

The Struggle over Voting Methods in the United States

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On my honor as a University student, I have neither given nor received aid on this assignment as defined by the Honor Guidelines for Thesis-Related Assignments.

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Elections are the most basic means U.S. citizens have to influence their government. According to Stimson (2004), public opinion is the most important factor in politics. Approval and trust in institutions correlates with feelings about the country's direction. How do social groups promote trust or distrust in the American election system? Voters are subject to influences they may be unaware of, and use voting technology they may not understand. Poorly understood voting systems can invite distrust, and thereby facilitate unfounded claims of election fraud. Conversely, voting systems that are intuitive and easily auditable can build trust in elections. The League of Women Voters and the NAACP arrive at election reform by removing restrictive barriers. In Republican majority states, conservative legislatures resisted and criticized efforts to adapt voting systems to the Covid-19 pandemic. The National Election Defense Council and the Election Assistance Commission promote nonpartisan electoral reforms. While voters across the political spectrum generally favor secure, inclusive, and auditable elections, they disagree about how those needs should be prioritized, and how they should be pursued. For example, efforts to make elections more secure against fraud may also make elections less accessible. Americans across the political spectrum agree that reforms in U.S. elections systems are needed, but fiercely disagree on the most important threats. From the fear of voter fraud to fighting voter suppression, the criticisms of the election system are diverse and often framed as zero sum. Groups perceiving fraud as the greatest threat tend to favor procedures that would worsen the problem of voter suppression. Opponents of voter suppression favor reforms their critics allege would invite voter fraud. The discrepancy of the problem and solutions makes practical reform difficult to achieve.

Review of Research

Public trust is constantly changing, but trust in American institutions is at record lows (Gallup, 2022). Misinformation and conspiracy theories thrive on distrust. Distrust can promote the acceptance of such ideas; the ideas, in turn, promote more distrust (Cohen, 2021). Im et al. (2014) found a correlation between high internet usage and distrust in government. Abalakina-Paap et al. (1999) link distrust to belief in conspiracy theories. The effect can be self-reinforcing: internet usage fosters the distrust that makes implausible conspiracy theories attractive; the theories then instill more distrust. According to Arnold (1992), lawmakers mostly seek reelection above all other considerations. To pursue reelection, they support legislation that their constituents favor. Because Americans typically know little about election systems and may be politically apathetic, are most vulnerable to misinformation (Rosen, 2018; Gans 2001). Elections then become a popular source of distrust and contention. Any voting system is vulnerable to accusations of insufficient reliability (Niemi & Riker, 1976). To earn voters' confidence, election systems must be managed without partisan influence (Holt, 2021).

Criminal justice reform presents fundamental disagreements about the root problem and alleges that the opposition's proposed solution will make the problem worse. Beckett et al. (2016) find increased media discussion about criminal justice reform, yet there's no increase in enacted reforms. Policy rhetoric and heightened awareness makes reform more difficult: "rhetorical strategies also do important cultural work and may undermine the changes that comprehensive reform will be adopted in the future." According to Kamal and Burton (2018), even with broad public support, America's political structure can still be gridlocked. Contrasting the differences in reactions from mass shootings in America and Canada reveals "multiple access points in the U.S policy-making system, which allows formal veto players and informal [groups]

to ... access and influence the policy process.” America has many political institutions that act without regard for broad public opinion or have a negative correlation. Mishler and Sheehan (1993) finds that since 1981 the Supreme Court no longer positively responds to public opinion, the relationship might be in the negative. During the Reagan years the Supreme Court “grew increasingly conservative across this period despite a liberal resurgence in the public mood.” The Court is a relatively stable institution, these trends have been recently observed. According to Casillas et al. (2011), the Court will likely decide salient issues as a “countermajoritarian force... along ideological lines.”

Bipartisan reforms are still understood as political. According to Trubowitz & Mellow (2005), bipartisanship is best described as a political act to appeal to members outside the party, swing voters, and independents. While polling usually shows the American public broadly favors bipartisanship, the approval of bipartisan policy outcomes isn't consistent (Harbridge et al., 2014). Usually polling measures hatred for partisan arguments and gridlock, rather than a preference for bipartisan policy. Harbridge et al. explain this misalignment by showing the importance of group identity in American politics. “Even if people express an abstract preference for bipartisanship... one's in-group fighting with an out-group primes partisanship in attitude formation” (2014). “The political party contingents are more internally cohesive and much more polarized” (Sinclair, 2001), making bipartisanship less likely. “Feigned bipartisanship-especially in rhetoric-will be pervasive, but the real thing will be rarer.”

Jones (2001) provides a model of “gridlock that incorporates party polarization, party seat division, and the interaction between these two factors.” Party polarization is only made worse with Lee's work on Insecure Majorities (2016). As both parties stand an equal chance of winning control in the next election cycle, leading to party's failing to communicate and

undermining each other. “This strategy stands in the way of productive bipartisan cooperation.” Omnibus legislation has emerged as a way to circumvent uncertainty and gridlock (Krutz, 2000). Especially with difficult legislation “facing opposition within Congress or from the president are more likely to be incorporated into omnibus measures.”

Voter Empowerment

Advocates for voting rights and citizen participation, such as the League of Women Voters (LWV), The Center for American Progress (CAP), and Rock the Vote, focus on the enfranchisement of apathetic and unengaged voters. In its long history, LWV has backed US membership in the United Nations and the Equal Rights Amendment (LWV, 2022). More recently, LWV backed the National Voter Registration Act (NVRA) of 1993 and the Help America Vote Act (HAVA) of 2002. LWV joined in *Rucho v. Common Cause et al.* (2019). Among women voters, political engagement outside of voting remains relatively low (Coffé & Bolzendahl, 2010). According to Verb, Burns, and Schlozman (1997), the U.S. hasn’t achieved full legal equality of the sexes as women are still less politically efficacious than men. The Center for American Progress (CAP) characterizes its mission as championing voting rights by fighting “gerrymandering, voter suppression, and the undue influence of money in politics” (CAP, 2023). CAP opposes so-called “deniers who promote conspiracy theories.” Rock the Vote focuses on increasing the engagement of young voters. To improve voter registration, the Rock the Vote OVR provides accessible service (Rock the Vote, 2018). The disclaimer for election security: “a robust security audit to comply with National Institute of Standards and Technology’s 800-53 compliance.” Rock the Vote makes no mention of preventing fraud unless to call such methods voter suppression. “From the rise of voter ID laws to intensified efforts to

remove polling sites from college campuses, young people must navigate obstacles” (Rock the Vote, 2023). The Center for Information & Research on Civic Learning and Engagement (CIRCLE) focuses on educating voters and addressing structural failures. “The structures and practices of campaign outreach, which are often focused on people who have cast a ballot before or others considered ‘likely voters’ leave a lot of young people behind” (Kiesa et al., 2022). Often failures of individuals are explained by systemic problems. “One source of this inequality is underrepresentation in civic and political life as a result of marginalization or oppression” (CIRCLE, 2023). Vote.org filed a suit along with the Florida Alliance for Retired Americans and the Florida NAACP against Florida’s latest “wet signature” law, claiming it as voter suppression (Vote.org, 2023). Vote.org’s mission: working on “grassroots activities across the state to inform and mobilize voters.”

Political Minorities

NAACP attacks voting security measures as voter suppression, just as Rock the Vote. For example, “facially neutral voting laws that, through ingenious, sophisticated methods, had a significant impact on minority citizens’ right to vote” (*Brnovich v. DNC*, 2021). The NAACP was founded in 1909 in large part to fight disenfranchisement of black voters enshrined in Jim Crow laws after literacy tests, poll taxes, and the grandfather clause were upheld by Federal Courts (*Williams v. Mississippi*, 1898). The NAACP has a long history advocating for voting rights. For example, it was a major proponent of the 1965 Voting Rights Act. Recently the NAACP has fought state election laws, such as Georgia’s SB 202 (NAACP, 2021). The Biden Administration’s Department of Justice and other organizations joined the NAACP’s efforts. “In enacting SB 202, the Georgia General Assembly intended to deny or abridge the right of Black

Georgians to vote on account of race or color” (DOJ, 2021). The NAACP Legal Defense Fund has given its support to the John Lewis Voting Rights Act. The act is still needed even with improving voting conditions, “Black and Brown voters persevered through needless obstacles to turn out in powerful ways.” (NAACP LDF, 2023). The American Civil Liberties Union (ACLU) states since 2008, “cuts to early voting, voter ID laws, and purges of voter rolls” (ACLU, 2023) impedes the right to vote. Allegations of voter fraud are described as election denialism; “widespread fraud... allegations were proven false time and time again, and rejected by scores of state and federal courts” (Persad & Adeoye, 2022). Some laws allegedly “jeopardize the nonpartisan nature of elections... with new civil or criminal penalties.” The ACLU prioritizes voting access, New Mexico legislation is advertised as “proactive efforts to increase access to the ballot box and safeguard our democracy.” As Congress is in gridlock, Gov. Michelle Lujan Grisham signed legislation “that will greatly expand voting access to thousands of people across the state” (Haq & Weahkee, 2023).

Alleged Voter Fraud

To sow distrust in elections, conservative lawmakers and activists allege widespread voter fraud and breaches in voting law. Following the U.S. presidential election of 2020, in *Texas v. Pennsylvania* (2020), Texas argued unsuccessfully that defendant states “announced new rules for the conduct of the 2020 election that were inconsistent with existing state statutes defining what constitutes a lawful vote” (2020). The case was dismissed as “Texas has not demonstrated a judicially cognizable interest in the manner in which another State conducts its elections” (2020). To proponents of legislation to fight voter fraud, such findings justify their efforts. Georgia’s Election Integrity Act (S.B. 202) cites as its purpose restoring “voter confidence.” The law warns

of “rampant voter suppression and many electors concerned about allegations of rampant voter fraud” (Ga Legis., 2021). The act standardizes the election process, setting earlier deadlines and shortening voting windows (Fowler, 2021). Although the law alleges widespread voter fraud, in 2020, only 475 voter fraud cases were reported in Georgia out of 25.5 million votes cast. In the six battleground states, 0.002 percent of votes were fraudulent (Cassidy, 2021). The law cites voter suppression as a concern, but the opposition argues the law will worsen voter suppression (DOJ, 2021). The America Project gives 4 pillars of election integrity: paper ballot inspection, voter registration canvassing, inspect the machines, adjudication process inspection (America Project, 2023). Some points are bipartisan, but the America Project will also tout the aforementioned Ga S.B. 202 as an “Election Victory.”

Reactions to Election Reform

While objecting to the John Lewis Voting Rights Act, Senate Republican leaders stated many arguments, among them is a warning that “People will lose confidence in the election system if this bill would pass” (Blunt, 2021). There were claims “to preserve one person, one vote and the integrity of the electoral system” (Blackburn, 2021). There were calls for nonpartisanship and easy voting from some Republicans. John Barrasso says “it will open up the election process to the great potential for widespread fraud, which will only exacerbate our citizens’ collective fears... We need to make it easier for people to vote, harder for people to cheat. The Democrats, in their bill, are making it much easier for people to cheat.” Mitch McConnell calls the bill “solution in search of a problem” and claims a 3-2 democrat republican split in the FEC is a violation of nonpartisanship. “It’s a bill that reflects hostility toward Republicans themselves” (Lee, 2021). Republicans are aware of the allegations from Democratic

activists, yet maintain “state election law changes are somehow designed to prevent minorities from casting their ballot. That’s already illegal under section two of the voting rights act, and it’s blatantly false” (Cornyn, 2021). Lawmakers also object to the national reach of the bill “S.1 as a bill is really designed to be able to federalize elections” (Lankford, 2021). “In 2016, President Obama said that the diversity of our system was the strength of the system. I don’t know if he still believes that or not, but I do” (Blunt, 2021). Republicans tend to attribute failures in electoral systems to failures of personal responsibility; Democrats tend to attribute them to systemic failures. Individualism is widely held among conservative Republicans (Fine, 2022).

Changing Voting Type

Groups may blame the plurality voting style, usually in favor of ranked choice. “FairVote is the national driving force behind advancing ranked choice voting (RCV) and proportional RCV” (FairVote, 2023). FairVote will also tout bipartisanship, “ranked choice voting... most bipartisan improvement to our elections.” New America seeks a wide variety of benefits from ranked-choice voting. “RCV as a way to improve minority representation in local government” (New America, 2023). RCV promises more than representation, but also voter enfranchisement. “A jurisdiction can get the benefit of two rounds of voting in a single, more representative, higher-turnout election” (RCVRC, 2023). “Its use in Eastpointe [Michigan] marked the first time that the Department of Justice implemented the system as a remedy for a Voting Rights Act violation” (McMillin, 2020). Representation has many advantages including increased public support and participation (Bobo & Gilliam, 1990; Tate, 2001). “Many state and local runoff elections occur as little as one week after the first round, effectively disenfranchising overseas

and military voters.” RCV is seen as a solution to polarization, “moderate candidates would be more electable in an RCV setting” (New America, 2023).

Defining Bipartisan Groups

Seemingly non-partisan groups may be deceptively partisan. Transparency USA tracks political money from 12 states, even lobbying money in the case of Texas (Transparency USA, 2023). Often the numbers are misleading without context or give the public a false sense of security due to ignorance. Most people don’t know how lobbyists operate. “There is so much lobbying that it is difficult to understand which efforts are really efficacious or worthwhile” (Wallach, 2015). A seemingly bipartisan group like Transparency USA may carry political messages “Here are five reasons why more government control is the wrong way to make campaigns more fair” (Marshall, 2020). The Brennan Center for Justice will advocate for bipartisan issues like updates to equipment, “we’re supporting a bipartisan bill in Congress that would give states the funding they need to tackle these problems” (Brennan Justice, 2023). The Center will also platform political statements. “Now, we are in the midst of a crisis. The nation faces a wave of voting restrictions and redistricting abuses” (Garber, 2022). The aforementioned crisis “would impose criminal penalties on election officials and workers for taking steps like proactively sending mail ballot applications to voters” (Brennan Justice, 2021) shows the Center’s political advocacy. “Scapegoated for election outcomes that some politicians and voters did not like, election officials have been under unprecedented attack.” “As an independent, nonpartisan law and policy organization... We also pioneer and champion policy solutions” (Brennan Justice, 2023).

Bipartisan Election Reform

Advocacies pursuing bipartisan reforms in U.S. elections combine publicity with closed-door pressure techniques. The National Election Defense Council (NEDC) demands better cybersecurity in elections. It characterizes its members as including “experts in cybersecurity,” including “many members of the tech and elections community” (NEDC, 2023). NEDC has promoted legislation, such as Senate Bill 2953, to “replace antiquated paperless voting machines” and implement “tools and training to detect and thwart a cyber-attack” (NEDC, 2017). The US Election Assistance Commission (EAC) promotes programs to train election workers in de-escalating confrontations and to ensure a continuous chain of secure custody for ballots (EAC, 2021; EAC, 2022). Free Speech for People (FSP) pursues election reform through bipartisan policy (FSP, 2023) in an environment increasingly hostile to bipartisan election reform (Marks, 2022). Bipartisan reform is usually a matter of cybersecurity in infrastructure (NEDC, 2021). NEDC strives for impartiality and utility; it “does not implicitly endorse any of the work of our allies on the right or left, beyond our shared bipartisan efforts promoting secure elections” (NEDC, 2023). While advocates promote sound election processes by engaging the public, bipartisan groups rely on less public means of advocacy than more partisan advocacies. The bipartisan nature also necessitates a smaller scope. After the January 6th riot and 2 years of negotiating, Congress passed a bill that “fix[ed] the flaws of the archaic and ambiguous Electoral Count Act of 1887” (Parks, 2022; Collins, 2022). The law barely got enough support to be considered bipartisan (House Clerk, 2022). Expectedly, the revised Electoral Count Act received the support of many previously mentioned groups (Lee, 2022; Turner, 2022).

Conclusion

Although Gans (2001) alleged widespread apathy among the American electorate, divisive controversies suggest more intense focus on elections, at least in the last two presidential elections. Such engagement has not yielded significant electoral reforms because there is no consensus about the root problem. Some allege widespread electoral fraud; others warn of voter suppression. Compromise, that would prevent both fraud and suppression, is elusive. These goals are typically framed as mutually exclusive. To opponents of voter suppression, preventing fraud appears to be voter suppression. Opponents of voter fraud claim efforts to prevent voter suppression invite fraud. Each accuses the other of proposing electoral reforms that harm the integrity or legitimacy of the electoral process in the eyes of the opposing political group. Reform is more difficult with supposedly nonpartisan actors carrying biases and complicating information and negotiation. While political change is difficult, especially on a divisive issue like elections, the political system can still deliver change in unorthodox ways. True reconciliation and progress takes an agreement about plausible solutions, but also root causes. The scope of these advocacies has always been the American Election system, perhaps learning from other successful democracies can offer prudent experience and an unbiased, removed perspective.

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