Primer on the U.S. Election System

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Introduction

This primer provides an overview of all aspects of the American electoral process, from how campaigns are conducted to the mechanics of the voting process. One key difference between the United States and other countries is the level of decentralized governance in American elections. In the United States, there is no central election body. No single federal government agency is in charge of reporting the results of federal elections, adjudicating federal election disputes, or setting the rules for federal elections. Instead, American elections are run by the individual states within a basic federal framework of anti-discrimination laws. In turn, most states delegate the actual conduct of elections to local election offices. It is in these local election jurisdictions – almost 10,000 counties, cities and townships – where elections are actually implemented.

American elections are complex affairs, with candidates, political parties and interest groups expending almost $10 billion (USD) to advocate for the election of candidates at federal, state and local levels. In 2016, more than 120 million people will vote by either using a vote-by-mail absentee ballot, in-person early voting or at polling places on Election Day. These voters will choose candidates for dozens of contests – from the President and members of the U.S. House of Representatives to local government officials – and some will also vote on referenda and initiatives. Despite the complexity of voting, it is likely that in the very late evening of November 8, 2016, we will know who the next President is and which political party will control each chamber of the U.S. Congress.

The International Foundation for Electoral Systems (IFES) has developed a comprehensive program for international election officials, which provides a full understanding of the American electoral process. This booklet is one resource among many that you will receive during your stay in the United States, and we hope you find it to be a helpful starting point for understanding the complexity of the U.S. electoral process.

On November 8, 2016, the United States will hold its federal elections. The decision to hold federal elections on the first Tuesday after the first Monday in November was made in 1845 and has never been changed.1 On this day, there will be federal elections in all 50 states and the District of Columbia to elect:

- The President (technically, electors from each state, who are part of the Electoral College, will select the President);
- All 435 members of the U.S. House of Representatives; and
- Thirty-four members of the U.S. Senate (one-third of the Senate), whose six-year terms will be ending.

In the United States, state and local governments typically hold their elections on the same date as the federal elections, combining federal, state and local races onto a single ballot. On November 8, 12 states will hold elections for Governor and other state-wide elected offices. In the United States, it is common for citizens to elect individuals at the state level to serve in positions such as Attorney General (the chief state lawyer). Voters in many states will also vote for members of their state legislature – typically, a state House member and a state Senator. Some voters will also vote for local government positions, such as the Chief Executive of the county in which they live and the Sheriff (chief law enforcement officer).

Combining the elections for federal and state offices means voters will make many choices in 2016. For example, in the state of Washington, voters will cast ballots for:

- President of the United States
- U.S. Senate
- U.S. House of Representatives
- Governor
- Lieutenant Governor
- State Treasurer
- State Auditor
- State Attorney General
- State Senator
- State House of Representatives
- Supreme Court Justice
- Superior Court Judge

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On November 8, a voter may vote for more than 20 different contests on a single ballot.

Some voters in some states will also vote on referenda (also called propositions or initiatives) or amendments to their state constitutions that affect public policy within the state. Similarly, some local governments will also have initiatives and referenda on their ballot. For example, consider two of the propositions that will be on the 2016 ballot in California. The first proposition would repeal a California law that prohibits grocery and certain other retail stores from providing single-use bags but permits the sale of recycled paper bags and reusable bags. The second proposition would require two-thirds of the state legislature to vote in favor or against any change to an existing law that imposes fees on hospitals for the purpose of obtaining federal health care matching funds. It would also change how any additional fee revenue could be spent.

The idea behind propositions and initiatives is that they allow the public to have a say in the lawmaking process, especially if the government is ignoring issues of importance. However, the initiative process can also be used by interest groups as a way to try and pass legislation that benefits their industry.

II. Governance of U.S. Elections

The United States has a federalist character, where much of the nation’s governance occurs at the state or local level of government. Elections are an excellent example of public policy that is implemented and governed through our federalist system. The United States does not have a single federal election for President or for the U.S. Congress nor a single election board or office that governs election disputes.

Instead, the United States has 50 separate elections – one in each state – and the states, in turn, delegate responsibility for running the elections to the 10,499 local election jurisdictions across the country.

So, how are elections governed across the federal, state and local levels of government?

Let’s briefly consider the role that each level of government in the United States plays in election administration.

The Federal Level

At the federal level, there is no central electoral body that governs election administration. Instead, the federal government plays a relatively minor role in most elections, with the role of administration spread across several different agencies and actors.

U.S. House of Representatives and Senate

Under the U.S. Constitution (Article I, Section 5), “Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members.” This means that should a dispute arise in a U.S. House or Senate race that cannot be remedied by state and local election offices, the membership of the Senate or House will make the determination of who won the election.
**U.S. Federal Election Commission—Campaign Finance**
The Federal Election Commission (FEC) administers and enforces laws pertaining to the financing of federal elections. The FEC discloses campaign finance information, enforces law related to limits and prohibitions on contributions, and oversees public funding of presidential elections (although no candidates have sought federal funding in the last two presidential election cycles). The FEC has six members – three from each political party – and at least four votes are required for any official action, which is intended to ensure the decisions of the commission are nonpartisan.

**U.S. Election Assistance Commission**
The Election Assistance Commission (EAC) was created in 2002 as an independent, bipartisan commission charged with:

- Developing guidance for state and local governments related to meeting the requirements of the Help America Vote Act (explained below);
- Adopting voluntary voting system guidelines; and
- Serving as a national clearinghouse of information on election administration.

Voluntary voting system guidelines (VVSG) were developed in 2007 by the EAC and cover issues related to the technical requirements of voting equipment, the documentation that must exist with a voting system, and the testing requirements for voting systems. These guidelines are voluntary – voting systems used in the states do not have to meet these standards – but often states link their own voting system standards to the VVSG.

The EAC cannot issue binding regulations related to election administration and plays no role in the counting of ballots or certification of elections.

**U.S. Department of Justice**
The Civil Rights Division of the Department of Justice enforces federal election law. This includes enforcing the following four primary federal election laws:

**The Voting Rights Act (VRA) of 1965** (and subsequent amendments) ensures that there is no discrimination in voting based on factors such as race, ethnicity, or language minority status. Jurisdictions with large language minority populations are required to provide ballots and election materials in other languages to facilitate participation (e.g., providing Spanish ballots in Miami, FL).

**The National Voter Registration Act of 1993** facilitates voter registration. It requires all states that do not have Election Day voter registration (where voters can register to vote at their polling place on Election Day) to allow voters to register by mail, when they apply for a driver’s license or at state public assistance agencies. The law also governs how states and localities can make changes to the voter registration laws.

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registration file. Registrants cannot be purged from the rolls without following certain procedures.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and subsequent amendments, such as the Military and Overseas Voting Enfranchisement Act (MOVE), facilitate voting for people serving in the armed forces and U.S. citizens who live overseas. These laws streamline the registration process and require ballots to be sent to UOCAVA voters 45 days prior to the election, so that they have the ability to vote and return the ballot before Election Day. It also provides the ability of voters to cast a federal write-in ballot, if they do not receive their ballot in time.

The Help America Vote Act (HAVA) of 2002 provided funding to states for upgrading their voting systems and voter registration systems, including:

- Requiring states to have state-wide voter registration systems;
- Establishing minimum voter identification standards for registering to vote;
- Requiring voters with a registration problem to have the ability to cast a “provisional ballot” that will be counted, if the voter is found to have been registered; and
- Requiring voters to be informed of their voting rights at the polls via signage.

The State Level

It is in the 50 states that elections are governed, and election results are certified and finalized. In most states, elections are run by a state official – typically, the Secretary of State or Lieutenant Governor – and this individual is also a partisan elected official. For example, Jon Husted is the Secretary of State in Ohio and is a Republican, and Alex Padilla is the Secretary of State of California and is a Democrat. They also provide guidance to local election jurisdictions in the state, regarding how elections are to be administered. Under the HAVA, the state election official is in charge of managing the state’s voter registration database and of facilitating voting by individuals covered by the UOCAVA statute.

The Local Level

It is at the local level, in the local election office (LEO), where elections are actually administered. The LEO is typically a part of a county or city, and the county or city is responsible for paying for the cost of the election. The LEO is the place where polling locations are selected, poll workers are hired and trained, ballots are created, voters cast ballots, and votes are counted. After the election, the LEO is in charge of following the state rules for conducting a canvass – a certification that all ballots were counted and that all vote counts are accurate. These results are communicated to the state, where all election results receive final certification.

In the United States, there are approximately 10,499 local jurisdictions. A typical election jurisdiction has about 1,000 registered voters. However, in the 2008 election, almost two-thirds of all voters who cast ballots in the presidential election lived in the 457 largest election jurisdictions – that is only four
percent of all election jurisdictions in the United States.\(^5\)

In the United States, elections are usually either run by a person elected by the voters or by an appointed individual or board. In smaller LEOs, the election official is typically elected, whereas in larger LEOs there is a relatively even split between elected and appointed officials. For most election officials, running elections is just one of several programs and policies that they implement.

### III. Conducting Elections

The federal government provides a basic framework for elections in the United States. However, the states provide the detailed legal framework that governs the implementation and administration of elections. In this section, we itemize several key aspects of elections governed by state laws.

#### Hours of Voting

State laws determine the hours that polls are open in the state. For example, in Maryland and Washington, D.C., citizens will vote from 7:00 a.m. to 8:00 p.m., but in Virginia citizens will vote from 6:00 a.m. to 7:00 p.m.

#### How Voters Cast Ballots

In general, voters in the United States can cast ballots in three ways:

- **Election Day Voting**: In all states, except Oregon and Washington, voters can cast an in-person ballot at a polling place on Election Day.\(^6\) Nationally, this is the most common way in which voters cast ballots. Sixty-four percent of ballots cast in the 2012 general election were cast in person on Election Day.

- **In-Person Early Voting**: In 34 states and the District of Columbia, voters can cast ballots at a small number of polling places within their electoral jurisdiction during the weeks leading up to Election Day. This process is intended to make it easier for voters who might have difficulty voting on Election Day. In 2012, 17 percent of ballots in the general election were cast early.

- **By-Mail Early Voting**: In all states, voters can cast an absentee ballot by mail. In 30 states and the District of Columbia, voters do not have to provide an excuse – such as having a physical disability or being out of town on Election Day – in order to obtain a by-mail ballot. In seven states, it is possible for a voter to sign up to be a permanent by-mail voter, meaning that the voter will automatically receive a ballot in the mail prior to Election Day. In 2012, 19 percent of ballots in the general election were cast by mail.

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\(^6\) Voters can vote in person in these states, but they have to go to the central election offices to do so. This is in part allowed so that voters with disabilities can vote using accessible equipment, if desired.
• In Oregon and Washington, elections are conducted entirely by mail; there are no standard polling places on Election Day. Colorado uses all-by-mail voting but combines it with “vote centers” – strategically placed polling locations that are open 15 days before Election Day and on Election Day.

*Figure 1: Modes of Voting Across States*

Figure 1 shows that 34 states allow some sort of convenience voting. In-person early voting is quite common, as is no excuse absentee voting, where the voter does not have to explain why they want an absentee ballot. In seven states, voters can become a permanent absentee voter, which means that the voter is sent a ballot in the mail before every election, without having to request the ballot.

**Ballot Design**

The way ballots look in the United States vary from state to state. In all states, the ballot is divided into blocks, where each race has its own “block” on the ballot. However, in nine states, a voter can cast a “straight-party” ballot. This means that the voter can select a particular political party by making a single mark in a box at the top of the ballot and vote for the entire slate of candidates within their selected party affiliation.
Voter Registration

In the United States, it is incumbent on the voter to register to vote. States and localities do not have any citizen or eligible voter registry they can use or rely on for voter registration. Although the basic framework for voter registration is set at the federal level, states can determine at what time to close their voter rolls to new applications. This timeframe varies from one month before the election to the day of the election. Thirteen states and the District of Columbia have same-day voter registration, which has been found to facilitate participation. There are 31 states plus the District of Columbia that allow their voters to register to vote online. Most states have minimal voter registration requirements. For example, in Utah, in order to be eligible to register to vote, a person must be, “at least 18 years old on or before the next election, a citizen of the United States, and a resident of the State for at least 30 days before the election.”

Voter Identification

The way voters are identified and authenticated as qualified voters varies by state. The U.S. government does not provide voter identification cards for the purpose of voting. Some states and localities provide voters with a registration card, which shows that they are registered to vote. However, in many states such cards do not satisfy the identification requirements for voter identification because these cards do not have a photo on them. In all states, voters who vote by mail are authenticated by some type of signature match between the signature on their voter registration card and the signature on the outer ballot envelope.

In polling place voting, there are three types of voter authentication:

- In all states, first-time voters who have not voted previously in a federal election in the state are required to present one of the following forms of identification to election officials: a current and valid photo identification, utility bill, bank statement, government check, paycheck or government document that shows the voter’s name and address.
- In 17 states, voters are required to show some form of government-issued photo identification at the polls to authenticate themselves, and 16 additional states accept specific non-photo identification.
- In some states, voters are required to state their name and other basic information to authenticate themselves at the polls but do not need to show photo identification.

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7 The states with same-day voter registration are Colorado, Connecticut, Idaho, Illinois, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin, and Wyoming. Additionally, Maryland and Ohio allow same-day registration, but only during early voting. North Dakota does not have voter registration, which functions equivalently to same day voter registration.
Voter identification laws can be characterized as “strict” or “not strict.”

In the 11 states with a “strict” law, a voter who does not present a photo ID cannot cast a regular ballot. Instead, these voters are allowed to cast a provisional ballot. If the voter presents the appropriate identification to the election officials in a specified time frame after the election, then the voter's provisional ballot is counted.

Figure 2: Voter ID Requirements

In the 22 “non-strict states,” voters who do not present a photo ID may be able to cast a regular ballot if they complete specific administrative actions. For example, they may be required to sign an affidavit verifying their identity or a third party may vouch for their identity. Once the voter completes the administrative task, they can cast a traditional ballot. If they do not complete the task, they can cast a provisional ballot.

The 2008 Survey of the Performance of American Elections found that there was a variation in the implementation of voter identification laws across states.\(^8\) The survey found that one-quarter of voters in states that require voters to show a photo ID before voting did so not because it was required but because it was convenient. A similar number of voters in states that do not have a photo ID requirement

said that they would not have been allowed to vote if they had not shown a photo ID. The survey found that African American and Hispanic voters were asked to show “picture ID” more often than Caucasian voters.

Rule for Recounts and Challenges

States vary in the circumstances under which they will recount ballots and when they allow legal challenges to election results. State recount laws fall into four general categories:

- **Close outcome recounts** are conducted when election results for a given race are very close, often when the candidates are separated by one-half of one percent of the vote.
- **Candidate-initiated recounts** are allowed in several states. Often, the candidate’s campaign is responsible for paying for such a recount.
- **Citizen-initiated recounts** are much less common in state law. Again, the citizen is often required to pay for such a recount.
- **Automatic recounts** are conducted in several states for a sample of precincts to ensure that the vote counts are accurate.

Where Voters Vote

The type of polling place where people vote varies by jurisdiction. In Table 1, we see the distribution of the types of polling places. Most voters cast ballots in a social building, such as a school, church or community center. In 2012, approximately two percent of voters cast ballots in private buildings.

*Table 1: Where We Vote*

<table>
<thead>
<tr>
<th>Percent of In-Person Voters, Nationally in 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private Business, Home, Shopping Mall</td>
</tr>
<tr>
<td>School, Church, Senior/Community Center</td>
</tr>
<tr>
<td>Court House, Fire Station, Library, Government Building</td>
</tr>
</tbody>
</table>

Who Runs Elections

At the local level, which is typically either counties or cities, election officials are chosen through one of four methods:

- In 61 percent of jurisdictions (serving 45 percent of all voters nationally), local election officials are an elected individual.
- In 22 percent of jurisdictions (serving 31 percent of all voters nationally), local election officials are an appointed board of elections.

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9 Data from the 2008 *Survey of the Performance of American Elections*. 

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• In 15 percent of jurisdictions (serving 22 percent of all voters nationally), local election officials are an appointed individual.

• In two percent of jurisdictions (serving one percent of voters nationally), local election officials are an elected board of elections.  

Elections are implemented in polling places by poll workers, who are also sometimes referred to as election judges. Poll workers in the United States tend to be between the ages of 50 and 70, although 34 percent of poll workers were estimated to be 18 to 50 years old. Poll workers were typically racially representative of the population that they serve. People often assume that voters will know their poll worker, but nationally, only 16 percent of voters said they knew their poll worker. Poll workers receive training before an election, which can vary in quality and content.

The state laws that govern elections are ultimately implemented in local polling places. LEOs hire and train the poll workers, who are responsible for how elections are administered.

Voting Technology Used

Because of the number of races on each ballot and the number of voters per polling place, hand counting ballots at the polling place on Election Day is not generally feasible in the United States. Instead, in almost all jurisdictions, ballots are tabulated electronically. Either the voter casts a ballot on a computer, which tabulates the ballot instantaneously, or they vote on a paper ballot that is then scanned, and the votes on that ballot are tabulated by the scanner. The 2000 election brought to the forefront how some voting technologies are more effective than others in capturing a voter’s choices on a ballot.

Most states use more than one type of voting technology because of a need to accommodate voters with special needs and because all states need some form of paper optical scan system to process absentee ballots. For example, a local jurisdiction might use Direct Recording Electronic (DRE) voting machines in its polling locations but paper ballots that are scanned for absentee voting. In 2014, local jurisdictions in 18 states used DREs that do not produce a paper record, and local jurisdictions in 21 states used DREs that produce a paper record. Paper ballots with scan counters were used in jurisdictions in 44 states.

With paper ballots, voters typically cast their vote by filling in an oval next to the candidate they want to select for each race on the ballot, using a pencil or pen. These ballots are then scanned by an electronic scanner, which “reads” the ovals and counts a vote for the candidate with the filled oval. The electronic counts are the initial results reported on election night. In some states, the electronic results produced by scanning the ballots are then compared to a hand recount to ensure that the tabulator counted the votes correctly.

Since the 2000 election, there has been increased use of DRE voting machines, which are sometimes referred to as touch-screen voting machines. A DRE is activated for each voter individually, often by using a card the voter places into the machine or a code the voter enters into the machine. The machine

electronically displays the various races and referenda to the voter, and the voter typically touches the
screen to fill an oval next to their candidate choice. There are two types of DREs. One type of DRE prints
a paper audit trail – displayed to the voter under a glass pane to the side of the DRE screen – that the
voter can review to ensure that his or her choices are accurate. The other type of DRE allows a voter to
cast a ballot electronically but does not produce a paper audit trail.

Some jurisdictions also use an electronic ballot marking device, which is like a DRE in that voters make
their choices on a touch screen. However, the electronic marks are then transferred to a paper optical
scan ballot, which is then tabulated using a scanner, just as described above. These machines allow
individuals with disabilities to cast a paper ballot.

IV. Parties, Campaigns, Candidate Selection and Winning

Political Parties

The United States has two major political parties. The Democratic Party is generally considered to be the
more left-of-center party, and the Republican Party is considered to be the more right-of-center party.
Because the United States does not have any proportional representation, there are no meaningful third
parties in the United States. When third parties do arise – such as in 1992, when candidate Ross Perot
ran for president – one of the two major political parties tends to adopt the third party’s positions, and
the third party fades from interest. In the case of Perot, both Democrats and Republicans adopted his
anti-deficit rhetoric, and his support declined. Additionally, states often have laws that create barriers
for allowing a third party’s candidate on the ballot.

Elections

The United States has a two-part election process. First, political parties hold elections to choose their
candidates for the November general election. These elections are typically run by LEOs but are, in fact,
considered to be private elections (because political parties are private organizations). Second, there is a
general election held in November to select the winning candidate from the two party nominees.

Congressional Races

Winning and Losing Congressional Races
For congressional races and for almost all state and local election races, the winning candidate is the one
who receives the most votes in the election. There is no proportional distribution of seats based on how
parties perform in an election. All federal offices are single-member races.

Congressional Districts
Members of the U.S. House of Representatives represent single-member districts; every district has only
one representative. Congressional district constituencies are established every 10 years, after the census
is held. In the first stage of the process, each state is apportioned a number of representatives based on
the state’s population. Small population states receive a single representative. Larger states receive members based on the concept that, as closely as possible, all congressional districts in the United States are as similar in population size as possible.

Once districts are apportioned to the states, the state legislatures then draw maps for the constituencies within their state. Each constituency has to have the same number of voters. However, legislatures can take into account issues such as the partisan leaning of voters in drawing the districts. In general, the majority party in the state legislature attempts to maximize the number of districts in the state that will maximize the likelihood that their party candidates will win the election in the various congressional districts. In states covered by the VRA, these congressional district maps have to be reviewed by the U.S. Department of Justice to ensure that the rights of minority voters have not been violated. In these VRA covered states, legislators are often required to create “minority-majority” districts, where the majority of the population of voters in the district is of a minority population (e.g., creating a district where 60 percent of the population is African American or Hispanic).

**Primary Elections**

Primary election races for Congress – for the U.S. House and U.S. Senate – are races in which each party in every state holds a nominating election to determine who will be that party’s nominee. The candidate receiving the most votes in the election is that party’s nominee. In some states, if no candidate receives a majority of all of the votes cast (50 percent plus one vote of all valid votes cast) in a primary election, a run-off election is held several weeks later between the candidates who placed first and second in the initial round of voting. The candidate who receives the majority of votes in round two competes in the general election.

There are, generally speaking, three kinds of primary elections:

- **Closed primary**: Only voters who have declared affiliation with a particular party can vote in that party’s primary election. So a voter who is a registered Republican can vote in the Republican Party primary election, but a registered Democrat or a voter who declined to state a party affiliation cannot vote. Instead, a Democrat would only be allowed to vote in the Democratic Party primary. The only way the decline-to-state-affiliation voter could vote is if one of the parties adopts a rule allowing such voters to participate in their primary election.

- **Open primary**: All voters can vote in either primary election. This type of primary election occurs in states that do not have voters state a preference for a party in a primary election.

- **“Jungle” primary**: Which is used in the states of California, Louisiana and Washington – have all candidates, regardless of party affiliation, listed on one primary election ballot. The top two candidates who receive the most votes then compete in the general election. In such an election, the top two candidates could both be from the same political party. In Louisiana, if the top candidate receives a majority of the votes, no run-off election is held.

**General Elections**

In the general election, the two parties’ candidates compete on the ballot. The candidate who receives the most votes wins.
Presidential Elections

The election for President is not a national election. Instead, it is a state-by-state election because the President is the candidate who receives a majority of the electoral votes from the Electoral College. The process of winning the majority of the electoral votes through the Electoral College is as follows:

- First, each state has a number of electoral votes equal to the number of U.S. Senators in the state plus the number of U.S. House members in the state. For example, Maryland has eight House members and two Senators, so it has 10 electoral votes. Virginia has 11 House members and two Senators, so Virginia has 13 electoral votes.
- Second, in almost all states, the candidate who receives the majority of the votes in that state receives all of the state’s electoral votes. There are 538 electoral votes in the Electoral College. Therefore, 270 votes are necessary to win the presidency. If no one gets a majority of the votes, the U.S. House of Representatives breaks the tie, with each state having a single vote to cast for their presidential choice.

In 1800 and in 1824, the House of Representatives selected the President. In the years 1824, 1876, 1888 and 2000, the candidate who won the presidency lost the popular vote nationwide but won enough states to win the Electoral College vote.

Selecting the Presidential Candidates

Presidential candidates are selected in a special presidential selection process. Similar to the presidential election’s Electoral College process, the process of winning the presidential nomination revolves around winning delegates, who then attend the party’s convention and vote for the nomination of that candidate. Each state is allotted a number of delegates based on a formula that takes into account the state’s population and other factors, such as how well the party did in that state in the last election.

There are two types of presidential selection events held to select delegates: a primary election or a caucus.

- A presidential primary is just like a primary election for Congress, except that candidates are awarded delegates based on their relative performance in the state. For example, if a state has 10 delegates and a candidate received 40 percent of the vote – the candidate might receive four delegates.
- A presidential caucus is a set of local meetings that are open to all registered members of the party. At the caucus, people speak in favor of each candidate and then the caucus members divide into groups supporting each candidate. At the end of the caucus, the numbers of supporters in each candidate’s group are counted, and the numbers are totaled to allocate delegates.

11 In Maine and Nebraska, the members of the Electoral College are allocated based on the candidate who wins the most votes in each of the state’s congressional districts. Then, the candidate who wins the most votes in the state wins the state’s remaining two electoral votes.
In late summer, the two parties have national conventions, and the candidates are formally nominated. However, since the 1960s, the outcome of the contests has been known well in advance of Election Day.

Money in Politics

One principle in the First Amendment of the U.S. Constitution states that people have the right to free speech. One way in which people speak is through the media – through advertising, statements on radio and television, and through printed speech. The U.S. Supreme Court, in several decisions, has ruled that the government can restrict the amount of money that any individual or organization can give to a campaign or political party. The rationale for such limits is that limitations on individual contributions can reduce the perception of election fraud and electoral manipulation.

As we see in Table 2, the FEC provides data on the limits set in statute and in regulation on contributions to campaigns and political party committees. Individuals have relatively strict limits, as do political action committees – a committee consisting of a group of donors who bundle funds and then give those funds to candidates.

Table 2: Campaign Finance Limits: Contributions to Campaigns (as of July 2016)

<table>
<thead>
<tr>
<th>Donor Type</th>
<th>Candidate Committee (per election)</th>
<th>Political Action Committee (per year)</th>
<th>State, District, Local Party Committee (per year, combined)</th>
<th>National Party Committee (per year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual</td>
<td>$2,700</td>
<td>$5,000</td>
<td>$10,000</td>
<td>$33,400</td>
</tr>
<tr>
<td>PAC(^{12}) (Multicandidate)</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>PAC (Not Multicandidate)</td>
<td>$2,700</td>
<td>$5,000</td>
<td>$10,000</td>
<td>$32,400</td>
</tr>
<tr>
<td>Candidate Committee</td>
<td>$2,000</td>
<td>$5,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>State, District, Local Party Committee</td>
<td>$5,000</td>
<td>$5,000</td>
<td>No Limit</td>
<td></td>
</tr>
<tr>
<td>National Party Committee</td>
<td>$5,000</td>
<td>$5,000</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

However, individuals have the right to engage in as much speech as they want, as long as they do not directly coordinate that speech with a campaign. In the United States, there is also a legal concept that corporations and similar entities are “persons” in certain ways under the law, and therefore, corporations and trade unions are also allowed to engage in as much speech as they want. In practical terms, there are two implications that arise from this free speech right.

First, individuals can spend as much money as they want on their own campaign. If a candidate for

\(^{12}\) The acronym “PACs” stands for Political Action Committees.
governor in a state wants to spend $5 million (USD) of their own money on their campaign, there is no law that prevents this.

Second, in the U.S. Supreme Court case Citizens United v. Federal Election Commission, the court ruled that corporations and unions have the right to make unlimited independent political expenditures. For example, if a corporation wants to run advertisements criticizing a candidate or advocating a policy position, they can generally do so without limits. Individuals and corporations often engage in this speech using, what are referred to as, “Super PACs.” As OpenSecrets.org\textsuperscript{13} describes them:

Technically known as independent expenditure-only committees, Super PACs may raise unlimited sums of money from corporations, unions, associations and individuals, then spend unlimited sums to overtly advocate for or against political candidates. Super PACs must, however, report their donors to the Federal Election Commission on a monthly or quarterly basis – the Super PAC’s choice – as a traditional PAC would. Unlike traditional PACs, Super PACs are prohibited from donating money directly to political candidates.\textsuperscript{14}

\textbf{Campaign Tactics and Strategies}

Candidates attempt to mobilize their supporters, demobilize the supporters of their opponents and sway the allegiances of individuals who do not have strong party preferences. Campaigns engage in an array of activities to achieve these goals, including:

- Running advertisements on radio, television, in newspapers and magazines, and on the internet. This advertising may tout the positive attributes of a candidate and the candidate’s policies or expose negative aspects of a candidate or his or her policies.
- Contacting likely voters by going door-to-door, using email, Twitter, Facebook, telephone calls or direct mail. Campaigns often know quite a bit about the types of people who vote for or against their party. Campaigns use this information to target specific messages to voters, based on the issues of interest to that voter. For example, an individual who belongs to an environmental group may receive direct mail advertising how one candidate is pro-environment and how the other candidate is anti-environment.
- Campaigns also attempt to mobilize voters using “free” media, which involves getting the local or national media to cover events or issues of interest to one of the parties. For example, campaigns will hold large rallies in a city, hoping that voters will attend the rally but also hoping that the rally will be shown on the local or national news.

\textsuperscript{13} OpenSecrets.org\textsuperscript{13} is run by the Center for Responsive Politics, a nonpartisan organization that tracks money in politics. Its website and online databases related to money in politics have won numerous awards and are regularly cited in mainstream media.

Debates
Candidates in elections often engage in face-to-face debates, in which a moderator and/or a panel of
individuals ask the candidates questions about policies and issues. In the last several presidential
elections, there have been three presidential debates and one debate held between the vice
presidential candidates. The first televised presidential debates were held during the 1960 election
between John F. Kennedy and Richard M. Nixon. No debates were held again until the 1976 election
and, since then, debates have been held in every presidential election.

V. Who Votes

In the United States, all citizens over 18 years of age are potentially eligible to vote. Table 3 shows that
the U.S. Constitution contains four amendments that expanded the franchise of voters by ensuring they
cannot be discriminated against based on race, ethnicity, gender, economic status or age.

Table 3: Constitutional Amendments Related to Voting

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Subject of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>Prohibits the denial of suffrage based on race, color or previous condition of servitude</td>
</tr>
<tr>
<td>19</td>
<td>Establishes women’s suffrage</td>
</tr>
<tr>
<td>24</td>
<td>Prohibits the revocation of voting rights due to the non-payment of poll taxes</td>
</tr>
<tr>
<td>26</td>
<td>Establishes the official voting age as 18 years old</td>
</tr>
</tbody>
</table>

States can still exclude certain people from voting. All states exclude non-citizens from voting, although,
in the 1800s, non-citizens were able to vote in many states. In addition, all but two states restrict felons
from voting. As we see in Figure 3, some states give a felon the right to vote once they have completed
their time in prison, some require a felon to have completed all probation and parole, and some states
ban felons from voting unless the state actively restores their right to vote.

Figure 3: Felons and Voting

- Can only vote if rights restored by Governor’s action or court order
- Can vote after sentence is completed
- Can vote after being released from prison but still on probation/parole
- Can vote absentee from prison
In 2012, the voter registration rate was 71.2 percent among the eligible voter population (those ages 18 years or older) and the turnout rate was 61.8 percent.

In Figure 4, we see voting is highly related to age. Turnout increases across age cohorts, with those ages 65 years or older voting at a rate of 25 percentage points higher than those ages 18 to 24. Women are more likely to be registered and more likely to vote compared to men. Although not shown in the figure, Americans with higher income and more education register and vote at much higher rates compared to those with lower income and less education.

Historically, black Americans have voted at lower rates than whites. However, in both 2008 and 2012, black turnout was higher. This is not unexpected because these were the first two elections in American history in which a black candidate ran for the presidency.

**Figure 4: 2012 Voter Turnout by Demographics**

We also can examine the reasons why eligible voters are not registered to vote and why they do not vote. For why they are not registered, we see that half of all citizens are not registered to vote because they are not interested in elections or politics, or state that they do not think that their vote would make a difference. For why registered voters did not vote, one-quarter of voters did not vote because they were not interested in the election.
Participation Among People with Disabilities

The HAVA specifically sought to enfranchise individuals with disabilities by allowing them to cast an independent ballot. Individuals with disabilities have various barriers to registering and voting. In Figure 4, we see that there are differences between registration rates and voting rates for people with disabilities and those not stating a disability.
Author Biography

Thad Hall, Ph.D., is a subject matter expert at Fors Marsh Group (FMG), an applied research company that helps organizations and U.S. government agencies make research-based decisions that affect their customers, employees, and the citizens they serve. At FMG, he works primarily on voting issues related to overseas and military voting. He was previously a professor of political science at the University of Utah.

Hall has conducted many studies on election administration and reform, including studies on internet voting, electronic voting, election auditing, public attitudes toward various aspects of the voting process, poll worker attitudes toward the election process, and observational studies of election administration in the United States and abroad.


Professor Hall has a B.A. from Oglethorpe University, a M.P.A. from Georgia State University, and a doctorate in political science from the University of Georgia.