance program from being as egalitarian as possible. While the program has created a donor pool that is more representative of the city's ethnic diversity than a purely cash-funded system, it still is not anywhere near as diverse as possible and has a meager participation rate.

Another critical factor that can be drawn from the Seattle data points is that for the program to be effective at increasing participation, it is necessary to spend resources to increase awareness of the program. This allows citizens to know the program exists and how to use the vouchers properly to prevent errors that affect utilization. By having an understanding of how different demographics receive information about the program, community outreach coordinators will be able to utilize resources to maximize participation more effectively. Additionally, I would expect to continue to see increased participation as more elections occur as word will continue to spread through the local media as well as through natural exposure to the program as it is utilized city-wide.

One of the proposed benefits of this style of campaign finance program is that it will increase the public's participation in donating to campaigns, thus creating a more egalitarian donor pool. Beyond this, candidates will become more reflective of the public they are supposed to represent. Ultimately, this has not been the case in Seattle up to this point. This potentially could have occurred for several reasons. For one, because the program is still in its infancy, it is possible that potential candidates still do not think that their efforts will be worthwhile or actually make a difference. One of the biggest deterrents to participating in politics is that many citizens doubt their participation will have a meaningful impact. It will likely take a decent amount of time to overcome this stigma and be able to motivate more candidates to run for

office. Additionally, more potential candidates may be refraining from participating in elections because of the role of independent expenditures. As the Democracy Voucher program has been gaining more traction, an influx in independent expenditures has been seen, potentially as a means to counteract the increased money coming from lower-income areas and new donors who had not previously participated in elections in this manner.

One of the problems with public financing seen on the national stage starting with President Obama's first campaign in 2008 is that candidates will opt out of public financing to bypass the spending limits that frequently come with them. This has also happened in Seattle, most recently in the 2019 municipal elections when Kshama Sawant, a city councilwoman, opted out of the Voucher program due to fears of being ousted by an opponent backed by large donations from corporate resources. Interestingly, Seattle has previously granted candidates who are participating in the voucher program an exception to the spending limit if their opponent is not participating and is receiving large donations from corporations. Because the city of Seattle is willing to waive this requirement when it makes sense, it makes it more likely that a more significant percentage of candidates will use the program.

### **New York City**

New York City's system has relatively significant differences from the Democracy Voucher program that is being utilized in Seattle. Because New York City's program is simply a matching program, small donors can impact an election more. Still, it presents a barrier to entry of having enough disposable income to contribute to a campaign initially. Because of this, we would expect that the results from their public finance system would be somewhat different. It is expected that there would be an observed increase in donors at a lower level than Seattle due to it not removing historically the most prominent barrier, disposable income. Ultimately, it appears

that most of the population is still being constrained by their personal finances. However, it is expected that a more significant proportion of funds would come from small donors than previous to the implementation of a matching scheme.

Because of the fact that this program does not remove the disposable income barrier, it is likely incentivizing small-donor donation in other ways, such as minimizing the stigma of political inefficacy from small donors. Beyond matching a certain amount of funds, New York City has restricted the total spending cap that candidates can use in elections. Because of this reduced spending cap, it enables and actually encourages candidates to prioritize small donors. This means that candidates will conduct more voter outreach to those previously overlooked due to their limited means and, therefore, limited ability to impact elections. The impact of these factors is that small donors have become a more viable campaign strategy in New York City municipal elections. As candidates conduct more voter outreach and target small donors more aggressively, it also means that they will be more receptive to their opinions on topics. It also means that candidates will be more able to run successful campaigns without the backing of mega-donors or special interests, which should diversify the candidate pool. Since implementing the program, this has been demonstrated through an increasingly more diverse city council. As big donor money becomes less critical and small donors can become a viable campaign strategy, a more diverse set of representatives becomes more realistic as the majority's voice becomes more robust.

Significantly, New York City had an observed increase in small-donor participation across elections, even at times when there was a decrease in voter participation. This is significant because it shows that the program effectively encourages small donor participation even in not particularly exciting elections. It also shows that it encourages participation in

persons who are potentially not the traditional participants in the electoral process. By not removing the most significant barrier to entry, disposable income, it would be expected that there would not be as much of an impact on the donor pool or the demographics of elected officials. It appears based on comparing Census data against the demographics of elected officials that Asians continue to be an underrepresented minority on the New York City Council, and men for most elections are still overrepresented when compared to their female counterparts. Importantly, it does appear that the New York City matching program has been effective at making the donor pool somewhat more representative of the general public.

One potential risk with a program utilizing this style is that large donors could potentially take advantage of the program to cover more candidates. Because the New York City program only matches funds up to a certain amount, a prominent donor is incentivized to give that amount to multiple candidates in order to receive as much public funding as possible and therefore maximize the impact of their dollars in each election.

## **Conclusion**

Public financing of elections is one of the most effective ways to increase the participation of American citizens in elections, particularly in funding campaigns. This comes in several different forms, such as tax breaks, completely clean elections, public-matching like New York City, and one of the more unique methods, vouchers. After looking at New York City and Seattle and how they conduct public financing, several observations could help construct an effective public financing scheme on the national stage. For one, both New York City's public matching system and Seattle's Democracy Voucher program effectively increase participation. For Seattle, this is likely primarily since their system removes the most significant barrier to participation in campaign finance, disposable income. In New York City's case, it does not

entirely remove disposable income as a barrier, but it does multiply the effectiveness of small donations. By increasing the effectiveness of small donations, New York City also makes small donations more likely as it removes the stigma that small donations cannot compete with those large donations from corporations which might disincentivize participation from small donors. Both systems also show that increasing awareness of public financing systems makes them more likely to be utilized. This means that if a new system is implemented on the federal level, it is necessary to also spend resources on educating the public to ensure that participation is maximized. Both methods additionally utilize spending caps on their campaigns; however, Seattle's spending cap only applies to candidates that have opted into the Democracy Voucher Program. Since New York City's campaign finance program applies a spending limit to all candidates regardless of participation in their program, they can more effectively limit the influence of large donors on campaigns. Additionally, it encourages more candidates to opt into the program since there is no possibility of an opponent being bankrolled by mega-donors and outspending them. Interestingly, Seattle will waive their spending limit if an opponent is not participating in the voucher program and is being bankrolled by large donors. This does not entirely remove the fear that an opponent can be bankrolled and outspend someone in the Democracy Voucher program, as each race is handled on a case-by-case basis. Notably, both of these systems have also taken significant strides in creating a donor base that is more demographically representative of the general public. This means that it is much more likely that politicians will become more diverse while also being more receptive to the will of the masses vice special interests. All-in-all, both of these methods effectively increase participation in the electoral process and ensure that more voices can be heard.

Moving forward, there is still a great deal of research that can be conducted on the topic of campaign finance in different localities. For one, it would be interesting to determine if policies being constructed in locations around the United States that utilize new forms of campaign finance are more likely to be representative of the will of the people rather than mega-donors and corporations. Additionally, it would be insightful to determine if mega-donors spend less in elections with stricter campaign finance laws or better public funding schemes. This will lend information to determine if it is necessary to create more restrictive campaign finance laws or simply to have more democratic public funding schemes. It would also be beneficial to investigate why locations such as New York City and Seattle, which utilize new funding schemes that remove traditionally considered barriers to entry, still have low rates of the electorate donating to campaigns. These low participation rates are likely due to having to donate many months out and the program being relatively new in Seattle's case. Either way, both of these cases, as well as funding schemes in other states, still have a large amount of information that could yield a considerable amount of insight to the public when determining what system might best serve American democracy on the federal level.

## Chapter Three: Convenience Voting, Voter Registration, and Voter ID Introduction

The 2020 presidential election came at a unique time in American history: the country was in the middle of a global pandemic; many states were implementing new election laws; the President declared the election illegitimate and had been questioning the integrity of the nation's electoral system for years leading up to the election. Because of the pandemic, many states implemented new measures to allow for social distancing and alleviating large masses of people from congregating in one area or waiting in excessive lines. This led to 33 states creating more early voting drop boxes, allowing for increased use of absentee voting, and enabling more citizens to utilize mail-in voting. At the same time, other states were taking measures to ensure the integrity of their elections by implementing stricter voter ID and registration laws. Notably, the 2020 presidential election also saw record turnout and voter participation, and post-election investigations revealed minimal levels of election fraud.<sup>78</sup> This chapter examines the impact of convenience voting and expansion of ballot access on voter turnout and equality of participation in elections.

Throughout the history of the United States, different groups have been disenfranchised and have fought for their ability to participate in the political process. The United States was founded on the principle of equality, and it is an ideal to which we continue to aspire.

Throughout the nation's history, different groups have sought to disenfranchise other groups to limit their influence on elections and policy. To ensure that the government is both operating efficiently and for as many citizens as possible, however, it is necessary that there are as few

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<sup>78</sup> Drew Desilver, "Turnout soared in 2020 as nearly two-thirds of eligible U.S. voters cast ballots for president," Pew Research. January 28, 2021. <https://www.pewresearch.org/fact-tank/2021/01/28/turnout-soared-in-2020-as-nearly-two-thirds-of-eligible-u-s-voters-cast-ballots-for-president/>; Christina Cassidy, "Far too little fraud to tip the election to Trump, AP finds," AP News, December 14, 2021 <https://apnews.com/article/voter-fraud-election-2020-joe-biden-donald-trump-7fcb6f134e528fee8237c7601db3328f>



barriers as possible for citizens to vote. Historically, the United States has seen different methods to disenfranchise citizens who would otherwise be able to vote, mainly in the post-reconstruction South and Jim Crow-era South, where local governments implemented literacy tests, utilized poll taxes, enacted the Eight Box Law, and created the grandfather clause.<sup>79</sup> Until the Voting Rights Act of 1965 (PL 89-110 Stat. 437), the state government monitored the voter registration and election processes. Following the implementation of this law, the federal government was better able to ensure that historically underrepresented groups were not being discriminated against. The Voting Rights Act significantly increased voter turnout and registration, particularly among African Americans, due to more citizens registering to vote who were already interested in voting. While the Voting Rights Act has been largely successful at increasing registration, some portions of the Act have been restricted in recent years. Specifically, in *Shelby County v. Holder*, the Supreme Court struck down Section Five of the Voting Rights Act as unconstitutional.<sup>80</sup> Section Five created a preclearance requirement requiring certain districts to gain authorization from a three-judge panel to change their voting laws, with a burden to prove that the change did not have the purpose or effect of negatively impacting an individual's right to vote based on race. This displays the potential legal issues with mandating voting changes on a federal level.

Implementing the Voting Rights Act of 1965 was not the cure to all efforts to disenfranchise different groups of people or delegitimize elections. In recent years, America has seen the impact of gerrymandering on local elections as a means to limit the influence of

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<sup>79</sup> Local governments administered literacy tests to potential voters as a means to disenfranchise minorities and other groups that were believed to be problematic. Additionally, they utilized poll taxes to prevent those from lower socioeconomic classes from participating in the electoral process. The Eight Box Law was implemented as an indirect literacy test. The Eight Box Law utilized individual ballots for each office and required voters to place each ballot into a separate box and each vote would not count unless it was placed in each box correctly. Finally, states implemented the grandfather clause which was used to prevent freed slaves from voting by only allowing citizens to vote if their father or grandfather had voted prior to January 1, 1867.

<sup>80</sup> *Shelby County v. Holder*, 570 U.S. 529 (2013).

different populations either by breaking them up to the point that they do not have a majority in any district or grouping them into super-majorities to limit their influence to one district instead of the potential of them winning multiple districts. Additionally, multiple states have begun to implement different laws that make it more difficult for Americans to vote in the name of election security. Iowa and Kansas passed laws in 2021 that made it more difficult for citizens to return ballots on behalf of voters who may need assistance and have made it so, in some circumstances, they could face criminal charges for doing so.<sup>81</sup> After seeing historically long lines and wait periods to vote during COVID-era elections, Georgia implemented a law that will make it possible to charge people with a crime for passing out water and snacks to voters waiting in line at a polling place. Texas additionally passed an omnibus bill that constrains election workers' ability to constrain poll watchers who may be harassing voters and banned 24 hour and drive-thru voting. Beyond this, many other states have constrained the window to apply for mail-in ballots, shortened the deadline to deliver mail-in ballots, and have limited the number and location of mail-in ballot drop boxes. All of these actions are taken to enhance election security at the cost of potentially decreasing the amount of participation in elections.

Similar to campaign finance regulation, the center of the debate for election legislation is the conflict between the security of elections and the accessibility of ballots without advantaging one group more than the other. A contributing factor for why it is so challenging to regulate election rules across the United States is because, unlike Freedom of Speech or Religion, voting is not afforded the same protection as rights in the Constitution. Whereas it is apparent that these are rights delineated in the Constitution, voting is not clearly defined and is not even clearly accepted by the American public as a right. Instead, only 57 percent of Americans view voting as

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<sup>81</sup> "Voting Laws Roundup: October 2021," *Brennan Center* October 4, 2021. <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2021>

a right that cannot be restricted, and 42 percent view it as a privilege.<sup>82</sup> What makes this more problematic is that the partisan leanings of the respondent largely define this divide. Pew Research found that 78 percent of Democrats and Democrat-leaning Independents view voting as an inalienable right. This is significantly different than Republicans and Republican-leaning Independents, who view voting instead as a privilege. Additionally, Republicans are more confident that legally qualified persons can vote if they want to, with roughly 87 percent of respondents sharing this view. On the other hand, only 69 percent of Democrats feel this is the case.<sup>83</sup> Almost all Americans believe that it is vital that any American who is legally able to vote should do so. Because Republicans view voting as more of a privilege and are also more confident that citizens are able to vote already if they are legally allowed to do so, this makes them more likely to support more stringent voting requirements to tighten ballot security since there will be a minimal impact on ballot accessibility. Democrats, on the other hand, view voting as a right of every citizen and are more concerned about the ability of legal voters to cast a ballot; therefore, they are more focused on allowing ballot accessibility and removing any barriers that may exist to participate in the system.

At the heart of a democracy, it is vital that the government accurately represents the electorate, which in turn increases satisfaction and faith in the government. This is accomplished three-fold by encouraging maximum participation, ensuring that elections are secure, and the results represent the will of the people. One of the current arguments against increasing election security measures and restricting the means to vote is that occurrences of voter fraud are historically very low and that the proposed increased security measures will disproportionately

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<sup>82</sup> Vianney Gómez and Carroll Doherty, “Wide partisan divide on whether voting is a fundamental right or privilege with responsibilities,” Pew Research. July 22, 2021. <https://www.pewresearch.org/fact-tank/2021/07/22/wide-partisan-divide-on-whether-voting-is-a-fundamental-right-or-a-privilege-with-responsibilities/>

<sup>83</sup> Ibid.

result in the disenfranchisement of minorities from lower-socioeconomic classes, which are already historically underrepresented populations. By increasing the requirements to vote and restricting the use of mail-in ballots, it is expected that participation will decline in elections without any real improvement in election security. In order to explore this topic, this chapter will discuss the current impact of election security measures and the expansion of mail-in voting and their impact on participation. Next, it analyzes the impact of voter ID laws, registration timelines leading up to elections, mail-in voting, absentee ballot eligibility, and early voting laws on election integrity and participation. By observing the impact of these regulations on a state level where there is a great variety in stringency, the research will be able to understand the impact they have on voter participation and election integrity, allowing me to draw a conclusion about potential legislation on the federal level that will allow for safe elections while also ensuring that voters can carry out their civic duty with as little impediment as possible. The expected findings are that voter turnout will increase with no marked increase in election fraud by maximizing eligibility for mail-in and absentee voting, allowing for Same Day or Election Day Registration, and having more relaxed voter ID laws.

## **Literature Review**

Since the early 2000s, voter rights have been a hot button topic, with Democrats pushing for greater ballot accessibility and reduced barriers to voting, while Republicans are pushing for more significant security measures to guarantee election integrity. Since 2016, when the Republicans gained control of most statehouses and governorships, the push for voter ID has grown exponentially around the country. This has resulted in a great deal of research being conducted on the topic. Currently, there are mixed results regarding the implication of implementing more stringent voter ID laws in elections, with some studies finding that more

relaxed voter ID laws result in a higher level of participation with no marked decrease in election integrity. In contrast, others believe that the connection between stricter voter ID laws and reduced participation is not statistically significant enough to draw meaningful conclusions or find that these laws create the perceived reduction in representation.

### **Voter ID Laws**

For the last several decades, there has been a consistent debate on the national stage regarding voter ID laws and their impact on voter turnout. Beyond this, the debate has circled in on the potential for voter ID laws to impact minority voters disproportionately. In “The Effect of Voter Identification Laws on Turnout,” Michael Alvarez, Delia Bailey, and Jonathan Katz observe the results of the 2000 and 2004 Presidential Elections as well as the 2002 and 2006 midterms to determine the impact of voter ID laws on voter turnout.<sup>84</sup> Alvarez, Bailey, and Katz utilize both aggregate and individual-level data to observe the impact on overall voter participation and determine if any subgroups of the population are more affected by voter ID laws. Overall, they find that voter ID requirements do not have a purely linear impact on voter participation.<sup>85</sup> Instead, they find that as voter ID requirements become stricter, they have a more significant impact on voters relative to weaker requirements. Importantly, they additionally find that there is no indication that voter ID laws disproportionately impact one race over the other; instead, they find that stricter voter ID laws have a more substantial impact on suppressing the vote of lower socioeconomic groups regardless of their race.

Although Katz and his colleagues find that there was no indication that more intensive voter ID laws disproportionately impact non-white voters than their white counterparts, Matt

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<sup>84</sup> R. Michael Alvarez, Delia Bailey, and Jonathan N. Katz, “The Effect of Voter Identification Laws on Turnout,” *Social Science Working Paper 1276R*, California Institute of Technology. (2008): 19

<sup>85</sup> *Ibid*, 17.

Barreto, Stephen Nuño, Gabriel Sanchez, and Hannah Walker instead find that people of color are less likely to possess an ID and therefore would be disproportionately affected by voter ID laws.<sup>86</sup> Utilizing data from multiple datasets between 2008 and 2014 in Wisconsin, Indiana, Pennsylvania, and Texas, Barreto, Nuño, Sanchez, and Walker find that Whites are more likely to possess identification that meets the requirements to vote in all states than their non-white counterparts. Interestingly, they also found that different variables positively impact different demographics' likelihood of having a form of identification. For Blacks, they find that education has a positive, statistically significant impact on the likelihood of possessing identification. On the other hand, Whites over 65 and females are significantly less likely to have an acceptable form of identification than their younger male counterparts.<sup>87</sup> By instituting laws that disproportionately require specific demographics to have to get new forms of identification, states effectively introduce a new cost to voting that can skew the electorate away from being representative of the masses.

In a more recent study, "A disproportionate burden: strict voter identification laws and minority turnout," John Kuk, Zoltan Hajnal, and Nazita Lajevardi look at the aggregate data from the 2012 and 2016 general elections to clarify the impact of strict voter ID laws on turnout.<sup>88</sup> To determine this, Kuk, Hajnal, and Lajevardi compare the decline in voter turnout between more and less racially diverse counties in states that passed stricter voter ID laws and states that maintained similar voter ID laws. Utilizing this data, the team finds that voter turnout declines more steeply in racially diverse counties than in their less diverse counterparts.

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<sup>86</sup> Matt A. Barreto, Stephen Nuño, Gabriel R. Sanchez, and Hannah L. Walker, "The Racial Implications of Voter Identification Laws in America," *American Politics Research* 47, no. 2 (2019).

<sup>87</sup> *Ibid*, 245.

<sup>88</sup> John Kuk, Zoltan Hajnal & Nazita Lajevardi, "A disproportionate burden: strict voter identification laws and minority turnout," *Politics, Groups, and Identities*, 10:1, (2020).

Additionally, it declines more sharply than in states that did not pass stricter voter ID laws.<sup>89</sup>

They find that these stricter identification laws effectively shift the electorate's demographics further from being representative of the population of the United States, which in turn furthers the already significant racial skew that the United States is currently observing.

### **Voter Registration**

One of the initial barricades to voting is that most states require voters to register well in advance of elections. This timetable ranges from the fifth Monday before an election to 30 days before Election Day, to North Dakota's policy that requires no voter registration. This creates an additional burden on voters that requires them to be prepared to vote well in advance of Election Day, and they cannot change their minds and decide to vote last minute. Traditionally, a sizable number of voters take advantage of Election-Day Registration when offered to them. For example, in the 2008 elections, 15.6 percent of voters in Minnesota, 16.5 percent of voters in Wyoming, and 13.5 percent of voters in Idaho registered to vote on Election Day.<sup>90</sup> Opponents of Election Day Registration feel it promotes the possibility of fraud since clerks have less time to verify the information and ensure the security of elections. Some states have also implemented Same Day Registration, which allows voters to register and vote before Election Day through mail-in voting or early voting, allowing for a one-stop-shop and knocking out the process in one day instead of having to do so to coordinate two actions to vote. In "Timing the Habit," Enrijeta Shino and Daniel Smith find a unique correlation between the timing of registering to vote and the likelihood of increasing turnout in the near and short term.<sup>91</sup> They conclude that if a voter

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<sup>89</sup> Ibid, 129.

<sup>90</sup> Barry C. Burden, David T. Canon, Kenneth R. Mayer, and Donald P. Moynihan, "The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections," *Pew Charitable Trusts*, December 21, 2009.

<sup>91</sup> Enrijeta Shino and Daniel A. Smith, "Timing the Habit: Voter Registration and Turnout," *Electoral Studies* 51, (2018): 79.

registers within 60 days of a Presidential election, they are significantly more likely to vote in that election since they are receiving an immediate return on their investment. However, they additionally find that voters who register within 60 days of an election are less likely to participate in future elections and therefore build the habit of voting and carry increased turnout into the future.

The 2008 Presidential Election was one of the first elections with a vast array of different election laws. In “The Effects and Costs of Early Voting, Election Day Registration, and Same Day Registration in the 2008 Elections,” Barry Burden, David Canon, Kenneth Mayer, and Donald Moynihan observed the unique circumstances surrounding the 2008 Presidential Election and the potential implications. They found that states with Election Day Registration have higher levels of voter turnout across the board than states without.<sup>92</sup> Election Day Registration alone raises the likelihood of individuals voting by over three points. Beyond this, they found that Same Day Registration has a less significant positive impact on turnout than Election Day Registration but is still positive. Interestingly, they found that legislation aimed at increasing the convenience of voting resulted in a more substantial administrative burden on election staff.

To further understand the impact of Election Day Registration, Jacob Neiheisel and Barry Burden observe the 1976 election in Wisconsin, which occurred immediately after Wisconsin implemented Election Day Registration.<sup>93</sup> They find that Election Day Registration only increases turnout by a small percentage and is more likely to benefit those who are already part of the population that traditionally participates in elections, such as those with higher incomes or higher levels of education, and may even skew election results. They ultimately conclude that

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<sup>92</sup> Burden, “Effects and Costs of Early Voting,” 17.

<sup>93</sup> Jacob A. Neiheisel and Barry C. Burden, “The Impact of Election Day Registration and Voter Turnout on Election Outcomes,” *American Politics Research* 40, no. 4 (2012).



Election Day Registration is more likely to motivate non-voters who already closely resemble voters demographically, thus potentially skewing elections even further from being demographically representative of the United States as a whole. Although the implementation of Election Day Registration has traditionally been a partisan issue with Democrats supporting it and Republicans traditionally opposing it, Burden and Nieheisel find that the immediate result was a reduction in Democratic vote share for President following its implementation.<sup>94</sup>

It is essential to understand that registration and voting are two linked but separate processes. Just because barriers to complete registration are removed, it does not mean that turnout will necessarily increase. It is necessary to simultaneously increase the ease of registering and the motivation to cast a ballot. In “People Who Have Their Tickets But Do Not Use Them,” Robert Brown and Justin Wedeking look at the impacts of the National Voter Registration Act (NVRA) that was passed in 1993 on turnout and election participation.<sup>95</sup> They find that the NVRA had a minimal impact on voter turnout since a majority of the newly registered voters had little to no interest in voting. The NVRA had the most significant impact on registration in states that previously did not have any motor voter laws on the books. Beyond this, they found that the NVRA played a significant role in making the registrant pool more representative of the United States population as a whole, with a majority of citizens from lower socioeconomic brackets seeing the most significant increase in registration from the passage of the law. Because registering and voting are not the same act, it is not a safe assumption that simply lowering the hurdles to registration will be sufficient to increase turnout; instead, it must be a two-fold approach to increase registration while also increasing the likelihood of voting.

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<sup>94</sup> Burden, “Impact of Election Day Registration,” 655.

<sup>95</sup> Robert D. Brown and Justin Wedeking, “People Who Have Their Tickets But Do Not Use Them,” *American Politics Research* 34, no.3 (2006): 497.

## Convenience Voting

Another substantial obstacle to getting out the vote is how ballots are submitted. For lower socioeconomic groups, the cost of going to the polls is higher, mainly because they traditionally work hourly jobs. Therefore it is more difficult for them to get time off and be financially stable when losing wages to vote. Several states have implemented different measures to help remove this barrier, ensure more equitable access to the ballot box, and increase the representative nature of elected officials and the electorate.

It is widely heralded that lower barriers to entry for voting will benefit traditionally Democratic demographics. Exploring the increased use of absentee ballots in the 2020 election due to the COVID pandemic, “How did absentee voting affect the 2020 US election” looks at the natural experiment presented in both Texas and Indiana.<sup>96</sup> Texas and Indiana both allowed voters over the age of 65 to vote absentee without a valid excuse while still maintaining that anyone under 65 must have a reasonable excuse. In both cases, there was a significant increase in the use of absentee ballots by those over 65; however, their participation was roughly equivalent to those who were 64 at the time of the election.<sup>97</sup> Additionally, the increase in participation via absentee ballot in this age range was accompanied by a decrease in early voting and in-person voting for that age demographic. Interestingly, when broken down by partisan divide, Democrats were more likely to vote by absentee when provided the opportunity than their Republican counterparts. This is indicative that absentee ballots are appreciated, especially during a public health crisis, but has minimal impact on voter turnout. The accuracy and applicability of this article could be limited since the experiment utilizes an age group that is traditionally more likely

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<sup>96</sup> Jesse Yoder et al., “How did Absentee Voting affect the 2020 U.S. Election?” *Science Advances* 7. (2021).

<sup>97</sup> *Ibid*, 7.

to vote. Utilizing demographics that are less likely to vote, such as younger voters, might yield different results.

This general sentiment is echoed in Jeffrey Karp and Susan Banducci's work researching the impact of absentee voting on participation.<sup>98</sup> Karp and Banducci investigate elections conducted in the 1990s and delve into the effects of absentee voting on turnout and mobilization. They ultimately find that more liberal absentee voting laws do slightly increase voter turnout in some groups, such as persons with disabilities and students; however, it is unlikely that more expansive absentee eligibility will benefit other groups.<sup>99</sup> They additionally support that those demographics who are already more likely to vote in an election are the same people more likely to utilize new convenience voting methods in elections. Beyond this, they find that voter mobilization plays a limited role in increasing absentee ballot utilization. J. Eric Oliver, on the other hand, observed the impact of the liberalization of absentee voting on elections and found that it does have a limited impact; however, that impact can be more significant if it is paired with substantial partisan mobilization of encouraging voters to apply for absentee ballots and reminding them of their eligibility.<sup>100</sup>

Moving away from absentee voting exclusively, the 2020 election also resulted in renewed calls for moving toward an All-Mail voting system similar to what Colorado implemented in 2014. Following the 2020 election, Adam Bonica, Jacob Grumbach, Charlotte Hill, and Hakeem Jefferson took the opportunity to delve deeper into the implications of Colorado's implementation of All-Mail Voting.<sup>101</sup> Colorado will mail ballots to any registered

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<sup>98</sup> Jeffrey Karp and Susan A. Banducci, "Absentee Voting, Mobilization, and Participation," *American Politics Research* 29, no. 2 (2001).

<sup>99</sup> *Ibid*, 191

<sup>100</sup> J. Eric Oliver, "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout." *American Journal of Political Science* 40, no.2 (1996).

<sup>101</sup> Adam Bonica, Jacob M. Grumbach, Charlotte Hill, and Hakeem Jefferson, "All-Mail Voting in Colorado increases turnout and reduces turnout inequality," *Electoral Studies* 72, (2021).

citizen eight days before the election; voters can either return the ballot by mail, drop it in a ballot box, or take it to an in-person polling center if they prefer to vote in person. Colorado additionally allows for voters who are not registered at least a week in advance to participate at an in-person polling center. They conclude that All-Mail voting in Colorado resulted in a roughly seven percent increase in turnout.<sup>102</sup> Importantly, they also find that the change positively impacted groups that historically have lower voter turnout, such as younger voters, lower-income voters, blue-collar voters, and minorities.<sup>103</sup> Finally, they find no indication that All-Mail voting disproportionately helped one party over the other; instead, they witnessed increased participation across the partisan spectrum. Priscilla Burchwell and Justin Burchett find similar results when observing the Oregon implementation of All-Mail voting, agreeing that All-Mail voting results in a substantial increase in turnout, with the conduct of a Presidential election being the only circumstance that can have more of an impact on turnout.<sup>104</sup>

Early voting allows voters to cast their ballot in person before Election Day by reporting to a designated polling station. This, in theory, would help increase voter turnout by allowing citizens to vote at a time that is more convenient to them if they know they will be busy on Election Day. Paul Gronke, Eva Galanes-Rosenbaum, and Peter Miller researched the impact of early voting on turnout from 1980 to 2004.<sup>105</sup> They find that Early-Voting initiatives alone do not necessarily translate directly to increased turnout and instead found that only in certain circumstances does it result in increased turnout. Elliot Fulmer expanded on the issue of Early Voting, specifically looking at the impact of the density of early voting sites in counties on

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<sup>102</sup> Ibid, 4.

<sup>103</sup> Ibid.

<sup>104</sup> Priscilla L. Southwell and Justin I. Burchett, "The Affect of All-Mail Elections on Voter Turnout," *American Politics Quarterly* 28, no. 1 (2000).

<sup>105</sup> Paul Gronke, Eva Galanes-Rosenbaum, and Peter A. Miller, "Early Voting and Turnout," *PS: Political Science & Politics* 40, no.4 (2007).

turnout.<sup>106</sup> He finds that while most studies have found a very minimal impact on turnout due to implementing Early Voting, having more early voting sites in a county results in a marked improvement in turnout when controlling for demographics and voter ID requirements. Specifically, he finds that an additional site per 1,000 voting residents results in an almost two percentage point increase in turnout for the election.<sup>107</sup> Joseph Giammo and Brian Brox discover similar findings regarding Early Voting. Early Voting's direct impact on turnout is relatively limited and mainly serves to make voting more convenient for voters who are already likely to vote.<sup>108</sup> This begs the question, is the cost of expanding Early Voting worth it for counties when they could also spend money earmarked for Early Voting on expanding voting opportunities on Election Day, which have been proven to have a direct positive impact on turnout?

Adam Berinsky conducts an interesting study regarding the impact of lowering the direct cost of voting and its impact on the demographic representativeness of the electorate.<sup>109</sup> He explains that not only does lowering the cost of voting not improve the representativeness of the electorate, but it also worsens the biases that already exist in the electorate.<sup>110</sup> By expounding on the fact that almost every reform designed to increase turnout in marginalized communities has realistically benefitted communities who are already active politically, such as the wealthy or more educated, he argues that by continuing to liberalize voting processes in the United States, it is likely that it can potentially have negative impacts on the representativeness of the electoral process. This demonstrates the importance of creating reforms that get to the heart of the issue and ensure that as many bars to entry are removed as possible.

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<sup>106</sup> Elliot B. Fulmer, "Early Voting: Do More Sites Lead to Higher Turnout?" *Election Law Journal* 14, no. 2 (2015).

<sup>107</sup> *Ibid*, 91.

<sup>108</sup> Joseph D. Giammo and Brian J. Box, "Reducing the Costs of Participation: Are States Getting a Return on Early Voting?" *Political Research Quarterly* 63, no. 2 (2010): 300.

<sup>109</sup> Adam J. Berinsky, "The Perverse Consequences of Electoral Reform in the United States," *American Politics Research* 33, no.4 (2005).

<sup>110</sup> *Ibid*, 482.

The general consensus on the political stage is that many of the measures that are being proposed, such as Same Day Registration and mail-in voting, will directly result in increased turnout for traditionally Democratic populations. However, based on the studies that have been conducted, this is not necessarily the case. Instead, Karp, Brown, and Burden, as well as others, all show that measures that are designed to create a more equitable voting population may instead have the unintended consequence of increasing the turnout primarily of those demographics who are already prone to vote. Still, regardless of the academic research that indicates that convenience voting measures do not benefit one side of the aisle more than the other, there is still staunch opposition from the Republican Party, claiming that the measures are a Democratic power grab.

## **Methodology**

The research will be focused on the impact on voter turnout of the expansion of mail-in voting, Same Day and Election Day Registration, and voter ID laws. Apart from implementing All-Mail voting, it appears that several factors must come together to have a positive impact on turnout, and it is not enough to simply make it easier to register, make it more convenient to cast a ballot, or expand polling locations. Reform must happen in multiple areas to remove the barriers to registration and voting to ensure that as many Americans as possible can participate in the government. The COVID pandemic provides a unique natural experiment to take advantage of to aid in determining the impact of expanded convenience voting on turnout. Due to the pandemic, 32 states and DC changed their election process, making it easier and more accessible for voters to cast their ballot non-traditionally. These states expanded eligibility for absentee voting, expanded mail-in ballots, increased early-voting sites, and allowed increased time for ballots to be received by the county. This will allow the research to compare turnout numbers for

elections before COVID with the 2020 election. This will provide a small sample size since it only affected one election but allows for immediate analysis of the impact of expanding convenience voting.

Additionally, several states have implemented Same Day Registration in the last two decades. By comparing the turnout in these states before implementation of Same Day Registration with turnout following implementation, we will be able to discern the impact of Same Day Registration on voter turnout. The research will utilize Colorado, California, Washington DC, and Texas to determine the effects of Same Day Registration on voter turnout. Colorado implemented complete Same Day Registration in 2013, allowing for an analysis of its impact on turnout over multiple elections. California's Same Day Registration is slightly different, only allowing its use in the 14 days before the election. Washington DC has a unique policy, which allows registration at any point before Election Day, but a citizen can only register and vote on the same day on Election Day. Finally, Texas has made no permanent changes to registration requirements or convenience voting methods and can act as a control for turnout changes across the country compared with the other three states. The research will then look at how citizens registered in 2020 to vote using the Census Bureau's Current Population Survey data to help determine the impact of being allowed to register on Election Day.

Next, the research will investigate voter ID laws' impact on turnout. Following the 2020 Elections, widespread cries of voter fraud throughout the country drove many states to begin implementing legislation making stricter requirements. This has been a trend since the 2008 election, however. In 2000, only 14 states had voter ID requirements; by the 2020 election, 34 states had implemented some form of voter ID requirement. That number appears only to be growing and is being paired with states that already had voter ID requirements making more

stringent ones.<sup>111</sup> The research will be comparing turnout in states with more or less strict voter ID requirements and determining if turnout is impacted by requiring IDs with photos or how the state remedies voters not having sufficient identification on Election Day. Finally, due to the increased misinformation regarding the legitimacy of ballots in the 2020 election because of the increase in convenience voting, the research will look at the rate of ballots being rejected to determine if there is any credence to the claim that the 2020 election was rife with voter fraud.

By looking at case studies from several states who have implemented new voter policies, the thesis will conclude whether or not any of these methods to increase turnout effectively get more voices heard across America. After determining their effectiveness and whether it has resulted in elections with less security, which would negate any benefit from increasing turnout, it will be possible to determine if implementing these policies on a federal level for national elections would benefit the country.

## **Case Studies**

### **Convenience Voting**

The 2020 election was unique for several reasons, an extremely competitive race with the American public showing an increased partisan divide in the middle of a global pandemic that a large portion of the country does not believe is legitimate. This resulted in 33 states increasing their voters' access to mail-in voting and absentee ballots. To do this, many states removed any reasoning for requesting an absentee ballot or allowed COVID to be used as an excuse to request absentee ballots. Beyond this, many states also began sending mail-in ballots to all registered voters. They expanded their mail-in voting drop boxes to make voting more accessible and safer

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<sup>111</sup> "Voter ID: Where We are Going, Where Have We Been?" *The Canvass*: October 2021. National Conference of State Legislatures. 27 September, 2021. <https://www.ncsl.org/research/elections-and-campaigns/the-canvass-october-2021637668734.aspx>



amid a global pandemic, all while the President was beginning to allude to the fact that this election would not be legitimate. Many politicians proclaimed that results could not be trusted because of the changes in election law that occurred in such short order.

**Table 7: Voter Turnout in States That Expanded Convenience Voting in 2020**

State	2016 Turnout	2020 Turnout	Change
AL	58.65	63.10	4.45
AK	60.64	68.80	8.16
CA	53.80	68.50	14.70
CT	62.59	71.50	8.91
DC	55.73	64.10	8.37
DE	63.86	70.70	6.84
GA	60.00	67.70	7.70
HI	42.52	57.50	14.98
IL	60.11	67.00	6.89
IA	68.56	73.20	4.64
KY	59.51	64.90	5.39
MD	61.40	70.70	9.30
MA	65.35	72.10	6.75
MI	64.59	73.90	9.31
MN	74.16	80.00	5.84
MO	61.95	66.30	4.35
MT	63.45	73.10	9.65
NE	61.69	69.90	8.21
NV	57.09	65.40	8.31
NH	70.31	75.50	5.19
NJ	59.25	75.30	16.05
NY	52.40	63.40	11.00
NC	64.57	71.50	6.93
OH	64.55	67.40	2.85
OK	52.11	55.00	2.89
PA	61.26	71.00	9.74
RI	58.77	65.70	6.93
SC	56.85	64.50	7.65
TX	51.10	60.40	9.30
UT	46.40	69.20	22.80
VT	64.66	74.20	9.54
WV	50.97	57.60	6.63
WI	68.33	75.80	7.47

Note 1: All values are displayed in percent of registered voters.

**Table 8: Voter Turnout in States With No Expansion of Convenience Voting in 2020**

<b>State</b>	<b>2016 Turnout</b>	<b>2020 Turnout</b>	<b>Change</b>
<b>AZ</b>	56.35	65.90	9.55
<b>AR</b>	52.46	56.10	3.64
<b>CO</b>	67.86	76.40	8.54
<b>FL</b>	65.61	71.70	6.09
<b>ID</b>	59.68	67.70	8.02
<b>IN</b>	56.18	61.40	5.22
<b>KS</b>	55.67	65.90	10.23
<b>LA</b>	59.86	64.60	4.74
<b>ME</b>	69.92	76.30	6.38
<b>MS</b>	53.51	60.20	6.69
<b>NM</b>	54.80	61.30	6.50
<b>ND</b>	59.22	64.50	5.28
<b>OR</b>	66.85	75.50	8.65
<b>SD</b>	58.69	66.00	7.31
<b>TN</b>	51.02	59.20	8.18
<b>VA</b>	65.50	73.00	7.50
<b>WA</b>	62.46	75.70	13.24
<b>WY</b>	60.09	64.60	4.51

Note 1: All values are displayed in percent of registered voters.

The 2020 election saw record turnout across the board primarily due to the polarizing campaigns of Donald Trump and Joe Biden and the fact that many citizens saw this as an election that would have a significant immediate impact on the future of the nation. Looking at these 33 states from Table 7, we should see an overall increase in voter turnout due to the increased convenience afforded to potential voters. The change in voter turnout should be more substantial in these 33 states than in the other states that did not increase access to mail-in voting. Nationwide, there was an increase in participation of seven and one-fifth percent between the 2016 and 2020 elections. Interestingly, the states that made mail-in voting/absentee voting more accessible to the average voter had a turnout increase on average of eight and a half percent. In contrast, states that did not increase accessibility for absentee and mail-in voting increased seven and a quarter percent. This one and a quarter percent is not statistically significant; though, it is important to note that states that made changes beat this average even by a small margin. That

being said, some states did see substantial increases in turnout by making significant expansions to their convenience voting methods. Some of the most compelling cases are Hawaii and Utah, which historically had some of the lowest turnouts of any state in general elections to having middle-of-the-road turnouts, increasing by 14.98 percent and 22.8 percent, respectively. This is since Hawaii moved to All-Mail elections in 2020, and Utah finally had all 29 counties utilize mail-in ballots for the first time in the 2020 General Election. Because they began using mail-in voting for the first time in 2020, I included Hawaii and Utah under states that expanded mail-in eligibility due to COVID. However, the process would have occurred regardless of the COVID pandemic in the 2020 general election. New Jersey saw a significant increase in voter turnout of almost 17 percent, likely in large part since 2020 was the first year they sent mail-in ballots to all citizens. States like Arizona, Washington, and Colorado already have all-mail systems or extremely robust mail-in voting systems and still saw a significant increase in voter turnout for the 2020 election, which additionally indicates there may have been other factors at play that contributed to the increased turnout seen nationwide besides simply an increase in convenience voting methods.

The 2020 Election saw 46 percent of the electorate utilize mail-in voting of some kind, whether absentee or traditional mail-in, of which 43 percent had not voted that way before.<sup>112</sup> Interestingly, in the 2020 election, White voters were the most likely to vote in person on Election Day out of all races, whereas Hispanics were much more likely to vote via absentee or mail-in. On the other hand, Black voters were most likely to vote early in person. Intriguingly, although there has been a lack of evidence that increasing the availability of convenience voting methods benefits one partisan group over the other, a vast majority of mail-in ballots were

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<sup>112</sup> Ruth Igielnik, Scott Keeter, and Hannah Hartig, “Behind Biden’s 2020 Victory,” *Pew Research* June 30, 2021. <https://www.pewresearch.org/politics/2021/06/30/behind-bidens-2020-victory/>

Democratic, with roughly 65 percent of mail-in ballots leaning blue. This accounts for the sizeable Blue Wave that was seen as states began counting ballots later into the night, contributing to the cries of an illegitimate election. Additionally, 63 percent of Asian-Americans voted by mail-in ballots, which was more substantial than any other race. Finally, as a family's take-home income increases, they become significantly more likely to vote via mail-in ballot while also becoming less likely to vote in person on Election Day. Income appears not to have significantly impacted whether or not a citizen would take advantage of early voting, with almost all income brackets having roughly 25 to 27 percent of their population early voting.

One of the leading arguments against allowing more citizens to utilize absentee ballots and mail-in ballots was that there would be an increased amount of fraud in the election due to less stringent requirements to verify ballots; it appears that this did not come to fruition in the 2020 election. In total, the 2020 general election saw 70,550,699 absentee or mail-in ballots be returned. This number was significantly higher than in the 2016 elections, with only 33,378,450 mail-in or absentee ballots returned. Still, there was only a rejection rate of .8 percent in 2020, similar to the rejection rate of one percent observed during the 2016 general election.<sup>113</sup> Most of the denied ballots were due to non-matching signatures or a lack of a signature. Interestingly, the number of rejected ballots due to not being received on time fell from 23.1 percent in 2016 to 12.1 percent in 2020, likely due to expanding the time that ballots could be received in many states.<sup>114</sup> Additionally, the Heritage Foundation maintains a database of voter fraud cases that occur around the country. During the 2020 election, there were six instances of fraud nationwide

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<sup>113</sup> "Election Administration And Voting Survey 2020 Comprehensive Report," *Election Assistance Commission*, 13. [https://www.eac.gov/sites/default/files/document\\_library/files/2020\\_EAVS\\_Report\\_Final\\_508c.pdf](https://www.eac.gov/sites/default/files/document_library/files/2020_EAVS_Report_Final_508c.pdf)

<sup>114</sup> *Ibid.*

revolving around absentee/mail-in voting, which is similar to the roughly 10 cases per year that were found between 1997 and 2019.<sup>115</sup>

## **Voter Registration**

Several studies have been conducted regarding Voter Registration and the impact of removing the necessity to register before Election Day, and whether or not this increases voter turnout. It has been demonstrated reasonably confidently that simply expanding the number of registered citizens does not increase turnout alone because they must still be motivated to vote. Same Day and Election Day Registration have appeared to be more successful at increasing turnout because it allows citizens who are already motivated to vote to do so without having to plan ahead and register weeks prior. This allows fringe voters and voters who have lost track of time to still participate and be drawn out to vote if their feelings change regarding the election in the final few weeks.

The Census Bureau's Current Population Survey for 2020 describes how citizens from different subcategories registered in preparation for 2020. While the Department of Motor Vehicles remains the largest source of registration thanks to the Motor Voter Act, with the percentage hovering somewhere in the high twenties to low thirties for all age brackets, education brackets, and races, it appears that Whites were slightly more likely to register at the polls on Election Day and Asians were the least likely to do so.<sup>116</sup> Interestingly, Asians were also significantly more likely to register either by mail or via the internet than any other race hovering at upwards of twenty percent doing so. In contrast, other races were closer to ten

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<sup>115</sup> "A Sampling of Recent Election Fraud Cases From Across the United States," *The Heritage Foundation*. Accessed Feb. 2, 2022. <https://www.heritage.org/voterfraud>

<sup>116</sup> "Voting and Registration in the Election of November 2020," *U.S. Bureau of Labor and Statistics*, Table 4b. <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>

percent each. Additionally, families that made under 10,000 dollars a year were more likely to register at the polls on Election Day than their wealthier counterparts, with a 5.9 percent rate and 3.4 percent respectively for those making over 150,000 dollars.

Colorado recently implemented Same Day Registration in 2013. Same Day Registration allows voters to register to vote on the same day they cast their ballot, whether on Election Day or before they are early voting. To accomplish this, states require the voter to provide proof of residency and an ID in most circumstances. Unlike some other states, Colorado allows citizens to register to vote and cast their ballot through Election Day. The impact of Same Day Registration was seen between midterm elections and Presidential elections. Prior to the implementation of Same Day Registration, Colorado boasted a 68.4 percent turnout in 2008, 48.4 percent turnout in 2010, 71.17 percent in 2012, 56.89 percent in 2014, 74.39 percent in 2016, 64.3 percent in 2018, and 76.4 percent in 2020. All-in-all, Colorado observed an eight and 16 percent increase in their midterm election turnout and a three and five percent increase in their Presidential election turnout over this period.

California implemented Same Day Registration, referred to as conditional voter registration, in 2012, allowing citizens to register to vote in the 14 days before the election through Election Day. Their vote is processed as soon as their registration is accepted. We would expect that this would result in a higher voter turnout as a percentage of registered voters and eligible voters.

**Table 9: California Voter Turnout 2000-2020<sup>117</sup>**

<b>Year</b>	<b>Registered Voter Turnout</b>	<b>Eligible Voter Turnout</b>
<b>2000</b>	70.94	51.94
<b>2002</b>	50.57	36.05
<b>2004</b>	76.04	57.03
<b>2006</b>	56.19	39.29
<b>2008</b>	79.42	59.22
<b>2010</b>	59.59	43.74
<b>2012</b>	72.36	55.47
<b>2014</b>	42.20	30.94
<b>2016</b>	75.27	58.74
<b>2018</b>	64.54	50.45
<b>2020</b>	80.57	70.88

Note 1: All values are displayed as percentages.

Based on this data, it does not appear that California had a meaningful increase in either turnout of eligible voters or registered voters. 2020 saw a dramatic increase in voter turnout in California, but this was followed around the country as the 2020 Presidential election was highly controversial and seen as being extremely high impact with two polarizing candidates. The 2014 election did have a historically low turnout due to the limited number of races that were occurring locally. However, it appears that the implementation of Same Day Registration in California did impact turnout for different demographics. The implementation of Same Day Registration in 2012 led to an increase in Latino and Asian-American turnout of almost five percent in the next Presidential elections.<sup>118</sup>

In 2010, Washington DC implemented a more unique take on Same Day Registration that allows registration after the nominal period of 30 days prior to the election but only allows a voter to register and vote the same day on Election Day. This should result in an increased

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<sup>117</sup> “Historical Voter Registration in Statewide General Elections 1910-2021,” *California Secretary of State*. <https://www.sos.ca.gov/elections/statistics>

<sup>118</sup> “Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States: November 2020,” *U.S. Bureau of Labor Statistics*, Table 4b. <https://www.census.gov/data/tables/time-series/demo/voting-and-registration/p20-585.html>

number of Election Day votes. Ultimately, it does not fully combine the act of voting and registering, still requiring voters to register before Election Day and remember to vote unless they put it off to the last day.

**Table 10:** Washington DC Voter Turnout 2000-2020<sup>119</sup>

<b>Year</b>	<b>Voter Turnout</b>	<b>Election Day Voting</b>
<b>2000</b>	58.10	90.80
<b>2002</b>	36.70	Note 2
<b>2004</b>	59.94	88.40
<b>2006</b>	29.01	93.80
<b>2008</b>	53.51	Note 2
<b>2010</b>	29.99	85.57
<b>2012</b>	60.94	64.84
<b>2014</b>	38.45	70.93
<b>2016</b>	65.30	59.61
<b>2018</b>	46.29	71.90
<b>2020</b>	66.90	31.75

Note 1: All values are displayed in percent of registered voters.

Note 2: Information not available to calculate results

The information from Washington DC shows an increased turnout following the implementation of Same Day Registration in the District. Interestingly, Election Day voting actually decreases after the implementation of Same Day Registration, even though that is the only day for citizens to register and vote simultaneously. This is likely due to Washington DC implementing more accessible early voting while implementing Same Day Registration. The significant decrease in Election Day Voting seen in 2020 is likely due to the COVID pandemic and the increase in the availability of absentee ballots and mail-in voting. Additionally, it does not appear that there was any substantial impact on the breakdown of the demographics of the voters who participated in elections due to this change. In 2008, turnout was 71.5, 78.5, 70, and 61 percent participation for African-Americans, Whites, Asians, and Hispanics, respectively.

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<sup>119</sup> “Elections Results” Washington D.C. Board of Elections, <https://electionresults.dcboe.org/>



These numbers fluctuated relatively typically, changing to 76.9, 75.7, 60, and 68 percent in 2012, 68.4, 80.5, 75, and 64 percent in 2016, and 79.5, 88.8, 90, and 82 percent in 2020.

Texas has had remarkably consistent voter registration and early voting policies. Looking at Texas’ voter turnout historically from 2000 to 2020, even with a large influx of minority population, shows that their turnout has been highly consistent in the face of increasing turnout elsewhere in the country, which has implemented new registration policies.

**Table 11:** Texas Voter Turnout 2000-2020<sup>120</sup>

<b>Year</b>	<b>Eligible Turnout</b>	<b>Registered Turnout</b>
<b>2000</b>	44.25	51.81
<b>2002</b>	29.35	36.24
<b>2004</b>	46.11	56.57
<b>2006</b>	26.44	33.64
<b>2008</b>	45.55	59.50
<b>2010</b>	27.00	38.00
<b>2012</b>	43.73	58.58
<b>2014</b>	24.99	33.70
<b>2016</b>	46.45	59.39
<b>2018</b>	42.07	53.01
<b>2020</b>	52.39	66.73

Note 1: All values are displayed in percentages.

In this situation, Texas serves as a sort of control. Over the years listed, Texas has taken no positive action to make voting or registration more readily available to its citizens, except for a minor expansion to its mail-in and absentee voting laws in 2020, and in return, has primarily enjoyed a highly consistent level of voter turnout in both midterm and Presidential general elections indicating that controlling tides impacting elections were not significant enough to have a substantial impact on voter turnout and instead some other catalyst was at play.

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<sup>120</sup> “Election Results,” Texas Secretary of State, <https://www.sos.state.tx.us/elections/historical/index.shtml>

## **Voter ID**

Another policy that has been implemented in recent years as a means to control illegitimate voting by one side of the political spectrum and has been rejected en masse by the opposite side is voter ID. Voter ID has become increasingly controversial because liberals argue that it disproportionately restricts minorities' ability to vote in elections. In contrast, conservatives argue that it is the only way to guarantee the security of American elections, and the loosening of election laws only allows voter fraud to creep openly into elections. Many states have successfully implemented voter ID laws, only to have them struck down a few years into the future due to racial bias and inadvertently disproportionately impacting one group of people more than others. This was seen with North Carolina's 2018 law which was overturned in 2021, where the judge held that "Other, less restrictive voter ID laws would have sufficed to achieve the legitimate nonracial purposes of implementing the constitutional amendment requiring voter fraud, deterring fraud, or enhancing voter confidence."<sup>121</sup>

Using the National Conference of Legislatures break down for voter ID laws, states are separated into Strict or Non-Strict States, and whether or not picture IDs are required. Strict states are ones in which if, on Election Day, a voter does not have the appropriate form of identification; they must vote on a provisional ballot and still take additional actions themselves to ensure their vote counts; in non-strict states, voters can cast a ballot if they do not have proper identification, and it will be accepted with no further action from the voter. I would expect that states with non-strict ID laws would have a higher turnout and the same instance of voter fraud as their strict state counterparts.

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<sup>121</sup> "Voter ID Laws," National Conference of State Legislatures. <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx>

**Table 12:** Strict vs. Non-Strict Voter ID Laws and 2020 Turnout

	<b>Photo ID</b>	<b>Turnout</b>	<b>Avg Turnout</b>	<b>Non-Photo ID</b>	<b>Turnout</b>	<b>Avg Turnout</b>
<b>Strict</b>	Arkansas	56.1	63.76	Arizona	65.9	64.47
	Georgia	67.7		North Dakota	64.5	
	Indiana	61.4		Ohio	67.4	
	Kansas	65.9		Wyoming	60.1	
	Mississippi	60.2				
	Tennessee	59.2				
	Wisconsin	75.8				
<b>Non-Strict</b>	Alabama	63.1	67.07	Alaska	68.8	68.24
	Florida	71.7		Colorado	76.4	
	Idaho	67.7		Connecticut	71.5	
	Louisiana	64.6		Delaware	70.7	
	Michigan	73.9		Hawaii	57.5	
	Montana	73.1		Iowa	73.2	
	Rhode Island	65.7		Kentucky	64.9	
	South Carolina	64.5		Missouri	66.3	
	South Dakota	66.0		New Hampshire	75.5	
	Texas	60.4		Oklahoma	55.0	
				Utah	69.2	
				Virginia	73.0	
				Washington	75.7	
				West Virginia	57.6	

Note 1: All values are displayed in percent of registered voters.

Based on the information presented in Table 12, it does appear that more relaxed voter ID laws lead to increased turnout as states which had no photo identification requirement had greater turnout than their photo identification counterparts, and the states with non-strict laws had even higher turnout than the strict states. Significantly, the 15 states and Washington DC, which have no voter ID requirements, sported a 70.39 percent turnout rate during the 2020 election, higher than any of the other group averages for voter ID laws. Additionally, except for Georgia and Wisconsin, every state with a strict voter ID law did not improve accessibility to mail-in or absentee voting in the 2020 election during COVID.

**Table 13: 2020 Voter Turnout by Ethnicity<sup>122</sup>**

	<b>Black</b>	<b>Asian</b>	<b>Hispanic</b>	<b>White</b>
<b>Strict</b>	61.08	57.7	48.35	68.69
<b>Non-Strict</b>	54.08	58.97	53.06	68.36
<b>Photo ID</b>	56.99	53.44	50.12	66.75
<b>Non-Photo ID</b>	55.61	63.41	52.96	70.08
<b>No Voter ID</b>	61.59	64.67	58.88	73.59
<b>US Average</b>	60.10	60.50	53.70	70.90

Note 1: All values are displayed in percent of voting-age citizens.

After grouping states into either strict states, non-strict states, non-photo identification required, photo identification required, and no voter ID laws, I analyzed the voter turnout by ethnicity to determine if there was any evidence that any of these methods disproportionately affected minority turnout. Table 13 displays these results. States with no voter ID requirements tended to outperform the average across the United States for all ethnicities. Additionally, it appears that Hispanics were mostly affected by states with strict laws which required more action by the voter if they did not have appropriate identification and states that required a form of identification with a photo. Interestingly, Blacks have the highest voter turnout in states with strict voter ID laws and have lower turnout as voter ID regulations become less stringent, unlike any other ethnicity.

The defense to increasing voter ID requirements is that it prevents voter fraud. Studies have found that a majority of voter fraud cases are due to other problems and not voter impersonation.<sup>123</sup> Additionally, research conducted at Arizona State University concluded that there were ten cases of voter impersonation fraud in all elections between 2000 to 2012 with zero successful prosecutions in states where politicians have made accusations of having rampant

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<sup>122</sup> *Bureau of Labor Statistics* “Reported Voting and Registration, by Sex, Race and Hispanic Origin, for States: November 2020,”

<sup>123</sup> Justin Levitt, “The Truth About Voter Fraud,” *Brennan Center*. Nov. 9, 2007. <https://www.brennancenter.org/our-work/research-reports/truth-about-voter-fraud>

problems.<sup>124</sup> Beyond academia, the court system has also concluded that voter impersonation, the form of fraud that voter ID is designed to defeat, is not a sufficient problem to justify potentially restricting anyone's access to a ballot, with courts in North Carolina, Texas, and Wisconsin all striking down voter ID measures under this logic.<sup>125</sup>

## Results

The 2020 election was clearly unique for several reasons, from the candidates to the pandemic around them. This led to many states expanding their access to mail-in and absentee voting. States that increased access to convenience voting measures increased their voter turnout in 2020 by almost eight and a half percent. In contrast, states that did not expand access increased their turnout by only seven and a quarter percent. It is possible that this number is not as significant as it should be based on the breakdown of states. A state is considered as expanding access for the 2020 election if it simply added early voting sites or if it moved to All-Mail voting, which would impact the results substantially. However, this still indicates that, to some degree, mail-in voting does increase turnout. Additionally, the states that did expand their mail-in and absentee voting did have a slightly higher minority turnout of roughly one to two percent for all ethnicities. Significantly, the states that moved to All-Mail elections, Hawaii and Utah, saw the most extensive changes in participation in the 2020 election of 15 and 22 percent, respectively. This indicates that the expansion of mail-in ballots does positively impact voter turnout.

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<sup>124</sup> Sami Edge and Sean Holstege, "Voter fraud is not a persistent problem," *News 21*. Aug 20, 2016. <https://votingwars.news21.com/voter-fraud-is-not-a-persistent-problem/>

<sup>125</sup> "Debunking the Voter Fraud Myth," *Brennan Center For Justice at New York University School of Law*. Accessed Feb 2, 2022. [https://www.brennancenter.org/sites/default/files/analysis/Briefing\\_Memo\\_Debunking\\_Voter\\_Fraud\\_Myth.pdf](https://www.brennancenter.org/sites/default/files/analysis/Briefing_Memo_Debunking_Voter_Fraud_Myth.pdf)

The discussion of Same Day Registration and Election Day Registration is slightly less transparent. Colorado's implementation of Same Day Registration resulted in a roughly eight and a half percent increase in midterm turnout and almost a four percent increase in general election turnout. In California's case, the implementation of Same Day Registration did not substantially impact overall voter turnout between its implementation and 2020. However, it did appear to positively impact the turnout of Asian and Latino Americans, who saw a roughly five percent increase in turnout in the elections following its implementation. If this increase could occur nationwide, it would directly contribute to an electorate that is more representative of the American public as a whole. The District of Columbia did not see any meaningful changes to their voter turnout or the percent of voters who voted on Election Day after implementation. In their case, Election Day is the only day where they could register to vote and vote on the same day. Additionally, they did not see a substantial change in voter demographics after its implementation. Because of this, it is not likely that Same Day Registration will have a substantial impact on turnout on its own and instead should be implemented with other reforms.

Finally, the implementation or removal of voter ID laws appears to have a meaningful impact on voter turnout and the demographic breakdown of voters. States that have stricter laws or require a form of identification with a photo have a lower turnout on average than their counterpart states which allow voters to cast a ballot on election day without a qualifying form of identification or only require a non-photo identification. Beyond this, states with no physical voter ID requirements have the highest turnout on average compared to states with voter ID laws. Ultimately, states with strict voter ID laws and photo identification laws have a minority turnout below the national average. States that require a voter ID without a photo almost meet the national average in minority turnout for all ethnicities except for African-Americans, who

interestingly overperform in strict states and states that require photo ID. The evidence suggests that voter ID laws significantly impact voter turnout of all ethnicities; as the laws become less stringent, the corresponding turnout increases. Additionally, as states begin to relax their voter ID laws, it contributes to creating an electorate with higher minority participation. By extending the date that ballots could be received, election officials rejected fewer ballots since citizens had more time to return them. This could be a relatively effective way to increase turnout as last-minute voters who could not make the polls would still make their vote count and have their voice heard. Additionally, regardless of the cries of election fraud that occurred in 2020, it does not appear that any fraud actually occurred in the election, even with the increase in ballot availability that occurred nationwide.

## **Conclusion**

It definitely appears that increasing ballot availability for citizens will positively impact turnout around the country. As a result of this increased turnout, it will create an electorate that is more representative of the American public. By expanding access to ballots across the country, permitting Same Day Registration, minimizing voter ID requirements, allowing citizens to vote even if they do not have sufficient voter ID by proving their identity in other ways, and expanding mail-in voting, the voters will likely become more representative of the public as a whole and encourage increased voter turnout. However, it is necessary to attack the issue on multiple fronts at once; it is not enough to simply make it easier to register or vote; government must also find a way to make citizens interested in the process and make them want to go out and register and vote. By removing the barriers to registration and voting, the government is ensuring that any citizen that wants to participate can with minimum possibility of being restricted or running into issues. Additionally, there is no indication that implementing any of these reforms

will result in increased instances of voter fraud, as many critics claim. It is also important that decisions regarding methods of voting are made early so that the government can get the word out to citizens effectively ahead of time so that voters are aware of their options and how the system will work. This will help with encouraging citizens to vote and register if they feel they are well informed and can make a difference. As America continues to have a growing minority population, the electoral system must reflect the best possible way to get out the vote and promote equality of participation regardless of the demographic breakdown of the area.

It is also essential to keep in mind the fact that public policy does not always result in changing reality in the manner that is intended. In most cases, the expansion of convenience voting and Same Day Registration positively impacts turnout but does not significantly alter the demographic turnout of those who cast ballots. The expansion of mail-in voting in the 2020 election showed that different ethnicities cast their ballots differently. This allows for states to better focus their get-out-the-vote efforts on different demographics to potentially increase turnout further. Additionally, the 2020 election saw most mail-in ballots go blue; this was likely in large part due to the Republicans pushing an anti-mail-in agenda, paired with a large number of traditional Republicans abandoning Trump for Biden. Furthermore, it does not appear that Same Day Registration has increased equitable participation in elections. Finally, strict voter ID laws appear to have a substantial negative impact on voter turnout as well as the most significant negative impact on minority participation. It appears that these changes, which have been heralded to improve voter turnout across the board and improve equitable participation, have missed the mark and perhaps resulted in increasing the turnout of those populations which already are more likely to participate. It is necessary to create thoughtful policy that will address the actual problem at hand in order to increase turnout in all ethnic and socioeconomic groups.



Since the 2020 election was conducted under such unique circumstances, it is necessary to continue this research further into the future. It will provide a distinctive comparison point since some elections moving forward, such as the 2022 midterms or 2024 elections, will be conducted in a similarly polarized environment, but with states that will not have easy early voting access, mail-in voting, or expanded absentee ballot utilization. Since most of this research is grounded in the 2020 election, it will be necessary to continue this research as election laws change and more elections are conducted in the future to provide more evidence supporting or refuting the conclusions. Additionally, because a thorough reform is necessary to positively impact turnout, it would be interesting to determine if turnout is actually reduced by restricting certain aspects of reform. For example, if a state expands early voting but several early polling sites are removed, thus limiting its effectiveness, does this limit the impact of the reform since the system is not operating as efficiently as possible even though they did implement a measure that is traditionally viewed as increasing convenience voting. Montana will be another exciting case study to look at in 2022, as they shifted Same Day Registration from going through Election Day to the day before Election Day. The results for Election Day voting in the 2022 midterm elections in Montana could shed some more light on the impact of Same Day Registration on elections. Beyond this, it would be beneficial to dig deeper into why certain groups are more likely to participate in different ways. A better understanding of why certain ethnicities prefer to take part in early voting over mail-in voting would allow for more effective and constructive public policy that would yield more beneficial results.

## **Conclusions and Recommendations**

The research in this thesis has focused primarily on reforms made at the state and local levels to increase participation and create a more equitable and fair system. The research focused primarily on the implementation of RCV, public financing of elections, and convenience voting measures. The implementation of these reforms had the intended goal of increasing participation in the political process and creating a more equitable system for all socioeconomic and demographic groups. By researching these public policy changes, the research lends evidence to make recommendations to different localities, states, and the federal government and assess the validity of previous research on similar subjects.

In the first chapter of the research, the results and impact of Maine's recent implementation of RCV were observed, along with the historical impact of San Francisco's implementation of RCV in its municipal elections. Maine was chosen because it was the first state to implement RCV for statewide elections, and San Francisco was chosen because it has been using RCV for the longest time. Some of the purported causes of low participation in the electoral process are a lack of interest and a feeling of political inefficacy. The implementation of RCV is supposed to combat these two potential issues. The research in this chapter focused on the impact that implementing RCV will have on the voter, campaigns and strategy, and the outcomes of elections. In Maine, it was observed that the shift to RCV did cause a slight increase in voter turnout though it was not substantial in this case. Beyond simply increasing voter turnout, RCV is touted to create more cordial elections and ones where voters are better able to cast their votes for their most desired candidate. In Maine, roughly 40.5 percent of respondents felt that the elections since implementing RCV have contained less negative campaigning. Additionally, they found that 45 percent of respondents felt more inclined to vote

for their preferred candidate than in previous elections. Notably, there were no indications that the implementation of RCV in Maine was confusing or resulted in voters being confused or voting improperly, more so than in traditional elections. This lack of confusion was primarily due to Maine's rollout of educational resources before implementing RCV to ensure that as many voters were as knowledgeable as possible.

The results from San Francisco's implementation and use of RCV since 2004 are relatively similar to Maine's. Since the implementation of RCV in 2004, San Francisco has seen increased voter turnout in elections across the board. Beyond this, San Francisco also conducted exit polls that indicated that constituents felt that elections were less hostile and were more comfortable voting for their preferred candidate, just as they were in Maine after the implementation of RCV. Significantly, San Francisco RCV elections also have lower numbers of overvotes and undervotes than their non-RCV counterparts that are conducted in the same municipality. This lack of complication in shifting to RCV elections is substantial because it counters a significant argument that was being used to prevent the shift to RCV; that the process was too complex for the average voter to understand, which would result in ballots being rejected.

Campaign finance is one of the most unequal forms of political participation. Political donors are traditionally wealthier members of society who are more prone to have disposable income, resulting in a system that is more likely to represent those privileged few than the will of the masses. As such, the second chapter focused on how public financing of elections is accomplished across the country. While many different public financing schemes are used across the country, this chapter focuses on Seattle's Democracy Voucher program and New York City's nine-to-one matching program. A common complaint regarding the campaign finance

system in the United States is that it is used disproportionately by the wealthy, which skews representation in their favor. Two of the most considerable barriers to participation are disposable income and the belief that small donations cannot counter the influence of large donors.

Seattle implemented the Democracy Voucher program in 2015 after the city voted to increase their property taxes to provide 100 dollars to every registered voter in the city to donate to their preferred politicians. This would, in effect, remove the need for disposable income to donate to candidates. As a result, in the 2017 elections, the city saw a 300 percent increase in donor participation. The most significant increase in participation was seen in the wealthy, white, elderly demographic, which is already the most likely to participate in elections. Although it mainly benefits already overrepresented groups, there is still evidence that it motivated new donors across all demographics, as nine out of ten voucher users in the 2017 election had never donated to a campaign before. Although participation in the program was not universal, it was still a significant step as Democracy Voucher users were more low-to-moderate income and younger than their private donor counterparts. Still, even with this increase in participation, only four percent of the Seattle electorate donated to campaigns. This increase in participation continued through the 2019 elections, with another 83 percent increase from the 2017 cycle. Again, the 2019 election cycle saw Whites and homes with an income of over 100,000 dollars yield the most substantial increase in participation. Substantially, the 2017 and 2019 elections proved that the Democracy Voucher program could limit big money's influence on elections by cutting the average donation in half.

New York City has approached public financing slightly differently than Seattle by utilizing a matching funds program since the 1980s. Over the years, the program has increased

the matching ratio. Currently, the program utilizes a nine-to-one matching ratio where a ten-dollar donation will result in an additional 90 dollars in a candidate's war chest. New York City's program has seen increased donations from neighborhoods with higher poverty rates, higher percentages of people of color, and lower percentages of those with post-high school educations. As New York City has increased the matching ratio, they have also seen an increase in the number of small donors, and the percentage of total funds from small donors has increased. Ultimately, New York City has seen its city council become more representative of the city as a whole increasingly over the years, indicating potential in a public matching scheme to make representation more equitable to the population that elects them.

The 2020 Presidential election was unique for several reasons, the country has appeared more fractured than ever before in its history, and the COVID-19 pandemic was complicating efforts to conduct the election. Because of this, 33 states instituted new convenience voting measures to help maximize the amount of participation while minimizing potential health risks to voters. We have also seen the implementation of other measures in recent years to maximize voter turnout, such as Same Day Registration and All-Mail voting. The final chapter of the research focuses on the expansion of convenience voting and the impact of voter registration and voter ID laws. In 2020, the United States saw two states shift to All-Mail voting, Utah and Hawaii, which realized a turnout increase of 14.98 and 22.8 percent, respectively, from the last presidential election. Additionally, the 33 states that increased their access to absentee or mail-in voting in some manner during the 2020 election saw an eight and a half percent increase in turnout compared to seven and a quarter percent for those that did not increase access. It does not appear that the expansion of absentee and mail-in ballots significantly impacted minority turnout; instead, the research indicates that as families become more wealthy, they are more

likely to utilize convenience voting measures. Additionally, this expansion did not result in an increase in voter fraud as many pundits claimed it would. Same Day Registration has had less of a clear impact on voter participation than shifting to All-Mail voting. This is likely because simply making it easier to register does not mean that voters will actually go to the polls; instead, it simply makes it so they can still participate if they do not register in time. Finally, the research separated states into strict and not-strict states and states that required photo ID and non-photo ID to vote. The research indicates that states with more relaxed voter ID laws do have a higher turnout, with those states requiring no voter ID having the highest turnout as a group. Ultimately, it appears that Hispanics are the most disproportionately affected race by strict voter ID laws, although all ethnicities' turnout decreases as voter ID laws become more stringent except for Blacks.

Based on the information yielded from these chapters, it appears that there is no one clear solution to making the American political system have higher levels of participation and be more equitable. It is necessary to identify the barriers limiting participation in the political process and create solutions that attack as many of those issues as possible. Additionally, there are indications that the realized impact of implementing new public policies does not necessarily align with the intended impacts, as seen by Democracy Vouchers and convenience voting measures being primarily utilized by already overrepresented demographics. It does appear that RCV has been largely successful at encouraging participation and giving citizens the freedom to vote for their preferred candidate rather than being forced into a “lesser of two evils” situation. Additionally, it also appears that both a public-matching and Democracy Voucher system are largely effective at encouraging more citizens to donate to campaigns. However, the public-matching system has been more effective at limiting the influence of large donors. The success

of both RCV and new forms of public finance is due primarily to educational campaigns to explain the changes to citizens well in advance of their implementation. Shifting to All-Mail voting has been seen as a surefire way to increase turnout by roughly eight percent. However, other convenience voting measures such as Same Day Registration do not share the guaranteed increase in turnout that All-Mail voting presents. That is not to say that the implementation of Same Day Registration is not worth it, but instead that it should be implemented in conjunction with other factors as a potential catalyst. In many cases, it is revealed that it is also necessary to provide education to allow these public policy changes to be immediately effective.

In order to achieve the goal of making American democracy have higher participation and having that participation be more equitable is no easy task. Several recommendations could point the country down this path based on the research. It is necessary for Congress to utilize the Elections Clause to implement reforms that will result in a healthier democracy in the United States. For one, more localities should make the shift to RCV. In each locality where this has been implemented, there has been an increase in turnout, and the public overwhelmingly supports it compared to the legacy first past the post model. The ability for citizens to vote for their preferred candidate and have fewer negative campaigns surrounding them is significant because it will allow voters to have more faith in the process and be more satisfied with the results. This, in turn, will contribute to more buy-in to the process and potentially more participation in other forms of the political process, such as volunteering and donating. Additionally, RCV removes the need for multiple runoff elections, saving money for localities. The most substantial risk when implementing RCV is that it is more complex than first past the post elections. As such, localities must commit additional funding to educational campaigns to

ensure that the rollout goes smoothly and that citizens have the resources available to utilize the system successfully.

Realistically, it is too soon after implementing the Democracy Voucher program in Seattle to recommend a complete shift to its utilization in other localities. Although the initial results look promising for increasing participation in demographics that do not traditionally participate, the system is still used mainly by citizens who are already likely to donate to campaigns in other ways. It will be necessary to continue to monitor the program's impact on participation in the coming years as it is still relatively new, and more pilot programs should be opened around the country. New York City's matching program has seen more success and should be implemented on a larger scale. Currently, the federal government's public financing system is going unused by candidates who are unwilling to accept the spending cap that comes with it. By implementing a matching funds program similar to New York City's, the federal government would be able to provide more competitive amounts of money to encourage candidates to accept public financing. Additionally, the federal government should allow a waiver for the spending limit that is applied if you accept public funds if their opponent does not accept public funding. This would reduce the influence that large donors could have on campaigns. A potential downside is that a matching funds scheme would require more money than the current voluntary three-dollar donation method, which would come from increased taxes or more substantial donations.

Regarding convenience voting, states must make access to ballots as simple as possible so as not to deter anyone who is eligible and has the intention to vote. More states should move to All-Mail elections with Same Day Registration, which has been proven to increase voter turnout across all demographics and simplify the voting process. Additionally, it allows voters to



cast a ballot when convenient to them and ensure their voice is heard. It would also benefit states to reduce restrictions on voter ID requirements and maximize early voting use. By maximizing the use of early voting, states will reduce congestion at polling places on Election Day and remove another barrier to participation for voters. By removing voter ID requirements, states will simplify the process for citizens to vote. The counter-argument to removing these requirements is that it will become more likely that voter fraud will occur in elections; however, the likelihood of voter impersonation, which voter ID is designed to stop, is catastrophically low. Additionally, following the 2020 election, there have been no indications of an increase in voter fraud even after the increased use of mail-in and absentee voting. In a comprehensive study of voter impersonation, Justin Levitt found 31 credible cases of voter fraud among over 1 billion ballots cast between 2000 and 2014.<sup>126</sup> Even Levitt admits that these numbers could be somewhat inflated since they were not indicted or even found guilty. Beyond this, courts also agree that voter ID is ineffective at preventing fraud, with Wisconsin, North Carolina, and Texas courts all striking down voter ID laws due to the lack of in-person voter fraud in those states.

There are some limitations to this research. For one, most of these reforms are relatively new, which has limited the amount of information drawn from these changes. It is necessary to continue monitoring the impacts of these reforms over multiple cycles to verify a proper understanding of their impact and allow for adjustments as necessary to ensure they are meeting their intended goals. Additionally, some aspects of the research were challenging to complete due to different states and localities having different reporting requirements for their data.

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<sup>126</sup> Justin Levitt, “A Comprehensive Investigation of Voter Impersonation Finds 31 Credible Incidents Out of One Billion Ballots Cast.” *The Washington Post*. Aug. 6, 2014  
<https://www.washingtonpost.com/news/wonk/wp/2014/08/06/a-comprehensive-investigation-of-voter-impersonation-finds-31-credible-incidents-out-of-one-billion-ballots-cast/>

A majority of these changes have been proposed in Congress following the 2020 election. H.R.1, the For the People Act, has passed the House and contains a number of these proposed reforms and many other sweeping changes. For one, the bill would require states to allow for online voter registration, allow Same Day Registration, and expand mail-in voting. Additionally, it clarifies time periods for early voting in federal elections and the location of early voting sites. Regarding campaign finance, the bill would institute a six-to-one matching scheme for qualifying small donations, defined as less than 200 dollars, for qualifying House candidates that reject high-dollar donations. It would also create a state-run pilot program that would give 25-dollar vouchers to citizens once per election cycle who could use this money to support their chosen candidates. Additionally, it would also create a six-to-one matching system for presidential campaigns. Based on the research, these reforms will likely result in a higher, more equitable turnout. Additionally, the six-to-one matching with a requirement to reject high-dollar donations is likely to reduce the influence of large mega-donors while encouraging candidates to listen to their constituency. A potential downside to this policy is that the matching funds system will be more expensive. Additionally, the six-to-one matching scheme may result in more ideologically extreme candidates as small donors sometimes tend to donate to more extreme candidates, particularly during the primaries. It would also be beneficial for this bill to allocate funding to education measures before the change goes into effect. This would ensure that as many citizens as possible understand the changes that are occurring and how to take advantage of them. Publicizing the changes and their reasoning is also more likely to encourage donors to have more faith in the system and, therefore, participate at a higher rate. While this bill has passed the House, it is improbable that a sweeping reform bill will pass the Senate without the filibuster being removed. Currently, the Republican party is blocking the reforms since they

believe it is purely a guise for the Democrats to sway elections in their favor, even though the evidence does not suggest that there will be a significant partisan impact. Until both parties can agree that increasing voter access to elections and empowering small donors is essential, it is unlikely that many of these reforms will take effect.

While many of these reforms will not see success in the current political climate, it does not remove the government's responsibility to attempt to enact as much change as possible. The issues that the American political system is currently facing are not ones that can be fixed overnight or with a singular reform; it is necessary to enact change incrementally if necessary and then adjust in case the actual effect of the reform is not what was intended. Only through the implementation of thoughtful public policy and consistent, constructive criticism of the political process can America ensure that the political process and its government are operating effectively.

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