

VOTER PROJECT

*by Margaret Branson, Associate Director
Center for Civic Education
5146 Douglas Fir Road
Calabasas, CA 91302
www.civiced.org
775-857-1816 (Dr. Branson's direct fax)*

TOPIC TWO: HOW AND WHAT KINDS OF ELECTIONS ARE CONDUCTED?

Free and fair elections are the cornerstone of democratic government. When voters cast their ballots, they are literally sharing in the decisions of government. What is more, Americans have the opportunity to participate in elections more often and for more offices than do any other people. Americans can vote in national, state, county, city, and special elections.

Responsibility for regulating elections is shared by the national and state governments. States are responsible for administering elections. They are in charge of registering voters, printing ballots, preparing voter information booklets, providing polling places and workers to staff the polls, fixing hours for those polling places, counting ballots, and certifying outcomes.

The national government sets times for federal elections and prevents discrimination in the exercise of the right to vote. When Congress passed the Voting Rights Acts of 1965 and 1975 it provided important safeguards for the right to vote. The United States Attorney General was authorized to send federal examiners into states to enroll voters and observe registration practices to insure that they were free and fair. States which had significant minority populations were required to provide bilingual ballots and registration materials. Some observers have hailed these Voting Rights Acts as "milestones" equal in importance to the Emancipation Proclamation.

It is important to distinguish between two kinds of elections: primary and general. The primary is an American invention. It is an election used to select a political party's candidate from among competing party members. The winners of primary elections then go on to run against nominees of other parties in a general election. In other words, a primary election is a nominating process; it narrows the field of candidates.

A general election gives voters an opportunity to make their final choices in selecting public officials. General elections are conducted by states. States hold national presidential elections every four years and national congressional elections in the even numbered years.

In addition to regularly scheduled primary and general elections, Americans also can vote in special elections which are called at irregular intervals. Here are some of the kinds of special elections in which voters can take part:

A runoff—a second election held in some states if no one candidate for an office receives a majority (or a specified percentage) of votes. Voters then choose between the two candidates who received the most votes in the first election.

Nonpartisan election—an election in which candidates do not run as members of a political party and in which political parties are not allowed to run candidates.

Nonpartisan elections typically are used to elect state and local judges, members of school boards, and other officials whose party affiliation has no bearing on the duties of the office to which he or she is elected. As New York City's former Mayor Fiorello La Guardia once said, "there is no Democratic or Republican way of cleaning the streets."

Recall election—a procedure that allows citizens to remove an elected official from office before his or her term has expired. Several states and many local governments

provide for the recall of elected officials. Recall elections are used infrequently, but they are a means of holding public officials responsible for faithful performance of their duties while in office.

There is no provision for the recall of federal officials. Each house of Congress, however, has the power to remove any member who fails to meet the standards it requires of its members. The president, vice president, and federal judges are subject to impeachment and removal from office upon conviction for “treason, bribery, or other high crimes or misdemeanors.”

Initiative—a procedure that allows interested citizens, as opposed to legislators, to propose new laws or constitutional amendments. An initiative, the proposed new law, is placed on the ballot, often as a proposition, when the required number of registered voters have signed a petition. The number of signatures necessary varies from a low of two to a high of fifteen percent of the voters in the different states. At present about half of the states provide for the initiative. Voters in those states can enact a law directly without it being passed by the state legislature or signed by the governor.

Referendum—one method of sending or referring a government proposal to the voters for their approval or disapproval. In states providing for the referendum, bills passed by the legislature do not take effect for a specified period of time—usually 90 days. During that time, if the required number of registered voters sign a petition, the bill goes to the people for an up or down vote. If the majority of voters approve the bill, it becomes law. If the majority disapprove, it is “vetoed” or killed.

The referendum is not often used. Even so, it remains as a check which can be used on actions by legislatures which some citizens believe is ill considered or unwise.

About half of the states provide for the referendum. States and local governments sometimes use optional or advisory referendum on a voluntary basis to get an expression of public opinion about an issue or proposed policy.