

## 5.1 Voting Rights and Models of Voting Behavior

**Describe the voting rights protections in the Constitution and in legislation.**

**Describe different models of voting behavior.**

Voting is the sine qua non of a representative democracy. Yet when looking at the original U.S. Constitution one might think that our Founding Fathers were ambivalent about voting. The original constitution says little about voting. Article 1, Section 4 says:

*The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.*

Madison at the Constitutional Convention is said to have worried about imparting too much power over elections to the states. His voice went unheard. The result, according to one historian, is that “the states, left to their own devices, adopted electoral methods best described as higgledy-piggledy.”

Historically the qualifications to vote were determined by state and local governments. Federalism helped to explain the wide variety of voting rules that characterized American political life. In many ways this is still true. Early in our history suffrage, the right to vote was restricted to male property owners. In the first presidential election only six percent of Americans were eligible to vote. This began to change rapidly as our political culture changed. Although laws and amendments have expanded voting rights in the U.S., voting participation varies widely from election to election. **Factors associated with political ideology, efficacy, structural barriers, and demographics influence the nature and degree of political participation.**

The franchise, another term for voting, has been greatly expanded. The 15th Amendment (1870) extended the right to vote to African American males. The 17th Amendment (1913) provided for the direct election of U.S. Senators. The 19th Amendment (1920) gave women the right to vote. The 26th Amendment gave eighteen-year old and older the right to vote. Other federal actions have been taken to make voting easier. The 24th Amendment (1964) eliminated poll taxes. The Voting Rights Act of 1965 not only removed literacy tests as a voting barrier but also gave federal oversight in Southern polling places.

The dramatic impact of the Voting Rights Act of 1965 is worth a closer look. Historians remind us that

*...The ratification of the Fifteenth Amendment to the United States Constitution in 1870 prohibited voting discrimination based upon race, southern African Americans faced an onslaught of restrictions on their right to vote throughout the late nineteenth and early twentieth centuries. These individuals struggled against physical, psychological, and economic intimidation, as well as provisions in state law that required them to take literacy tests, pay poll taxes, or endure arbitrary and restrictive registration procedures.*

In effect, the privileges associated with federalism allowed southern states to circumvent constitutional law.

With the triumphant passage of the Voting Rights Act of 1965, President Johnson heralded it as his greatest accomplishment. Appreciable numbers of African Americans were now, for the first time, able to register and vote. There was an increase in seats held by African Americans. With its

passage Martin Luther King, Jr. wrote: "Voting is the foundation stone for political action." Hard fought voting rights, however, should never be seen as a finished issue.

Key provisions found within the Voting Rights Act of 1965 were temporary and required reauthorization. For example, Section 5 mandated federal oversight in those regions with longstanding histories of racial discrimination. Section 5 has been routinely reauthorized, as recently as 2006. Republican president George W. Bush signed the reauthorization enthusiastically. Then in 2013 the U.S. Supreme Court had a different opinion.

In the case *Shelby v. Holder* (2013) our high court ruled that critical sections of the Voting Rights Act of 1965 were no longer necessary. Reauthorizations were ruled unconstitutional. The court affirmed that "the Constitution intended the States to keep...the power to regulate elections" and that "equal sovereignty" was hindered by the disparate treatment of some states and not other by the Voting Rights Act of 1965. Furthermore, the court recognized the significant progress that has taken place since the law was first enacted. Federal oversight was no longer deemed necessary.

The lessons here are clear. Voting rights have evolved over the course of our history. Laws making voting more and more accessible have both been passed and repealed. Protections come and go. Despite the expansion of our democracy and the increase in the number of people eligible to vote fewer and fewer Americans choose to, and in some instances, unable to because of institutional obstacles and barriers.

Political science has tried to explain voting behavior for a long time. Who votes and why? The question is important to our democracy. Answers have varied greatly. Most theories have proven to be inadequate and vulnerable to criticism. Nevertheless, certain models of voting behavior have dominated the political discourse. One early study, *The People's Choice* (1940), argued,

*For many voters, political preferences may better be considered analogous to cultural tastes – in music, literature, recreational activities, dress, ethics, speech, social behavior...Both have their origin in ethnic, sectional, class, and family traditions. Both exhibit stability and resistance to change for individuals but flexibility and adjustment over generations for the society as a whole. Both seem to be matters of sentiment and disposition rather than 'reasoned preferences.' While both are responsive to changed conditions and unusual stimuli, they are relatively invulnerable to direct argumentation and vulnerable to indirect social influences. Both are characterized more by faith than by conviction and by wishful expectation rather than careful prediction and consequences.*

This basic model has been challenged more recently by rational choice theory, retrospective voting, prospective voting and Party line voting.

Rational choice theory is a by-product of the work done by Anthony Downs in *An Economic Theory of Democracy* (1957). Rational choice theory, based in economics, finds "human behavior as a relationship between ends and scarce means which have alternative uses." Voters' choices are based in parsimony. Acting rationally is acting efficiently. "Conventional rational choices assume that beliefs arise purely from observable characteristics of the environment and propositions that can logically be deduced from them." This model suggests that voters use their knowledge, albeit scarce, to make decisions. Voting becomes axiomatic, that is, choices become self-evident based upon the facts. Some have called this rational optimization. Voters make observations, subject to their own environment, and act accordingly. Rational choice theory has become, for many in the field of politics, the "universal grammar of social science."

Retrospective voting models grew out from a response to rational choice theory. The champion of this model is Morris P. Fiorina who wrote the book *Retrospective Voting in American National Elections* (1981). Based upon the results from a number of election cycles, Fiorina concluded that voters cast ballots to reward and punish political behavior. Governments' performance does matter. Voters take notice and act accordingly. According to this theory,

*Voters are less concerned with a candidate's or party's promises about future policy than with their past performance in office, particularly their success or failure in achieving such hard, tangible outcomes as peace and prosperity. Whereas information about campaign promises is costly to acquire and difficult to evaluate, most citizens develop relatively solid perceptions about the performance of an incumbent officeholder or administration simply by going about their normal lives and paying minimal amount of attention to the news.*

Often strong economic conditions benefit incumbent candidates. Foreign policy crises, on the other hand, have the opposite effect. It is not uncommon for challengers to motivate voters by asking a simple question about incumbent candidates, "Are you better off today than you were four years ago?" This model, retrospective voting, has proven to be an effective explanation for political behavior.

Prospective voting is similar to retrospective voting but for one essential difference. Voters look forward rather than backward. The "funnel of causality," according to this model, emphasizes the role played by voter expectations. Prospective voters are persuaded by lofty promises and compelling visions of the future. The past is past. Voters are more likely to act by choosing a candidate that promises real change. Of course, this model is problematic. As Brad Lockberie has argued,

*The prospective model of voting behavior does place heavier demands on the voter than does the retrospective model. Instead of looking at just the incumbent party and evaluating its performance, the voter compares both parties' candidates and evaluates the expected utility of having either party win the election. The question is not whether one has prospered because of the actions of the incumbent administration but under which party one will do better in the future.*

Both retrospective and prospective voting models are variations of rational choice theory. These models attempt to use empirical study to explain the psychology of political choices.

Party line voting continues to be a popular model of study. Remember *The American Voter* (1960) established party identification as the leading determinant of one's voting behavior. It argued that most voters stand pat with their party loyalties. Voters choose the same party over and over. This attachment was largely affective. Choices based upon strict policy agreement were less common. Party loyalty goes up with age. For many years it was possible in most American elections to cast a party ballot. Voters could simply choose to select all candidates from one party with one stroke of the pen. As our politics has grown increasingly polarized, split ticket voting has declined. Split ticket voters choose candidates from different parties on the same ballot. For example, a voter might choose the Republican candidate for president while voting for a Democratic candidate for Senate. Partisan identification helps explain political behavior.

Many different models have been used to explain voting behavior. Political scientists continue to collect data to substantiate the rational choice theory, retrospective voting, prospective voting and Party line voting. Revisionist variations come and go but the "funnel of causality" for American voting conduct perplexes even our best and brightest.