

## Democratic Elections

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### What's the Problem?

*Did you know that . . .*

- a majority of the voting-age population does not vote in most elections in the United States?
- Bill Clinton and George W. Bush, when first elected president, each received the votes of only about one quarter of those eligible to vote; in his sizable electoral victory, Barack Obama received the votes of 33 percent of those eligible and 30 percent of voting-age adults in 2008 and 29.6 percent and 27 percent, respectively, in 2012?
- most members of Congress have no effective opposition in running for renomination, and some have no opponents in the general election?
- since 1964, more than 90 percent of members of the House of Representatives and 80 percent of the Senate have been reelected?
- no third-party presidential candidate has received any electoral votes since 1972?
- there were more ballots discarded or undercounted in New York City and Chicago in the 2000 election than there were disputed ballots in the controversial Florida presidential vote that year?
- about \$5 billion was spent on federal elections in the 2007–2008 election cycle and more than \$6 billion in 2011–2012?
- information about how elections are conducted in the United States is so fragmentary that the government does not know how many people are turned away at the polls, how long people stand in lines waiting to vote, how many ballots are voided or simply not counted, and how many voting machines malfunction?
- it took more than seven months in 2008 for officials and the courts to determine the winner of the election in Minnesota for a seat in the U.S. Senate?
- the average length of time that presidential candidates appeared on the evening news shows of the major broadcast networks in the last three elections was about seven seconds?
- candidate advertising in recent federal elections has been much more negative than positive?

- more than \$200 million was spent on advertising during the 2008 Democratic and Republican nomination processes, with the Democrats spending more than twice as much. In 2012, the Romney campaign was the big Republican spender, spending more than his opponents combined?
- only about one-third of the people can name the member of Congress who represents them during nonelectoral periods?

*Is this any way to run a democratic election?*

**T**hese facts suggest that something is terribly wrong with our electoral process. They raise serious questions about how democratic the American political system really is. They also point to the major problems within that system: low voter turnout; fraudulent, error-prone, and discriminatory voting practices; uneven and inadequate administration of elections by state and local officials; high costs and unequal resources for candidates running for office; short, compartmentalized, and negative media coverage; and contradictory, often inconclusive results. Let's take a look at some examples of these problems.

## CONTEMPORARY ELECTION ISSUES

### Low Voter Turnout

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

Now, more than two centuries later, in a country that prides itself on its long and successful political tradition and on its fundamental democratic values, a majority of the electorate does not vote on a regular basis. Why do so few people vote? Does it have to do with how candidates run for office, how and when elections are conducted, or whether the public perceives that elections really matter—whether they make a difference in people's lives or in the country's future?

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

During the 1980s, amendments were added to the act to broaden its applicability and facilitate minority participation in the electoral process, yet the turnout of most population groups continued to decline.

In 1993 a “motor voter” bill, designed to make it easier for people in all fifty states to register to vote, was enacted, yet the percentage of the adult population reporting that it registered decreased in the years following the passage of the law.

In 2002, Congress enacted the Help America Vote Act, which provides money to states to computerize their voter registration lists, buy more accurate voting machines, and allows for provisional voting for people who claim that they registered but whose names do not appear on the lists of eligible voters in the precinct in which they live and vote. Millions of new voters have been registered since the enactment of the 2002 legislation. In 2002, 74.7 percent of the voting-age population was registered to vote; by 2010, that figure had climbed to 78.7 percent, 186.9 million voters.<sup>1</sup> As the percentages indicate, the increase in new voters has exceeded the growth of the voting-age population.

Turnout has been increasing among the voting-age population as well, although not as rapidly as voter registration, according to turnout expert Michael McDonald, a political science professor at George Mason University. Table 1 notes the figures since the beginning of the twenty-first century.

The bad news is that still more than four out of ten people eligible to vote do not do so in presidential elections and six out of ten in the midterm elections.<sup>2</sup>

The issue of nonvoting raises serious questions about the vibrancy of America’s civic culture and the health of its democratic political institutions.

**TABLE 1.1 Turnout in Federal Elections in the Twenty-First Century (Based on the Voting-Age Population)**

Year	Percent of Voting-Age Population (VAP)
2000	50.0
2002	33.3
2004	55.4
2006	37.1
2008	56.9
2010	37.8
2012	53.6

Source: Michael McDonald, “United States Elections Project: Voter Turnout.” [http://elections.gmu.edu/Turnout\\_2012G.htm](http://elections.gmu.edu/Turnout_2012G.htm)

With so many people not voting, do elections reflect the judgment of all the people or of a small and unrepresentative proportion of them? Similarly, to whom are elected officials more responsive—the entire population or the people who elected them? Do elections with low participation rates still provide an agenda for government and legitimacy for its actions? If they do not, then what does?

### **Fraudulent, Error-Prone, and Discriminatory Voting Practices**

The Florida voting controversy in the 2000 election in which the official results were disputed highlighted many of the voting problems that have plagued the U.S. electoral system since its creation. The Constitution charges the states with the conduct of federal elections. The states set most of the rules for registration, ballot access, and absentee voting; they determine the period during which voting occurs, the procedures for exercising a vote, and the manner in which votes are to be tabulated and reported. Local electoral districts within the states often designate the polling places, run the election, and provide the ballots or machines for voting. As a consequence of the decentralization of election administration, there is considerable variation in voting procedures among the states and even within them.

Political parties indirectly affect the vote by the influence they exert on elected and appointed state officials. In fact, for most of the nation's first one hundred years, the major parties actually ran the elections. They rallied their supporters, got them to the polls, and made sure they voted "correctly" by designing and distributing color-coded ballots on which only the names of their candidates appeared. They also had poll watchers observing how people voted.

Allegations of fraudulent practices, including voting by noncitizens and the deceased, casting multiple ballots in the same election, and under- and over-counting of the votes were rampant. The adoption of the secret ballot and the administration of elections by state officials were responses to these unfair, underhanded, and undemocratic election practices. The development of machines to tabulate the vote was another. But problems persisted because most state legislatures still enacted election laws and drafted legislative districts to benefit those in power.

Registration and residence requirements have been used to limit the size of the electorate. Geographic representation in one of the two legislative bodies (prior to the 1960s) gave rural areas a disproportionate advantage. In some states, the laws were administered in a discriminatory and haphazard fashion, making it more difficult for some people, particularly minorities, to vote.

Not until the 1960s did the Supreme Court and Congress address some of these issues.<sup>3</sup> The Court ruled that population and population alone had to be the criterion by which representation was determined: one person—one vote. The Voting Rights Act of 1965 was intended to end discriminatory practices

and effectively extend suffrage to all eligible citizens. Registration requirements were eased, voting hours were extended, absentee voting opportunities were expanded, and for a time, money for party-building activities was exempted from federal contribution limits.

These laws and judicial decisions went a long way toward extending the franchise, encouraging turnout, and ending some of the practices which undercut the democratic character of U.S. elections. But they did not eliminate all of those practices. Nor did they improve the actual conduct of elections. After the 2000 election controversy in Florida, the U.S. Commission on Civil Rights issued a report concluding that African Americans in that state were much more likely than white voters to be turned away from the polls.<sup>4</sup> Researchers at the Massachusetts Institute of Technology (MIT) and the California Institute of Technology (CalTech) deduced that between four million and six million votes for president in the 2000 election were not counted, some because of registration foul-ups, some because of voter confusion and error, and some because of faulty equipment.<sup>5</sup> In close elections, these undercounted votes could have made a difference and even changed the final outcome.

Problems remain today. Registration foul-ups, inadequate parking, long lines to vote, insufficient numbers of poll workers, machine and computer malfunctions, and poor ballot designs continue to hamper the act of voting. Can an election be considered democratic if citizens have to overcome these hurdles in order to vote? Can the results be regarded as legitimate if the votes of a sizable proportion of a state's population, enough to have changed the outcome of the election, are not correctly counted? Can the election be said to represent the will of the people if the ballots are confusing to many voters, and if some of the votes were not properly cast and thus voided? A lot of people do not think so. Six months after the Supreme Court's decision that effectively determined George W. Bush's victory in Florida and thus in the Electoral College, 26 percent of the American people indicated that they still did not regard him as the legitimate president.<sup>6</sup>

## High Costs and Unequal Resources

Campaign finance is another issue and has been one for the last four decades. The federal election campaign finance system has broken down. From 1992 through 2002, both major parties used a loophole in the law to solicit large contributions from wealthy donors and spent hundreds of millions of dollars on behalf of their candidates for federal office.

The Bipartisan Campaign Reform Act (BCRA), enacted in 2002, was designed to end this practice, but it has not done so. Although the act prohibits national parties from accepting contributions that exceed federal limits, it has not stopped their supporters from creating nonparty groups that solicit and spend contributions not subject to the federal limits. The Supreme Court

upheld these practices in its *Citizens United* decision.<sup>7</sup> The Court ruled that corporations and, by implication, labor unions could spend unlimited amounts of money to advocate their interests in political campaigns. What followed this decision was the creation of Super PACs, most with patriotic and democratic-sounding names, that provided an organizational mechanism by which sizable contributions could be made and spent on political activities that furthered the interests of certain groups and individuals and the candidates who supported them.<sup>8</sup> In the 2011–2012 election cycle, Super PACs reported independent expenditures of over \$631 million while other nonparty groups spent an additional \$400 million, amounts well in excess of what these groups spent in previous elections.<sup>9</sup>

In addition to these supplementary campaigns, each party has used its access to and the facilities of its officeholders as inducements and rewards for obtaining large donations, the maximum amount allowed by law. Private telephone numbers of cabinet secretaries and congressional committee heads have been made available to top contributors. As president, Bill Clinton held numerous coffee hours in the White House to encourage people to give money to the Democratic Party. He rewarded those who gave the most with trips on Air Force One, trade missions with the commerce secretary, and sleepovers in the Lincoln bedroom. Not to be outdone by his Democratic predecessors, George W. Bush's vice president, Dick Cheney, lavishly entertained the most generous GOP contributors at a gala at his official residence in April 2001. Although the practice of using government facilities finally ended during the George W. Bush administration, elected officials still solicit funds and reward contributors with access, appointments, and social invitations, practices that are not consistent with the operation of democratic government.

Even without the illegal solicitations and legal circumvention of the campaign finance legislation, the amount of money required to mount an effective campaign for federal office has become astronomical, a consequence in large part of mass media advertising. Moreover, the advertising itself has distorted rather than enhanced political debate.

Is too much money being raised for and spent on election campaigns? Do those who contribute represent a cross section of Americans or do they overrepresent the most prosperous individuals and groups in society? What do contributors, especially those who give the maximum amount to a candidate, get for their money? The answer is access, influence, political appointments, and frequently the policy outcomes they desire; at least that is what the public believes.

The resources issue also affects how elections are conducted. The failure of states to allocate sufficient funds for election administration can affect the accuracy of their registration lists, accessibility of voting places, wait time at the polls, difficulty in completing ballots, and slower and less reliable tabulation of the results, all of which influences turnout and can affect the outcome of elections.

## Compartmentalized and Negative Media Coverage

Closely related to the issue of money is that of news coverage. For better or worse, the mass media have become the principal vehicle through which candidates for national office communicate to voters. Political parties have become less effective intermediaries than they used to be. Reliance on the news media would not be so bad if the goals of the media were similar to those of the parties, candidates, and country, but they are not.

Although the news media are not oblivious to the need to educate the public, they also are interested in making money—the more, the better. Profit from advertising is based on the size of the audience. To enhance the size, many news media outlets present the news that they believe would be most interesting to the most people most of the time. In campaigns, the most newsworthy items tend to be the dramatic ones—the horse race, with all its color and drama; the unexpected occurrences; the verbal and tactical mistakes; and the confrontations as well as the human dimensions of a candidate's personal character and family. These subjects engage readers, viewers, and listeners but do not necessarily educate, energize, or motivate them to participate in campaigns and vote. In fact, press compartmentalization, negativism, and spin are often blamed for low turnout and for the public's cynical attitude toward candidates, parties, and the political system.<sup>10</sup> The multiplication of news sources, the speed of communications, and the proliferation of niche journalism also affect the amount of information to which the public has access, its accuracy, and its relevancy for campaigns and governance.

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

## Contradictory, Often Inconclusive Results

Another problem, less obvious but equally dangerous for a democratic political system, is that elections may not contribute to governing but actually make it more difficult. Candidates make promises, political parties present platforms, and groups promote issues. But in a heterogeneous society, policy priorities and issue stands are likely to be diverse and even inconsistent with one another. Elections in the United States reflect this diversity far better than they mirror a popular consensus. They regularly produce mixed and incompatible results with unclear meanings and undefined mandates. Parties often share power, making the institutional divisions that much greater and more difficult to overcome. In an age of political polarization, reinforced by ideology, these divisions have become more pronounced, political rhetoric has become more strident, civility among elected officials has declined, and compromises on major policy issues have been made much more difficult.



Each of these problems—turnout, voting, money, and governing—points to shortcomings in the democratic electoral process in the United States, gaps between theory and practice. One goal of this book is to examine those gaps; another is to discuss ways they could be narrowed or, perhaps, eliminated. Finally, the book aims to stimulate thinking about democracy in general and democratic elections in particular.

To answer the central question—Is this any way to run a democratic election?—this chapter next examines the nature of democracy and some of the ways in which a democratic political system may be structured. The discussion then turns to the role of elections in a democracy and the criteria that elections must meet to be considered democratic. Finally, the chapter concludes with a look at the inevitable tensions within a democratic electoral system between political liberty and citizen equality, between majority rule and minority rights, and between a free press and an informed electorate.

## THE NATURE OF DEMOCRACY

A **democracy** is, simply put, a government of the people; it connotes sovereignty. Initially used in ancient Greece, where such a system was first practiced, the term itself comes from the Greek words *demos*, meaning “people,” and *kratos*, meaning “rule.” In a democracy, the people rule.<sup>11</sup>

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

And how do the people rule? By themselves? By selecting others and holding them accountable? By agreeing to a set of rules and procedures by which some are selected to perform certain public tasks, such as teaching school, maintaining law and order, or protecting the country’s security?

There is no single right answer to these questions. There are many types of democracies, distinguished by *who* and *how*: by who makes the decisions and by how power is distributed.<sup>12</sup>

## Who Makes Public Policy Decisions?

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



on a range of issues, such as legalized gambling, abortion, same-sex marriage, proof of legal status for noncitizens, or benefits for illegal immigrants or new residents, is another example of direct democracy. When George W. Bush, as a managing partner of the Texas Rangers, helped convince voters of Arlington, Texas, to support a special tax to pay for two-thirds of the cost of a new baseball stadium, he was engaging in direct democracy, as were residents of Colorado and Washington in 2012 when they voted to decriminalize the use of marijuana. In a direct democracy there is true collective decision making. Obviously, in a country as large and diverse as the United States, such a system in which all citizens had the opportunity to vote on most major policy issues would be impractical and undesirable for the nation as a whole.<sup>13</sup> There would be too many people with limited information and understanding of the issues participating in too many public policy decisions. As a consequence, most democracies are by necessity **representative democracies**, in which people choose others to represent them in government, to formulate and implement public policy in a deliberative manner, and sometimes even to adjudicate it in accordance with a country's constitution and laws.<sup>14</sup>

A basic goal of representative government is to be responsive to the needs and interests of the people who elected that government. How can these needs and interests be identified? One way is through elections. Although elections aren't the only means by which public views find expression and can influence public policy—other ways include public opinion polls, focus groups, direct correspondence, civic initiatives, and public advocacy campaigns—elections are the most decisive and popular method for doing so. They also tend to be the fairest way in which public choice can be exercised. That's why elections are such a critical component of a democratic political system. They are a mechanism through which the citizenry expresses its desires and by which it can evaluate the qualifications of candidates for office and the performance of those in office who seek reelection. Elections link government to the governed.

### How Is Power Distributed?

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

In a **pluralistic democracy**, a wide variety of groups—from political parties to nonparty groups with economic interests (such as business, labor, and the professions) to those motivated by social and political (ideological and issue-oriented) beliefs—compete for influence. They do so in accordance with their own interests and beliefs, using their own resources to gain and maintain

public support. James Madison argued in *The Federalist*, No. 10, that such factions in society were inevitable and that one of the merits of the Constitution that was being debated for ratification was that it made it difficult for any one faction to dominate the government.<sup>15</sup>

A third model is an **elitist democracy**, in which power is concentrated in fewer hands than in a pluralistic system. There is more hierarchy, and more discretion is exercised by those in power. However, to maintain its democratic character, the system requires that there be competition between elites in elections and in governing. Popular control is maintained through an election process in which elites in power are judged retrospectively by their past performance and prospectively by the policy promises they make and the leadership images they create.

In all three systems, government officials remain accountable to those who elected them. Whatever the form of democratic government, it rests directly or indirectly on popular consent. Elections anchor government to its popular base. Without elections, a democratic political system cannot exist.

## ELECTIONS AND DEMOCRACY

Elections tie citizens to their government. They provide a mechanism by which the people can choose those government officials—legislators, top executives, and, in some cases, judges—who make, implement, and adjudicate public policy. Elections are also a means by which the public can hold these officials accountable for their actions and keep them responsive to the public's needs, interests, and desires.

To make decisions on who makes public policy and to evaluate how well they do so, voters need information about the beliefs, positions, and proposals of the candidates and their parties. The mass media are a conduit for such information. Without a free press reporting the election news, the electorate would either have to gather and analyze its own information or be dependent on those with a vested interest in doing so—candidates, parties, and interest groups. Naturally, those with an interest in the election outcome would be inclined to release information that puts them and their interests in the best possible light. The public needs alternative sources which are credible and objective; diverse and independent news media are most likely to meet such informational goals, but a government-controlled press or one that is influenced by a small group of individuals or corporations is not.

In choosing the people who will run the government, elections provide direction to that government. They establish the agenda—the promises and policy positions of the winners—which guides public officials after the election, and they help build coalitions that facilitate governing.

Elections also confer legitimacy on government and what it does. By giving citizens an opportunity to select public officials and influence their policy agendas, elections contribute to the ongoing support for the policy decisions and administrative actions that follow. Whether people agree with a particular

policy or not, they are more likely to accept it as valid and lawful if they perceive that those who made it were selected in a fair and honest way and make their decisions according to an established set of rules and procedures. They also will be more likely to accept the policy if they know that they will have other opportunities down the road to express their opinions, participate in a political campaign, and vote for the candidates of their choice. Similarly, people will respect and abide by the decisions of elected officials, even approving their performance in office when they do not like them personally, as long as they consider their election to be legitimate. Take President Bill Clinton, for example. His job approval exceeded his personal favorability throughout his second term, and especially after his affair with White House intern Monica Lewinsky became public.<sup>16</sup>

### Criteria for Democratic Elections

For elections to be consistent with the basic tenets of a democratic political system, they must be “free, fair, and frequent.”<sup>17</sup> The principle of inclusiveness should apply. Adult citizens must be eligible to vote, have the opportunity to do so, and must be able to exercise their right freely without fear or coercion.<sup>18</sup> The votes must be weighted equally in determining the winner. The results of the election must be accepted as official and binding for a limited period of time, after which another election must occur. Without the guarantee of a future election, it would be difficult to hold those in office accountable for their actions.

Let's explore these essential criteria: political equality, universal suffrage, meaningful choice, and the free flow of information about the candidates, issues, and their parties.<sup>19</sup> **Political equality** is essential. It is a basic building block for a democracy. There can be no classes or ranks no individuals or groups whose positions elevate them and their votes to a higher status. As Thomas Jefferson put it in the Declaration of Independence, “All men are created equal.”<sup>20</sup> If everyone is equal, then all should have the opportunity to exercise an equal voice in the running of the political system. At the very least, this means that the principle of one person—one vote must apply to all elections unless otherwise specified by the Constitution. It also means that all votes count equally, that no individual, group, region, or jurisdiction should gain extra representation or exercise extra influence. Translated into election terminology, equality requires **universal suffrage**, the right of adult citizens to be able to vote.

Unless all adult citizens have an opportunity to participate in the electoral process, the election results cannot be said to reflect the views of the entire country. The exclusion of any group of citizens because of any characteristics other than those directly related to their capacity to exercise an informed and intelligent vote (such as having sufficient mental capacity to make an intelligent voting decision) naturally weakens the representative nature of the system. The more people excluded, for whatever reason, the less the government can be said to rest on the consent of the governed.

The right to vote is considered a civic responsibility. There are a few democracies that require its citizens to perform this responsibility or suffer a penalty, such as a fine, if they do not. Most democracies, however, do not require voting. They operate on the principle that people should have the right not to vote, if they so desire, if they do not like the choices they have, do not care who wins, or do not believe the outcome of the election will not affect them in any meaningful way. Then, there are those who forget to vote or are unable to do so for reasons of health, work, travel, or family obligations.<sup>21</sup> The bottom line, however, is that citizens must have the right and opportunity to vote and must be able to do so freely.

They must also have a **meaningful choice**. Contestation is important. If there were only one candidate for an office or if all the candidates had equal qualifications and voiced essentially the same views, then there would be grounds for claiming that the voters did not have a meaningful choice.

To choose is to select from among diverse alternatives, but how diverse should they be? A choice among candidates who differ widely in their beliefs, particularly if the views of some of them are extreme, may amount to no real choice at all for most people. If the major parties were to agree on the same candidate and the only other candidate were unknown to most voters, the choice for most voters would not be meaningful. In other words, the choices should lie within the broad parameters of public acceptability, yet be distinctive enough for voters to distinguish between candidates and assess them on the basis of their own values, attitudes, and opinions.

Related to making a meaningful choice is the **free flow of information and ideas**. At the very least, there should be alternative sources of information, not just from the candidates, the parties, the government, or a dominant group that controls the news media. Unless there is ample information and discussion within the public arena, people will have difficulty understanding the issues, much less determining which candidates are most qualified and merit support.

A free press that provides this information is essential. Few, if any, subjects, issues, or questions should be off limits. Few, if any, arguments should be precluded, no matter how unpopular they may be. That is why the allegation of a candidate being unpatriotic, if that candidate expresses opposition to government policy, undercuts the very fabric of a democratic electoral process. The objective must be the creation of an environment in which voters can make informed judgments based on an enlightened understanding of the issues.<sup>22</sup> That objective can only be accomplished in a society in which free and broad expression is encouraged and protected.

## Democratic Electoral Systems

The number of people elected, the way winners are determined, and the size and shape of electoral districts may vary within the country as well as among countries. In the United States, the United Kingdom, and some other

democratic nations, public officials are elected on the basis of **plurality rule in single-member districts**. Simply put, this means that the candidate who receives the most votes for a particular office within an electoral district wins. Unless rules specify otherwise, the winner need not receive a majority of the vote; a simple plurality is usually sufficient. If there is a majority requirement, however, and no candidate receives more than half the votes in the initial balloting, there is usually a runoff election between the top two vote getters in the first round of voting.<sup>23</sup>

The U.S. Supreme Court has ruled that all legislative districts must be equal in population to ensure that the one person–one vote principle prevails. The exceptions are the Senate, in which each state, regardless of its population, has two senators, and the Electoral College, in which each state is entitled to electors equal in number to its congressional delegation.<sup>24</sup>

The main advantage of a plurality voting system is that it is simple and direct. The winner is easily and usually quickly determined, and the elected representative is accountable to the entire district. Responsibility, in other words, can be pinpointed.

The principal disadvantage of such a voting system is that those in the minority are less likely to be represented by a candidate of their choice. Their views and interests may not be adequately considered when public policy decisions are made. Moreover, plurality voting tends to enlarge the advantage of the majority if that majority is equally dispersed across the entire electoral area.<sup>25</sup> What happens is that those in the majority tend to vote for candidates who have similar demographic and attitudinal characteristics. Overcoming this voting behavior requires that minorities constitute a large proportion of the voters within the electoral district, at least 40 percent according to David Epstein and Sharyn O'Halloran.<sup>26</sup>

To improve minority representation in Congress, the U.S. Department of Justice, citing the 1982 Voting Rights Act and several Supreme Court decisions, pressured states to create legislative districts in which minority groups, such as African Americans and Hispanics, constitute a majority of the voters. However, the Supreme Court subsequently declared that race could not be the *primary* factor for determining the boundaries of these districts, once again putting minority groups at a disadvantage in the U.S. system of plurality voting in single-member districts.

There is another way, however, to achieve broader representation: Institute a system of **proportional voting**, in which the winners are determined in proportion to the vote that they or their party receives. In some democratic countries, such as Canada and Israel, parties run slates of candidates in districts. Similarly, in the presidential nomination process in the United States, there may be proportional voting. Democratic Party rules have required it throughout the nomination period since 1972; beginning in 2012, Republican Party rules prescribe it for all contests held before April 1st of the year of the election and permit it after that in accordance with state law.

The principal advantage of proportional voting is that it provides a fairer and more accurate representation of minorities in the government. A disadvantage is that majoritarian sentiment is more difficult to discern. Such sentiment, often referred to as political or policy consensus, must be constructed after the election by those who have been elected rather than by the electorate in the votes they have cast.

Proportional voting also increases the likelihood of a multiparty government, in which coalitions among competing parties may be necessary to achieve an operating majority. Multiparty coalitions, however, are apt to be more fragile and less able to agree on public policy than a government controlled by a single party. Moreover, it is more difficult to assign credit or blame for what the government does in the case of a multiparty coalition than with a single party.

In a plurality system, coalition building occurs primarily within the major parties, not between them. Each of the parties tries to reach a broad cross section of the electorate. In doing so, they have to balance diverse and often conflicting interests. Thus, the major parties in a plurality system are apt to be more heterogeneous and, conversely, in a proportional voting system, more homogeneous.

As the plurality-proportional voting dichotomy suggests, election procedures and rules are not neutral. They benefit some at the expense of others. These clashes of interests create ongoing tensions within a democratic electoral process. They are what politics is all about, temporarily resolving tension on an issue by issue basis.

## TENSIONS WITHIN A DEMOCRATIC ELECTORAL SYSTEM

The problem of obtaining a fair election outcome underlies the natural tensions in a democratic political system between political liberty and equality, between majority rule and minority rights, and between a free press and an informed electorate.

### Liberty versus Equality

If a democracy is based on the consent of the governed, then the ability to give that consent and, if need be, to take it away is essential. That's why political liberty is so important. It is the freedom to decide for oneself and act on the basis of that decision. Take that freedom away, and a democratic political system cannot exist.

In the electoral process, liberty requires the right to vote as one chooses, not to vote if one chooses, and in either case, to make the voting decision freely and without duress. It is the right to exercise personal choice within the framework of the political system. Accessible voting places, guidance in voting, and casting a secret ballot help protect that right.

Freedom to provide financial and other support to the candidate of one's choice, however, can undermine the equity principle. A conflict is created when certain people have more resources at their disposal than others to use in campaigns. Should individuals and groups be free to spend as much money as they want to promote their ideas, beliefs, and candidates, or should spending be limited to ensure that every citizen has a more equal opportunity to affect the outcome of the vote?

Proponents of unlimited expenditures cite the constitutional protection of free speech and the right of people to spend their money as they see fit. Opponents argue that elected officials are more likely to be responsive to large donors and big spenders than to average citizens. Moreover, they claim that the advantage of the wealthy extends past the election to governing and to the public policy that government makes.<sup>27</sup>

A related issue pertains to participation itself, to personally getting involved. For a variety of reasons, those with a higher income and more education participate at a higher rate than do those with less income and education.<sup>28</sup> Their higher rate of participation magnifies their influence on the election results and on the decisions made by elected public officials.

There are many forms of participation, from the simple act of voting, to working for a candidate (ringing doorbells, handing out literature, sending e-mail or text messaging, coordinating events, and the like), to contributing money to a candidate's campaign and spending money to promote one's own views, which may or may not coincide with those of a particular candidate. Placing no restrictions on these activities allows those with the interest, time, resources, and will to do more, and, as a result, to potentially exercise greater influence. At what point should a line be drawn between voluntary actions of citizens in the electoral process, which should be encouraged, and the activities that give an unfair advantage to those with superior resources at their disposal?

### Majority Rule versus Minority Rights

Plurality voting decisions seem to be a pretty straightforward criterion for a democratic society. If every vote is equal, the candidates who received the most votes should win. The problem, as we have already noted, is that plurality voting systems overrepresent the majority, whereas proportional systems give more representation to minorities.

Many factors affect the majority–minority relationship: the ways the boundaries of electoral districts are drawn and the number of people elected within them, how the ballot is organized, whether candidates are listed by office or by party, and even where, when, and for how long voting occurs. If registration is difficult, voting places few and not easily accessible, the hours for voting too short, or the ballot too complicated and confusing, then turnout will be lower; those in power will more likely remain in power; and those who benefit under the current arrangement will continue to do so.



Representation of groups within the society also can be affected by ballot access. In 1992 and 1996, Ross Perot's Reform Party spent millions of dollars and used hundreds of volunteers and paid workers just to obtain the necessary signatures just to get on the ballot in all fifty states. The Reform and Green Parties did this as well, albeit much less successfully, in recent presidential elections. But for the Republican and Democratic candidates, ballot access is automatic. They have a built-in advantage. Is that fair?

The majority–minority issue extends to government as well. Should majority rule be restricted so that minorities are better protected when public policy decisions are made? James Madison thought so. Fearing that the “tyranny of the majority” could deny minorities their basic rights, he argued successfully for a divided government that separates institutions representing differing constituencies so that no single group could easily dominate. But in the process, Madison and his colleagues at the Constitutional Convention created a system that has enabled powerful minorities to exercise a tyranny of their own, preventing change and thereby thwarting the desires of the majority or plurality in violation of a basic precept of democratic theory.

## A Free Press versus an Informed Electorate

The framers of the Bill of Rights believed that a free press was essential. In a government based on the consent of the governed, those in office must be held accountable for their decisions and actions. Similarly, the qualifications, promises, and positions of candidates for elective office must be evaluated by the electorate.

The public cannot assess candidates running for office or the performance of those in office unless they have the necessary information to do so. The problem is that most sources for such information—the candidates, their parties, interest groups, policy-oriented think tanks, even government officials—have a stake in the outcome that affects the information they present and how they present it. Although information from stakeholders in the election is still valuable, it must be evaluated with the interests of the source in mind.

Here's where a free press comes in. For some of the same reasons that we select others to represent us in government, we also depend on others to inform us about politics and government, to help us sort out what's going on and make informed judgments. That's the role of the news media—to be a watchdog, to provide the information they believe we need to know or would be interested in knowing. Anticipating that the press will perform this role is itself an incentive for those running for office not to lie, although they are still prone to exaggerate their claims. It is also a motivation for those holding office to stay attuned to public opinion and not to behave in a manner that would draw unfavorable attention and admonishment.

A free press is unfettered but not necessarily neutral. News reporters describe the campaign as they see it. Naturally, their perceptions are influenced by their own political beliefs, their journalistic needs, and their personal feelings about the candidates and issues. To the extent that many in the news media share

similar political and professional orientations, their reporting of the campaign reflects a pack mentality, a collective reading and interpretation of events.<sup>29</sup> This journalistic outlook colors the public's understanding and its evaluation of the candidates and parties. It gives the electorate a jaundiced view that highlights the dramatic and human elements of the campaign, usually at the expense of a detailed debate over substantive issues.

What can be done about the media's orientation and perceived bias? Restricting press coverage is not only impractical but also violates the First Amendment's protection of freedom of the press. Relying on the candidates to monitor the coverage they receive seems equally impractical given their vested interest in favorable coverage. Nor can the government take on a supervisory role over political communication in a campaign, especially in light of the number of incumbents who seek reelection. How, then, can citizens obtain the information they need, particularly as it relates to policy issues and their impact on society—information that many consider essential for voters to make an informed judgment based on an enlightened understanding of the issues?

## **SUMMARY: DEMOCRATIC ELECTION DILEMMAS IN A NUTSHELL**

In theory, a representative democracy is a government of the people, by some of them, and for all of them. It is connected to the people through elections of the people's representatives. One democratic dilemma is how to provide citizens with equal opportunities to affect the electoral and governmental processes without reducing their freedom to pursue their own interests and utilize their own resources as they see fit. Another dilemma is how to provide electoral mechanisms that are efficient and representative, effective and accountable, dynamic and deliberative—a tall order, to be sure!

To meet these criteria, citizens must be accorded universal suffrage and equal voting power. They must be free to vote, given the opportunity to do so, have a meaningful choice, and be able to obtain timely information about the parties, candidates, and issues that is sufficient to make informed judgments when they vote.

In practice, contemporary elections fall short of meeting these criteria. There is universal suffrage in theory, but large-scale nonvoting in practice. There are many choices of candidates and some of policy initiatives as well, but a lot of people still complain that their choices are unsatisfactory because they are too narrow, too broad, or all distasteful.

All votes count equally, but all groups do not benefit equally from current electoral procedures and practices. Ethnic and racial minorities, in particular, seem to be disproportionately disadvantaged by plurality voting in single-member districts. Wealthy people have the advantage that their superior resources provide. Finally, the United States has a free press but, in the view of many in the electorate, neither an objective nor a responsible one. Complaints that the media are too powerful, too judgmental, and too negative are regularly reported in

survey and anecdotal research.<sup>30</sup> That much of the electorate is underinformed and underinvolved has been attributed in large part to the press's penchant for reporting the most entertaining news, as well as to inefficient and ineffective grassroots operations by party and nonparty groups and personal attacks by the candidates and their campaigns against one another. But from the perspective of the mass media, driven by audience size, a very competitive news environment, and conventions of contemporary journalism, interesting and exciting news is what the public wants, so they provide it.

The disjunctions between democratic theory and practice arise from many sources: the manner in which the electorate can and does participate in elections; the ways in which elections are structured and conducted, and the manner in which representatives are chosen; the structure of the party system and the candidate orientation of electoral politics; laws governing financial contributions and expenditures; press coverage, particularly its emphasis on the contest, its orientation toward personal character issues, and its general negativity; the parties' methods for selecting their nominees; the ways campaigns are run, appeals communicated, and images created; and finally, incompatible outcomes, unclear meanings, and vacuous mandates.

## Now It's Your Turn

### Discussion Questions

1. How nearly universal must suffrage be for the popular will to be asserted?
2. Can elections be structured to reflect both majority sentiment and minority views at the same time?
3. What current electoral issues pit individual liberty against political equality?
4. To what extent is the democratic goal of an informed electorate that makes enlightened voting possible, and to what extent is it necessary?
5. Can the news media serve the informational needs of the electorate and the profit motives of media owners simultaneously?
6. What are the most serious problems that threaten the democratic character of the American electoral system?

### Topics for Debate

*Challenge or defend the following statements:*

1. It is possible to have political liberty and citizen equality simultaneously.
2. If the majority always rules, then the rights and interests of the minority are always going to be threatened.

3. A press that is both free and fair is a contradiction in terms.
4. To make sure that voters can make informed judgments, they should be required to know the principal candidates and their major issue positions before being allowed to vote.
5. A democratic government cannot exist without a democratic electoral process.
6. Literacy should be a qualification for voting.

### Exercises

1. How democratic is the constitutionally prescribed electoral process?
  - a. Answer this question by first examining what the Constitution requires and allows for national elections, noting its democratic and undemocratic features.
  - b. To the best of your knowledge, have the nondemocratic features of American elections been changed by amendment, law, or practice? If so, how and why; if not, why not?
  - c. Is the electoral system becoming more or less democratic today, and are the changes that have occurred in the electoral process good or bad for the country as a whole? Give examples to support your view.
  - d. What aspects of the last presidential election reflect positively or negatively on the democratic character of the U.S. electoral system? Do you anticipate that the same positive or negative aspects will be apparent in the next election?
2. Advocates of democracy have urged that the electoral system be made as democratic as possible to achieve the ideal of a government of, by, and for the people. Others are reluctant to change a system that has worked so well for so long and has become so large a part of America's political tradition. What do you think? Would democracy be better served if the system were changed, or would it actually impede the functioning of the electoral and governing systems? Might too much democracy be a bad thing? If you had to choose between liberty and equality or between majority rule and minority rights, how would you choose and why?

### INTERNET RESOURCES

The Internet is a rich source of information on campaigns and elections. Here are some of the best generic sources for all kinds of information. Most of them contain links to the news media, public interest groups, ongoing political campaigns, polling organizations, and appropriate government agencies.

## Media Sites on Politics and Elections

- CNN: [www.cnn.com](http://www.cnn.com)
- C-SPAN: [www.cspan.org](http://www.cspan.org)
- FOX: [www.foxnews.com](http://www.foxnews.com)
- Los Angeles Times: [www.latimes.com](http://www.latimes.com)
- National Public Radio: [www.npr.org](http://www.npr.org)
- New York Times: [www.nytimes.com](http://www.nytimes.com)
- Politico: [www.politico.com](http://www.politico.com)
- Real Clear Politics: [www.realclearpolitics.com](http://www.realclearpolitics.com)
- Washington Post: [www.washingtonpost.com](http://www.washingtonpost.com)

## Government Sites on the Electoral System

- Census Bureau: [www.census.gov/compendia/statab/](http://www.census.gov/compendia/statab/)  
Publishes the yearly *Statistical Abstract*, which contains information on registration, turnout, and voting results in recent federal elections.
- Election Assistance Commission: [www.eac.gov](http://www.eac.gov)  
Established by the Help America Vote Act, the commission provides information on how to register and vote, state and federal election laws, and surveys of who registers and who votes.
- Federal Election Commission: [www.fec.gov](http://www.fec.gov)  
Provides easily accessible data on campaign finance activities filed by candidates and compiled in tabular form by analysts at the FEC.
- Library of Congress: <http://thomas.loc.gov>  
Provides access to Congress, its committees, members, legislative process, rules, and schedules, as well as reports on campaigns and elections.
- National Archives and Records Administration: [www.archives.gov/federal-register/electoral-college/](http://www.archives.gov/federal-register/electoral-college/)  
Contains official statistics about past presidential elections, the Electoral College, election laws, and presidential documents.
- White House: [www.whitehouse.gov](http://www.whitehouse.gov)  
Contains not only information on presidential and vice presidential activities, speeches, press releases, and official business, but also links to all other parts of the government.

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## NOTES

1. "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 2009–2010," Election Assistance Commission, June 30, 2011. <http://www.eac.gov/assets/1/Documents/2010%20NVRA%20Report.pdf>.
2. Michael McDonald, "Voter Turnout," [http://elections.gmu.edu/voter\\_turnout.htm](http://elections.gmu.edu/voter_turnout.htm).
3. In the past, the Court had stayed out of controversies over legislative districting, contending that these involved political issues and were therefore nonjusticiable—that is, they were not subject to review by the Court (judicial review).
4. U.S. Commission on Civil Rights, "Voting Irregularities in Florida during the 2000 Presidential Election," June 2001, <http://www.usccr.gov/pubs/vote2000/report/main.htm>. Florida state officials and Republican members of the commission criticized the conclusions of the report, asserting there was no evidence that the disproportionate disfranchisement of African American voters resulted from discriminatory behavior of state and county election officials.
5. Massachusetts Institute of Technology and California Institute of Technology, "Voting: What Is and What Could Be," July 17, 2001. Caltech/MIT Voting Technology Project <http://www.vote.caltech.edu/content/voting-what-what-could-be>
6. Gallup Poll, "Seven out of 10 Americans Accept Bush as Legitimate President," July 17, 2001, <http://www.gallup.com/poll/4687/Seven-Americans-Accept-Bush-Legitimate-President.aspx>
7. *Citizens United v. FEC* 558 U.S.08–250 (2010).
8. The Super PACs were required to report the names of contributors of \$200 or more to the Federal Election Commission, but since the contributors were numerous, the identities and interests of the big contributors did not become well known to the general public unless and until the news media mounted a sustained focus on them.
9. In 2004, nonparty groups raised and spent more than \$440 million, using this money to fund surrogate campaigns on behalf of their respective parties and candidates; in 2008, they raised and spent about to \$260 million. Center for Responsive Politics, "SuperPACs." <http://www.opensecrets.org/pacs/superpacs.php?cycle=2012>. Center for Responsive Politics, "Outside Spending." [www.opensecrets.org/outsidespending/](http://www.opensecrets.org/outsidespending/)
10. For example, see Stephen Ansolabehere and Shanto Iyengar, *Going Negative: How Political Advertisements Shrink and Polarize the Electorate* (New York: Free Press, 1995); and Thomas E. Patterson, *Out of Order* (New York: Knopf, 1993).
11. For a good basic discussion of democracy, see Robert A. Dahl, *On Democracy* (New Haven, CT: Yale University Press, 1998). Dahl has written extensively on this subject, and two of his other well-known works on democratic theory are *A Preface to Democratic Theory* (Chicago, IL: University of Chicago Press, 1956) and *Democracy and Its Critics* (New Haven, CT: Yale University Press, 1989).
12. An excellent discussion of types of democratic systems appears in David Held, *Models of Democracy* (Stanford, CA: Stanford University Press, 2006).
13. Former Alaska senator Mike Gravel, one of the Democrats running for the party's 2008 presidential nomination, proposed a national ballot initiative in which voters would cast votes on major policy issues. Gravel's proposal and candidacy received little media attention and public support, however.
14. In many of the southern states, judges are elected in partisan or nonpartisan elections. In other states, they are appointed by the governor, legislature, or special commission, in some cases later subject to an up or down vote by the electorate. At the federal level, judges are nominated



- by the president and appointed with the advice and consent of the Senate. Federal judges serve during good behavior for life.
15. James Madison, *The Federalist*, No. 10.
  16. Gallup Poll, "Presidential Approval Ratings—Bill Clinton," 1993–2001, [www.gallup.com/poll/116584/Presidential-Approval-Ratings-Bill-Clinton.aspx](http://www.gallup.com/poll/116584/Presidential-Approval-Ratings-Bill-Clinton.aspx).
  17. Robert Dahl, "What Political Institutions Does Large-Scale Democracy Require?" *Political Science Quarterly* 120 (Summer 2005): 188.
  18. The cost of conducting elections (maintaining registration lists, printing ballots and buying machinery for other methods of voting, tabulating the results, and overseeing the conduct of the election) is borne primarily by the states. In the past some states enacted a poll tax ostensibly to pay for these costs, although the taxes were also used to prevent poor people from voting. In 1937, the Supreme Court ruled that poll taxes did not violate the Fourteenth and Fifteenth Amendments to the Constitution, a decision that sparked a campaign to get the states and Congress to abolish poll taxes. The campaign had considerable success, and by 1960, five states in the South retained these taxes. The enactment of the Twenty-fourth Amendment, which was ratified in 1964, banned poll taxes in federal elections. Two years later the Supreme Court decided that the Fourteenth Amendment's equal protection clause also forbid them in state elections.
  19. For a classic discussion of the fundamental principles of democracy, see James W. Prothro and Charles M. Grigg, "Fundamental Principles of Democracy," *Journal of Politics* 22 (May 1960): 276–294.
  20. President Obama restated Jefferson's words in his 2009 inaugural address: "The time has come to reaffirm our enduring spirit; to choose our better history; to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness." Barack Obama, "President Barack Obama's Inaugural Address," January 20, 2009, [www.whitehouse.gov/blog/inaugural-address](http://www.whitehouse.gov/blog/inaugural-address)
  21. For a discussion of the democratic right not to vote and purposive nonparticipation, see Mark E. Warren, "Voting with Your Feet: Exit-based Empowerment in Democratic Theory," *American Political Science Review* 105 (November 2011): 683–701.
  22. Dahl, "What Political Institutions," 196.
  23. Several southern states, including Louisiana and Georgia, require runoffs if the winning candidate does not receive more than half the total vote.
  24. The exception is the District of Columbia, which has no voting representation in Congress but was given three electoral votes by the Twenty-third Amendment to the Constitution. The number of electoral votes was determined on the basis of what the District's representation would have been if it had been a state at the time of the ratification of the amendment in 1961.
  25. Dahl, *On Democracy*, 132–134.
  26. David Epstein and Sharyn O'Halloran, "Measuring the Electoral and Policy Impact of Majority-Minority Voting Districts," *American Journal of Political Science* 43 (April 1999): 367–395. A more recent study by Zoltan L. Hajnal found that African Americans are more likely than other groups to cast votes for losing candidates; see "Who Loses in American Democracy? A Count of Votes Demonstrates the Limited Representation of African Americans," *American Political Science Review* 103 (February 2009): 37–57.
  27. Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge, MA: Harvard University Press, 1995), 512.

28. Ibid., 511–533.
29. S. Robert Lichter, Stanley Rothman, and Linda S. Lichter claim in their book *The Media Elite* (Bethesda, MD: Adler and Adler, 1986) that most national correspondents are liberal in ideology and Democratic in political allegiance.
30. *Striking the Balance: Audience Interests, Business Pressures, and Journalists' Values* (Washington, DC: Pew Research Center for the People and the Press, 1999); Pew Research Center for the People and the Press, “Big Doubts about News Media’s Values: Public Votes for Continuity and Change in 2000,” February 25, 1999; and Pew Research Center for the People and the Press, “High Marks for the Campaign, a High Bar for Obama,” November 13, 2008.

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