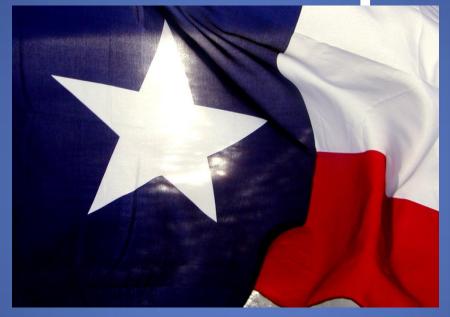
Chapter 3



POLITICAL PARTICIPATION: VOTING AND ELECTIONS



Chapter 3: Objectives



Political Campaigns

Racial/Ethnic Politics

Women in Politics

Voting

Primary, General, and Special Elections

Learning Objectives

- Identify past restrictions on voting rights in Texas
- Explain voter registration requirements in Texas
- Analyze causes of low voter turnout in Texas
- Differentiate among primary, general, and special elections
- Explain the obstacles to running a campaign in Texas

A History of Voting Rights

- Before the Civil War slaves had no voting rights
- Reconstruction forced to extend voting rights to African American males
- Democrats regained control restrictions resumed
- Women had no voting rights until the Nineteenth Amendment in 1920

White Primary

 From the end of Reconstruction until the early 1960s, Democratic nomination was tantamount to election

WHITE PRIMARY

- Allowed only whites to vote in the Democratic primary
- Smith v. Allwright (1944): Overturned the white primary

Poll Tax

- Targeted minority turnout, disadvantaged and politically unaware people
- 1964: Banned in federal elections by the Twenty-fourth Amendment
- Texas: dual-ballot system Everyone received a federal ballot, but only those who paid poll taxes received state ballots
- *United States v. Texas* (1966) found this unconstitutional

Federal Court Intervention

- Struck down provisions requiring annual registration, and a year of residence in Texas before becoming eligible to vote
- Also rejected a provision of the Texas
 Constitution allowing only property
 owners to vote on bond issues

The Voting Rights Act (VRA) of 1965

- Protects minorities from discrimination in voting and/or registration
- Requires affected states and municipalities to submit redistricting plans to either the U.S. Justice Department or a federal court for approval -
 - Weakened the ability to engage in racial gerrymandering - drawing district lines to dilute minority voting strength

Qualifications

- At least 18-years-old by election day, a U.S. citizen, and a Texas resident, also -
- A county resident 30 days prior to the election, and must register to vote 30 days in advance
- Convicted felons cannot vote until 2 years after completion of their sentences, including probation and parole

The Texas Constitution: A Closer Look

The Texas Constitution grants its citizens near universal suffrage:

ARTICLE 6. SUFFRAGE

Sec. 1. CLASSES OF PERSONS NOT ALLOWED TO VOTE.

- (a) The following classes of persons shall not be allowed to vote in this State:
 - (1) persons under 18 years of age;
 - (2) persons who have been determined mentally incompetent by a court, subject

- to such exceptions as the Legislature may make; and
- (3) persons convicted of any felony, subject to such exceptions as the Legislature may make.
- (b) The legislature shall enact laws to exclude from the right of suffrage persons who have been convicted of bribery, perjury, forgery, or other high crimes.

Registration

- Fill out a postcard-size form
- A voter can register a spouse, parent, or child, provided the person is qualified
- Texas registration is permanent if remain at the same address, but -
 - Some counties remove those who haven't voted in several years
- If you move, you must reregister

Registration

- U.S. "Motor voter" law a person can also register to vote when applying for a driver's license, public assistance, or other public services –
- Simply affirm that they wish to register
- Critics argue that legally unqualified voters, such as noncitizens, may register
- Texas requires eligibility determination

NELDA WELLS SPEARS 512-854-9473

TRAVIS COUNTY VOTER REGISTRAR PO BOX 149327, AUSTIN, TX 78714-9327 5501 AIRPORT BLVD., AUSTIN, TX 78751 www.traviscountytax.org Secretary of State's Office Elections Division 1-800-252-VOTE (8683) www.sos.state.tx.us PRESORTED FIRST-CLASS MAIL U.S.POSTAGE PAID TRAVIS COUNTY

RETURN SERVICE REQUESTED





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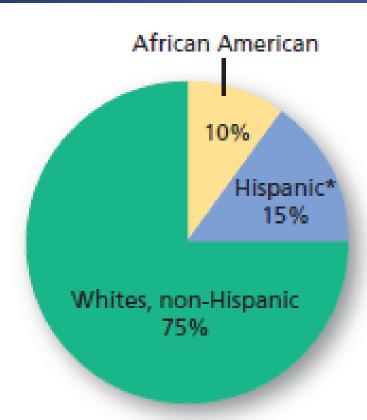
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ROBERT ERNEST DAEMMRICH 1813 BROOKHAVEN DR AUSTIN TX 78704-2748 115622

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Turnout

- Percentage of registered voters who cast ballots
 - Relatively few people vote
- The more educated a person is, the more likely he or she is to vote, and Anglos are more likely to vote
- More likely to vote if your parents vote
- Voters are also likely to be older and wealthier



*Hispanic turnout was well below its share of the population.

FIGURE 3.1 Texas Voter Turnout, 2006.



In most urban areas, voting is conducted primarily on computerized machines, which bypass paper

© Бов Daenmrich/Гhe Image Works Way to vote?

Who Turns Out

- Has a huge impact on who is elected
- FACTORS OF LOWER MINORITY TURNOUT:
- 1) Fewer positive interactions with government – leads to distrust
 - Disfranchised can't vote or believe their vote doesn't count
- 2) Family tradition impacts turnout
- 3) Language barriers

Texas Factors in Registration and Turnout

- 1) Large number of elections create burnout
- 2) The long ballot numerous elected positions can be overwhelming
- 3) Before 1992 jury lists were compiled from voter registration and many people believe they still are

Texas Factors in Registration and Turnout

- Reforms: Several states allow Election Day registration, also -
- Allow voters to cast ballots by mail merely by asking
- Critics: 30-day registration allows election officials to check for fraud
- Uninformed citizens might be more likely to cast ballots

- PRIMARY ELECTION: Process through which major parties choose their nominees for the general election
- Texas allows voters to choose their primary election, but may only vote in 1
 - If runoff, must vote in same primary
- Held the first Tuesday in March Super Tuesday (several states have changed to earlier dates)

- GENERAL ELECTION
- Process through which officeholders are elected from among party nominees
- Primary winners and nominees of minor parties, have their names on the ballot
- Difficult for a third party to qualify for ballot access in Texas – usually 50,000 signatures are required

- PLURALITY: When a candidate has more votes than any other candidate, even if the total is less than 50%
- GUBERNATORIAL ELECTION: Election for governor and other executive offices
- Off-year between presidential elections
- Allows voters to pay more attention to these statewide offices

- SPECIAL ELECTION
- Held to fill a legislative vacancy, ratify a state constitutional amendment, or approve a local bond issue
- "Nonpartisan" candidates do not have to go through the primary process
- Require a majority to win, and usually occur outside the traditional March and November dates



© Bob Daemmrich Photo, Inc.

Kay Bailey
Hutchinson
would convert
this special
election victory
into almost two
decades of
service in the US
Senate.

Campaigning

- Distance between candidates and voters even more acute when the political race is regional or statewide
- Urban Senate districts are not as geographically challenging, but can be as expensive if not more so —
- Between a million to two million dollars isn't unusual for contested races

Campaigning

- Along with the increase in the monetary costs has come a concomitant rise in the emotional costs of seeking office
- It's easier to malign a candidate in 30 seconds or a minute than to delve into the intricacies of most of the issues
- Recent electoral results, however, indicate positive campaigning might be in vogue once again



Conducting Campaigns in the 21st Century

- Importance of the Media
 - More than 13.5 million potential voters in 254 counties
 - Increased money necessary to reach large geographic areas
 - Candidates need to raise large amounts of cash at local, state, and national levels



Media

Television

- Appearance and technique critical
- Make use of sound bites

Radio

Older medium, not used as frequently

Internet

- Low cost must be balanced with issues of the medium
- Lots of access points



Media

Issues

- Less focus on issues and more focus on personalities
- Candidate's public and private life remain open 24/7
- Older voters with limited access to the Internet
- Resistance to spam
- Blogs
- Cybersquatting



Mudslide Campaigns

- Mudslide campaigns
 - Low ethical-level campaigning with avoidance of critical public issues
- Negative campaigning grew when candidate's character grew in importance in mid-1990s
- More campaign cash may contribute to increased mudslinging



Points to Ponder

Musicians have long been associated with political campaigns.

What element does it add to a campaign?



Points to Ponder

Musicians have long been associated with political campaigns in Texas.

- When W. Lee O'Daniel ran for the governorship in 1938, he used the Hillbilly Boys band to draw crowds to his campaign appearances. Bob Wills, "The King of Western Swing," was a member of one of O'Daniels' earlier bands, the Light Crust Doughboys.
- When country recording star and author Kinky Friedman ran for the governorship in 2006, he proposed music legend and Friedmansupporter Willie Nelson to serve as Texas's "Energy Czar."
- Rocker Ted Nugent performed at Governor Rick Perry's 2007 gubernatorial inauguration and appeared at a rally, supporting Perry in 2010.



Campaign Reform

- Eliminating Negative Campaigning
- Increasing Free Media Access
 - Need to pay for increased media formats has forced candidates to raise more money
- Campaign Finance Reform
 - "Money makes the mare go"
 - Federal and state laws guide campaign finance
 - Political Action Committee (PAC)-donations



Campaign Finance Reform

- Texas Campaign Finance Laws
 - Weak
 - Focus on disclosure not enforcement
- Texas Ethics Commission (TEC)
 - Created to monitor lobbyist and candidate campaigns
 - All candidates and lobbyist must register with TEC
 - Candidates must regularly report political campaign contributions



State Campaign Finance Reform

Some of the Current State Campaign Finance Requirements

Excluding judicial campaigns, Texas has no laws that limit the amount of campaign contributions to a candidate.

Officials of cities with more than 100,000 population and trustees of school districts with enrollments of 5,000 or more must disclose the sources of their income.

Candidates must identify employers and occupations of people contributing \$500 or more.

Donations are not allowed during Legislative Session.

Prohibits lawmakers from lobbying for clients before state agencies.



Racial/Ethnic Politics: Latinos

- Candidates attempt to reach these potential voters
 - Use Spanish
 - Advertise in Spanish-language media
- Characteristics
 - Respond to candidates and issues, not to a political party (do have tendency to vote Democrat)
 - Low voter turnout





Racial/Ethnic Politics: Latinos

- Elected Latino Texas officials (2010)
 - Two statewide positions
 - Six U.S. Representatives from Texas
 - 37 legislative seats in the Texas Legislature
 - More than 2,000 of the remaining 5,200 elected positions in the state
- Some Issues
 - Economy
 - Immigration
 - Bilingual Education



Racial/Ethnic Politics: African Americans

- Constitute about 10 percent of the state's potential voters
- More than 90 percent of state's African Americans of voting age support Democratic candidates
 - Tend to remain with the Democratic Party regardless of income
- Elected Texas Office (2010)
 - Three statewide positions
 - Three U.S. Representative seats from Texas
 - 16 legislative seats in the Texas Legislature
 - More than 500 of the remaining 5,200 elected positions in the state



Texas Women in Politics

History

- Through 1990, only four women had held state-wide public office
- In 1971, no women served in Texas' congressional delegation and only two served in the Texas Legislature
- In 2000, 2002, and 2006 women led all candidates on either ticket in votes received

Elected Texas Women (2010)

- Four U. S. Representative seats from Texas
- 44 in the Texas Legislature
- First openly gay woman of major U.S. city



Texas Women in Politics

- Women in Policy Making
 - Increased punishment for family violence and sexual abuse of children
 - Renewed focus on public education
- Fewer women than men seek elective public office: Why?
 - Difficulty in raising money
 - Home and parental obligations
 - Prejudice against election of women



Universal Suffrage

- Universal suffrage
 - Almost all citizens 18 years of age and older can vote
- The U.S. Supreme Court has declared the right to vote the "preservative" of all other rights
- Despite Constitutional guarantees, the road to universal suffrage did not become a reality in Texas until the mid-1960s



Literacy Tests

- A means to prevent minority people from voting
- Required prospective voters to take a test that conditioned voter registration on a person's literacy or understanding of the U.S. Constitution
- Required constitutional-interpretation or citizenship knowledge
- Required by some Texas counties
- Abolished with the Voting Rights Act of 1965



Grandfather Clause

- Exempted people from educational, property, or tax requirements for voting if qualified to vote before 1867, or were descendants of such persons
- Effected mainly whites and began after 1870
- 15th Amendment (ratified in 1870)
 - Provided voting rights to all males regardless of race, color, or previous condition of servitude
- Guinn v. United States (1915)
 - Declared the grandfather clause unconstitutional as a violation of 15th amendment



Poll Tax

- Beginning in 1902, Texas required citizens to pay a tax to become eligible to vote
- Required to pay \$1.50-\$1.75 during Oct 1 to Jan 31 upon voter registration
- Affected mainly poor minorities or uneducated
- 24th Amendment
 - To the U.S. Constitution in 1964 abolished poll tax at federal level
- Harper v. Virginia State Board of Elections (1966)
 - The U.S. Supreme Court declared state poll taxes unconstitutional, a violation of the 14th amendment's Equal Protection Clause



- White Primaries
 - Nominating system designed to prevent
 African Americans and some Mexican
 Americans from participating in Democratic
 Primaries
- Smith v. Allwright (1944)
 - Declared white primary unconstitutional



- Racial gerrymandering
 - Gerrymandering is the practice of manipulating legislative districts to underrepresent persons of a political party or group
 - Racial gerrymandering designed to influence representation of racial groups in districts
 - "Packing"
 - "Cracking"
- Majority—Minority Districts
 - Shaw v. Reno (1993)
- At-large Majority Districts
 - Dilute minority votes



Democratization of the Ballot

- Federal Voting Rights Legislation
- Voting Rights Act of 1965
 - Abolished literacy tests
 - Prohibited residency requirements of more than 30 days for voting in presidential elections
 - Required states to provide some form of absentee ballot or early voting
 - Allows individuals and federal government to sue to request voting examiners



Democratization of the Ballot

- Voting Rights of 1975
 - Requires bilingual ballots and voting materials in qualified areas
- National Voter Registration Act of 1993
 - "motor voter law"
- 19th Amendment
 - Voting rights cannot be denied due to gender
- 26th Amendment
 - Minimum voting age 18



Voter Turnout

- Voter Turnout the percentage of the votingage population (VAP) casting ballots in an election
- Texas' voter turnout tends to be significantly lower than the rest of the nation

Presidential Election	Texas Voter Turnout (VAP)	U.S. Voter Turnout (VAP)
2004	46%	55%
2008	46%	56%



Voter Turnout

- Voter Eligible Population (VEP)
 - Measuring voter turnout based on those eligible to vote
 - Tends to run higher
- 14% of Texas population ineligible to vote
 - Citizenship status (13.8%)
 - Convicted felons without completed sentence (0.2%)
- VEP Texas turnout higher for 2008 55%
- 62% VEP turnout for United States



Voter Turnout

- Reasons for lower voter turnout
- "Turnout Burnout"
 - Texas attempted to overcome this issue with two uniform elections a year
- Negative campaigns
- Informational cost—cost of voter information or lack of information
- Transactional cost—cost of actually voting
- Political socialization—how one develops political beliefs and attitudes



Who Votes

- Socioeconomic Influences
- Education
 - Educational level rises, voter turnout increases
- Income
 - Texas ranks ninth in poverty
 - Lower income citizens often lack access to polls, information, and opportunity to learn
- Gender
 - Women have higher turnout than men



Voter Qualifications

- Native-born or naturalized citizen
- At least 18 years of age on election day
- Resident of the state and county for 30 days preceding election day
- Resident of district on election day
- Registered voter for at least 30 days preceding election day
- Not a convicted felon (unless sentence, probation, and parole are completed)
- Mentally competent



Voting Procedures

- Election laws compiled in Texas Election
 Code
- Process regulated by both state and federal government
- Influenced by Texas Secretary Of State and county election officials
- Voter Registration
 - Intended to determine in advance whether voters meet all the voter qualifications



Early Voting

- Early voting at the county court house and selected locations before designated primary, special, and general elections for any reason
- Vote by mail with reasons
 - Out of county on election day
 - At least age 65
 - Physically disabled on election day
 - In jail (but not a convicted felon)
 - In the military or a dependent of military
- Vote by fax if in a combat zone
- Vote by electronic voting if astronaut in space



Points to Ponder

Voting via electronic machine if in space





In 1997, the Texas Legislature enacted a provision allowing people on space flights to vote electronically from space on election day.

- Through 2008, six astronauts had cast ballots from space (three of those in presidential elections).
- The County Clerk of the astronaut's home county sends an electronic ballot to the astronaut-voter through NASA, the astronaut votes, and someone in the county clerk's office then decrypts the ballot, so it can be counted.



Voting Precincts

- Voting Precinct
 - The basic geographic area for conducting elections
 - Each precinct contains approximately 2,000 registered voters
 - 8,500 voting precincts in Texas
- Commissioners Court draws the boundaries of voting precincts and appoints election judges



Election Officials

- Election Officials
 - -Party officials conduct primary elections
 - County clerk or elections administrator prepares general and special election
 - Less than 30% of counties in Texas employ full-time elections administrator



Point/Counterpoint

Online Voting to Increase Voter Turnout

Arguments for	Arguments Against
Increased turnout with greater ease and access	Disadvantage for those without access to technology
More informed electorate	Loss of election integrity
Quickest, cheapest and most efficient administration	Unlawful electioneering

What do you believe?



Voting Systems

- Five Voting Systems
 - Paper ballot
 - Manually operated voting machine
 - Optical scan (like Scantrons)
 - Punch-card
 - Direct-record electronic (or touchscreen)
 - Determined by County Commissioners Court



Voting Systems





Ballots influenced by

- Texas Secretary of State
- County
- Voting Rights Act of1975
- Write-in candidates
- Eligible to mark straight ticket on ballot

Ballots

	Vote Both Sides Vote en Ambos Lados de la Página					
	November 2, 2004 Joint General and Special Elections el 2 de noviembre de 2004 Elecciónes General Junta y Especial Travis County Condado de Travis November 02, 2004 - 02 Noviembre 2004 Precinct Precinct 467-TM					
201003071100	SPECIAL BALLOT INSTRUCTIONS: CAPITAL METRO REFERENDUM IS AT THE END OF THE BALLOT. INSTRUCCIONES ESPECIALES DE VOTACIÓN: REFERENDUM DE CAPITAL METRO ESTÁ A FIN DE LA BOLETA. INSTRUCTION NOTE: Use a BLUE or BLACK pen to mark your ballot. To vote, completely fill in the square to the left of your candidate or proposition choice. To vote for a write-in candidate, completely fill in the square to the eft of "Write-in" and enter the name of the criffiel write-in candidate on the line provided. NOTA DE INSTRUCCION:	PRESIDENT AND VICE PRESIDENT PRESIDENT PRESIDENTE George W. Bush/ Dick Cheney REP John F. Kerryl John Edwards DEM Michael Badnarik/ Richard V. Campagna LIB Write-in Voto Escrito	JUSTICE, SUPREME COURT, PLACE 9 JUEZ, CORTE SUPREMA, LUGAR NÚM. 9 Scott Brister REP David Van Os DEM JUDGE, COURT OF CRIMINAL APPEALS, PLACE 2 JUEZ, CORTE DE APELACIONES CRIMINALES, LUGAR WIM. 2 LAWRENCE "LAITY" Meyers REP Quanah Parker LIB			
Test Ballot	Marque su boleta con una pluma negra o axul. Para volar, lene completamenta el espacio cuadrado à la lizulerida del nombre del candidate o selección de proposición de su preferencia. Para votar por un candidato por voto escrito, llene completamente el espacio cuadrado a la tizquierda de "Voto Escrito" y escriba el nombre del candidato certificado en la linea provista. STRAIGHT PARTY PARTIDO RECTO To cast a vote for all the nominees of one party select the name of the party of your choice. Selecting a party automátically es elects all candidates' names of that party, indicating a vote for those candidates.	UNITED STATES REPRESENTATIVE, DISTRICT 25 REPRESENTANTE DE LOS ESTADOS UNIDOS, DISTRITO NUM. 25 Rebecca Armendariz Klein REP Lloyd Doggett DEM James Werner LIB RAILROAD COMMISSIONER COMISIONADO DE FERROCARRILES	JUDGE, COURT OF CRIMINAL APPEALS, PLACE 5 JUEZ, CORTE DE APELACIONES CRIMINALES, LUGAR NÚM. 5 Cheryl Johnson REP JODGE, COURT OF CRIMINAL APPEALS, PLACE 6 JUEZ, CORTE DE APELACIONES CRIMINALES, LUGAR NÚM. 6 Michael E. Keasler REP J.R. Molina DEM	Test Ballot		
1000000041	If you cast a straight-party vote for all the nominees of one party and also cast a vote for an opponent of one of that party's nominees, your vote for the opponent will be counted as well as your vote for all the other nominees of the party of which the straight-party vote was cast. Pare voter por notos los candiciatos de ma solo partido político marcar el nombre del partido deseado. Al seleccionar el partido, so marcarian automáticiamente todos los nombrese de los andicidatos de see partido, indicando un voto para esco candiciatos. Para votar "Straight Party" y también votar por un contrincante de un partido opuesto. REPUBLICANO DEMOCRATIC	Victor G. Carrillo REP Bob Scarborough DEM Anthony Garcia LIB JUSTICE, SUPREME COURT, PLACE 3 JUEZ, CORTE SUPREMA, LUGAR NÚM. 3 Harriet O'Neill REP JUSTICE, SUPREME COURT, PLACE 5 JUEZ, CORTE SUPREMA, LUGAR NÚM. 5 ■ PAUG Green REP	STATE REPRESENTATIVE, DISTRICT 49 REPRESENTANTE ESTATAL, DISTRITO NÚM. 49 ROBINSON BUTLET "BO" HOWELL LIB JUSTICE, 3RD COURT OF APPEALS DISTRICT, PLACE 4 JUEZ, CORTE DE APELACIONES, DISTRITO NÚM. 3, LUGAR NÚM. 4 BIII Green REP Jan Patterson DEM	25620300		
	DEMOCRATA DEMOCRATA LIBERTARIAN LIBERTARIO Vote Roth Sides	Vote	Ambos I ados do la Pásico			



Primaries

- Party Primary
 - Preliminary election within the party to select candidates who will run in general election
- Direct Primary
 - Voters directly select the candidates for public office
 - Not used for presidential and vice presidential nominees
 - Nominee must receive majority (50%) of the primary vote to win nomination to general election



Primaries

- Runoff Primary
 - Held a month after the initial primary if a candidate does not receive majority vote in primary elections
 - Allows voters to choose among top two nominees



Types of Primaries

- Closed Primary
 - Voters must declare party affiliation before primary elections
- Open Primary
 - Voters do not have to declare party affiliation before primary elections



Types of Primaries

- Nonpartisan Blanket Primary
 - Single ballot listing all nominees regardless of party affiliation
- Jungle Primary
 - Nonpartisan blanket primary held in Louisiana state elections
 - Any candidate that receives greater than 50% of vote is elected to office
 - If no candidate receives the majority, top two nominees, regardless of party affiliation, appear on general election



Texas Primaries

- Texas practices both an open and closed primary system
 - Declare party affiliation on day of primary and may only vote in that party's primary for up to a year
 - Can vote in runoff election if voted in that party's primary or did not vote in primary at all
- Allows for cross-over voting



Texas Primaries

- Political parties whose gubernatorial candidate received 20% or more of the vote in the preceding general election must use primaries
- Occurs first Tuesday in March of even years
 - If minor party, candidate determined through convention
 - Political parties administer primaries and handle nominees
 - Parties can choose to administer joint primaries that are administered by county



Texas Primaries

- Financing Primary Elections
 - Approximately 30% of cost comes from filing fees of nominees. The balance of primary costs paid for by state.
- Nominees may file a nominating petition containing a specified number of signatures in lieu of paying the fee



How Do We Compare...in Types of Primaries?

II C States Rordering

Most Populous U.S. States	Primary Type	Texas	Primary Type
California	Closed	Arkansas	Open
Florida	Closed	Louisiana	Jungle
New York	Closed	New Mexico	Closed
Texas	Combination (open/closed)	Oklahoma	Closed



How Do We Compare?

How Do We Compare...In Types of

Primaries?



- •How do most of the populous states conduct their primaries?
- How do most of the states that border Texas conduct their primaries?
- •How do Texas primaries compare to those states?



General Elections

Presidential General Elections

- Held every four years on the first Tuesday following the first Monday in November
- Voters vote for candidate of party
- Winning party selects electors for electoral college vote

Mid-term election

- Gubernatorial elections are held at this time
- Held every four years on the first Tuesday following the first Monday in November in between presidential elections
- Winner receives plurality (most) votes



Who is on the General Election Ballot?

- Winners of primary elections
- Third parties, minor parties, and independent candidates must collect a large number of signatures to be eligible for general election ballot
- Blank slots for write-in candidates are provided if applicable
- Can vote straight ticket