



## Some Implications of the 2008 Presidential Election: Three Brief Observations

How might the 2008 election change the landscape  
for future elections?

# Some Implications of the 2008 Presidential Election: Three Brief Observations

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The 2008 presidential election has been hailed as one of the most important in history. History will judge precisely which facts about the 2008 campaign and outcomes were most significant. Here we highlight three aspects that seem to have important policy implications for the nation and for Illinois. These are: (1) the decisive election of the nation's first non-white president; (2) the record-breaking campaign fundraising and spending, particularly by the victorious Obama campaign; and (3) a surge in the amount of convenience (early and absentee) voting.

## Race and the Obama Victory

Illinois U.S. Senator Barack Obama's entry into the contest for the 2008 Democratic presidential nomination provided scholars, political pundits, and the nation's voters the opportunity to answer a question that had long been on the minds of many: Could an African American man win his party's presidential nomination, let alone win the general election? Another black politician from Illinois, Jesse Jackson, made serious runs at the presidency in 1984 and 1988, but his challenges were never as successful as Obama's, at least according to various polls.

Yet herein lay a problem. When one of the candidates is African American, just how reliable are poll results? The so-called "Bradley effect" was first raised publicly after the 1982 California gubernatorial election. A *Los Angeles Times* poll conducted three weeks before the election had found black Democrat Tom Bradley ahead of white (actually Armenian American) Republican George Deukmejian by about 13 points, with about 19 percent still undecided. When Bradley eventually lost 48

percent to 49 percent, many concluded that poll respondents must have deliberately misrepresented their vote intentions to avoid appearing racist. Presumably, the pressure to lie was especially acute for Democrats bothered by Bradley's race, because the party-identification question came before the vote-intention question on that poll. Although subsequent analysis found mixed evidence on the import of race in that election,<sup>1</sup> it has become folklore that polling is unreliable in contests between candidates of different races. Would some white voters in 2008 tell pollsters they intended to vote for Obama, while knowing that in the privacy of the voting booth they would do no such thing?

Buttressing this possibility was an accumulation of academic research purportedly showing persistent racial bias against black people, especially among the white working class. Proponents of the "implicit racial bias" thesis argue that 70-90 percent of whites harbor anti-black/pro-white biases. They argue that whites hold these biases unconsciously; but with the right tests, it can be shown that most whites associate white with things pleasant, and black with those unpleasant. This led two scholars to declare, on a blog post, that "Obama has a serious uphill battle on his hands..."<sup>2</sup> A complementary theory, "symbolic racism," views whites' attitudes toward black people as formed early in life through peer and family socialization, so that negative reactions to black candidates and black-targeted policies are visceral and automatic.<sup>3</sup>

Some pundits predicted that Iowa, the first caucus state, would provide ample evidence of their wisdom about race and the selection of a Democrat nominee in 2008,

<sup>1</sup> Jack Citrin, Donald Philip Green, and David O. Sears. "White Reactions to Black Candidates: When Does Race Matter?" *Public Opinion Quarterly* 54, 1 (1990): 74-96.

<sup>2</sup> Gregory S. Parks, "Implicit (Unconscious) Race Bias and the 2008 Election: Does Obama Stand a Chance?—Parts I and II." *The Huffington Post*, Feb. 4, 2008. In his writing, Parks refers to Jeffrey Rachlinski, a Cornell University Law Professor, as his collaborator.

<sup>3</sup> Donald R. Kinder and David O. Sears. "Prejudice and Politics: Symbolic Racism versus Racial Threats to the Good Life." *Journal of Personality and Social Psychology* 40, 3 (1981): 414-431.



<sup>4</sup> See Michael Sokolove, "The Transformation of Levittown," *The New York Times* Nov. 8, 2008.

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as Iowans would throw their support overwhelmingly to the front-running white candidates, Hillary Clinton and John Edwards, notwithstanding polls showing a slight Obama lead. In fact, Obama won more caucus votes than any other Democratic candidate.

When people vote in caucuses, they express their preferences in the presence of others. Perhaps, therefore, caucus voting dampens racially-driven voting in a way that secret-ballot events such as primary and general elections do not. This even appeared to be the case five days later, when Clinton beat Obama in New Hampshire's primary, despite the fact that polls had shown Obama well ahead. The "Bradley effect" was on everyone's lips. Ultimately, although Obama fared substantially better in caucuses than in primaries, he did not systematically under-perform relative to polls in the post-New Hampshire primaries. In the end, he won about half of the primaries, and not only those in states where black voters constituted a large share of the Democratic primary electorate

Nevertheless, exit polls showed a recurring pattern of white working-class people expressing more support for Clinton than Obama. Some pundits saw this as proof of racial prejudice, but there were surely alternative explanations. While some ridiculed the notion of Wellesley- and Yale-educated Clinton fostering genuine affect among blue-collar types, her competitor, in addition to being (half) black was a Harvard-educated former law professor. In mid-campaign, Obama was caught on tape describing rural Pennsylvanians to a San Francisco audience as "bitter" people who "cling" to guns and religion. While Obama's and Clinton's Senate voting records were strikingly similar, their campaign promises and rhetoric were not identical, and experts disagreed about which one stood a better chance of defeating the Republican nominee. Clinton was the far better-known political entity. Given

these and other differences between the candidates, the conclusion that white voters could prefer Clinton to Obama only if they were racist was patently premature.

The presidential election is over. Not only did Barack Obama win the Democratic nomination, he easily won the presidency. And as it turned out, he fared very well in many white working-class communities. Levittown, Pa., for example, is working class and 96 percent white, yet voters there backed the African American Democrat strongly in November. Obama took about 62 percent of the vote in the four municipalities into which Levittown falls and, in the process, garnered more votes there than John Kerry did four years earlier.<sup>4</sup>

So what lessons can be drawn about race, racial attitudes, and voting in light of the 2008 presidential primary and general elections? Here, we recommend caution. Consider that the election easily could have played out differently. Suppose, for example, that the Democratic Party's super-delegates had not flocked to Obama as quickly as they did. With Clinton's later primary victories in key states like Ohio and Pennsylvania, she might well have regained momentum and won the nomination. What conclusion about the role of race might one then be tempted to make? Pundits might well have castigated as racist those working-class whites who, when faced with a choice between Obama and McCain, chose the former.

Or suppose that the financial crisis and stock market drop had not occurred just weeks before the election. Before the financial turmoil began, polls indicated an election too close to call. If McCain had won, would pundits be ascribing Obama's loss to the racial bias of working-class whites?

Is it reasonable to assume that Obama faced a steeper climb because he was African American? Perhaps, but his race was surely an advantage in mobilizing

black voters, and it also was probably a factor in persuading some moderates and independents, eager for a historic outcome, to prefer him. John Kennedy faced a similar situation in his 1960 race against Richard Nixon. Throughout the campaign, pundits continually raised his Catholic background as an obstacle that could cause his undoing. Had Kennedy not eked out a win, thanks in good part to the Chicago machine's delivery of needed votes, the bias against Catholic candidates would have been the key storyline. But he won, and discussion of his religion faded. Today, those born after 1960 cannot fathom the idea that a Catholic would have to overcome religious biases.<sup>5</sup>

To be clear: we are *not* suggesting that all votes in the 2008 presidential election were free of racial bias. But how much bias was there? The question is extremely difficult to answer reliably. Some pessimists, seeking to snatch defeat from the jaws of victory, have rushed to highlight any hint that some whites who might otherwise have backed the Democrats abandoned Obama. Scouring maps in search of counties where Obama fared less well against McCain than John Kerry did against George W. Bush in 2004 or zeroing in on select demographic groups in exit polls (e.g. young working-class white males) is of limited value. Such gaps can be explained in myriad ways, even though reporters have no trouble finding political analysts for whom race is the only possible explanation.<sup>6</sup>

Assuming that some people will always provide the socially correct answer to survey questions about race, the only fool-proof ways to determine the extent of such bias are experiments along the lines of:

- Rerun the election with everything identical except Obama's race. Of course, this counterfactual requires making some seemingly problematic assumptions, such as Oprah Winfrey's active support of a "white Obama."

- Rerun the election with everything the same except Obama's mien. Research has demonstrated that whites respond differently to hypothetical black candidates as a function of their facial features.<sup>7</sup> Would the same outcome have accrued if Obama's mien more closely resembled, say, that of John Lewis?

We broach these impossible research designs only because they illustrate the difficulty of making inferences from a single presidential election in which the outcome depended on a multitude of factors interacting in complex ways.

For the first time in its history, the United States has elected an African American president. This historical achievement will be discussed and debated for years to come. However, the next four years might determine the role of race in American politics and elections to a greater extent than the 2008 election. Many will be keenly gauging presidential approval, eager to see if Obama enjoys a typical "honeymoon" in which former (and future) critics give him the benefit of the doubt, and refrain from telling pollsters that they disapprove of his job performance. If Obama succeeds in re-establishing the nation's economic health, racial biases, to the extent that they persist, will probably fade. If, on the other hand, deep problems remain in 2012, and whites openly express their discontent in racial terms, we will know that 2008 was not, from a purely racial perspective, all good news.

Putting aside policy success and failure, Mr. Obama now faces a question the answer to which could strongly shape the future place of race in American politics. For decades, African Americans had no choice but to distinguish themselves politically from white Americans. After all, until the passage of the Voting Rights Act little more than 40 years ago, they had no guarantee that they would be able to vote, particularly in the South. African Americans have long held a unique status requiring them



<sup>5</sup> Unfortunately, the same cannot be said about Jews and Mormons.

<sup>6</sup> See, e.g. Adam Nossiter. "For South, A Waning Hold on National Politics." *New York Times* Nov. 10, 2008.

<sup>7</sup> Nayda Terkildsen. "When White Voters Evaluation Black Candidates: The Processing Implications of Candidate Skin Color, Prejudice, and Self-Monitoring." *American Journal of Political Science* 37, 3 (1993): 1032-1053.



to seek a common and readily distinguishable identity.

This identity has paid considerable dividends, but it has also come at a cost: we-versus-they thinking among both black and white Americans. Thinking in we-versus-they terms causes those in one category to view those in the other more negatively than they otherwise would. Perceptions often dominate facts in politics, and Obama's rhetoric will be the single most important influence on Americans' perceptions. As president, will he downplay the black-white thinking that has pervaded American society, as he seemed to do during the election season, or will he find reason to continue it? There are compelling arguments for pursuing each of the alternatives, and each will require a different set of trade-offs. This choice will be one of the most fundamental of Barack Obama's presidency.

#### **Campaign Finance Policy – Small Donations and Record-Breaking Spending**

The 2008 election likely changed the campaign finance landscape forever. Although its biggest effects were at the presidential level, this election also had important policy lessons for campaign finance in Illinois.

Worries about the amount of campaign spending are as old as the Republic, but they have been voiced with more frequency since the 1976 U.S. Supreme Court decision *Buckley v. Valeo* banned involuntary government spending limits. In response, some states and the federal government have tried to entice candidates into voluntarily limiting their spending by offering public funding, with varying success.

In 2008, Barack Obama became the first eligible presidential candidate to refuse public funding in the general election since the federal program began in the 1970s. His campaign found that it could raise more money than the program of-

fered. On the other hand, John McCain's campaign accepted public funding, and its associated voluntary limits, and he was outspent by Obama by almost 2-to-1.<sup>8</sup> Future presidential campaigns will likely draw three lessons from this episode. First, the federal limit on spending required of participants in the public financing program is too low to win future campaigns, even though it is indexed for population increases and inflation. Second, accordingly, it is political suicide to accept spending limits when one's opponent does not. Third, the manner in which Obama raised his money will likely become a model for future campaigns.

Consider this last point first. Putting aside Obama's appeal as a candidate, his unprecedented fundraising success was largely due to his campaign's targeting of small donors, especially over the Internet. This tactic may have been making a virtue of necessity, because the Hillary Clinton campaign locked up many of the party's typical sources of large contributions early in the Democratic primary season. Obama's campaign targeted small contributors, those who might donate \$10, \$50, or even \$100. The strategy might seem hopeless because it requires attracting so many more donors to yield the same amount of cash. But, whether by design or fortune, the Obama campaign found that there were positive benefits to gathering money this way. First, as political operatives and political scientists have long understood, a political contribution represents more than just the money involved; it represents a commitment of support far stronger than simply a vote for a candidate. Most Americans rarely contribute to a political campaign, so pulling out the checkbook or clicking on the "contribute now" button is a significant act. It not only greatly increases the chance that the contributor will indeed vote for that candidate, it also increases the chances that he or she will show support in other ways, such as proselytizing among friends and co-workers,

<sup>8</sup> See the nonpartisan, not-for-profit web site, Open Secrets.org, for detailed information on campaign finance for these and other campaigns federal offices in 2008.

<sup>9</sup> Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady. 1995. *Voice and Equality*. Cambridge, MA: Harvard University Press.

putting a campaign sign in the yard, or walking precincts.<sup>9</sup>

To a campaign's treasurer, a small contribution foreshadows another more important act of political support, a second contribution. Someone whose first contribution is at the legal limit for a presidential campaign – \$4,600 in 2008 – cannot legally contribute any additional “hard” money.<sup>10</sup> But someone who gives only \$100 can be solicited by the campaign again and again throughout the election season. Thus, while Obama fared relatively poorly in fundraising early in both the primary and general election races, he surged as the campaigns progressed. The effectiveness of the Obama campaign at tapping and re-tapping small donors was underestimated by even the most experienced observers throughout the campaign. For example, the Campaign Finance Institute issued a press release on September 25, 2008, headlined, “After Holding Financial Advantage in the Primaries, Obama Likely to Achieve Only Parity with McCain in General Election.”<sup>11</sup> In the end, the Obama campaign got a higher proportion of its campaign contributions in small amounts than did the McCain campaign, a reversal of the historical partisan pattern for the Democrat and Republican in presidential elections.

Obama was not the first candidate to target small donors through the Internet. Howard Dean pioneered that approach in 2004. But Obama's campaign applied and optimized the Dean model like no one else, developing a campaign finance juggernaut unlike anything ever before seen in American politics. Obama realized, as his opponents did not, that Dean's collapse in the 2004 Democratic primary did not mean that Internet electioneering and fundraising did not work. Others already are following the Obama lead. For example, Daniel Bliss, a candidate for a seat in the Illinois House from the 17th District, gained fleeting national attention in 2008 for his success with this technique, raising

almost \$140,000 through the website, Act-Blue.com.

What campaign finance policy lessons can we take away from the 2008 presidential campaign, especially those that might be relevant to Illinois? The most obvious lesson is that the old system of public funding for presidential campaigns is now dead. The program was premised on the notion that the public funding offer was too large for candidates to turn down, and thus they would accept its spending limits. Obama's fundraising prowess has belied this assumption, showing candidates that they no longer need federal funds and that they can no longer afford to accept arbitrary spending limits. So without a large increase in spending limits and funding, major party presidential candidates likely will no longer participate in public funding, at least in the general election. The few states with similar programs have also found that when funding levels and spending limits are too low, few candidates participate.<sup>12</sup>

So what is next for public campaign funding at the presidential level and what might the events of 2008 suggest for campaign finance reform in Illinois? This depends on the campaign financing goals that the public and policymakers wish to pursue. If the original goal of public campaign financing was to limit spending constitutionally, then we should raise spending limits and public funding to a level that future campaigns will consider adequate. No candidate will limit campaign spending voluntarily if he or she thinks it will seriously and unnecessarily disadvantage him or her in the election. Thus, what this means is that reducing overall campaign spending significantly is probably impossible in the face of current Supreme Court interpretation of the First Amendment.

But another perhaps more fundamental goal underlying public campaign financing was to limit the excessive influence of



<sup>10</sup> For more details about the federal public campaign financing program, see the Federal Election Commission's web site: [www.fec.gov](http://www.fec.gov).

<sup>11</sup> <http://www.cfinst.org/pr/prRelease.aspx?ReleaseID=205>.

<sup>12</sup> States with public funding for various offices include: Arizona, Connecticut, Maine, Minnesota, New Mexico, North Carolina, and Vermont.



<sup>13</sup> The other four states with political contribution tax incentive programs are Arkansas, Oklahoma, Hawaii, and Oregon. See: "Campaign Finance: Current Structure," Hoover Institution Public Policy Inquiry (<http://www.campaignfinance.org/structure/states1.html>).

<sup>14</sup> Robert G. Boatright, Donald P. Green, and Michael J. Malbin. "Does Publicizing a Tax Credit for Political Contributions Increase Its Use?" *American Politics Research* 34, 5 (2006): 563-582.

<sup>15</sup> Michael J. Malbin. "Rethinking the Campaign Finance Agenda." *Forum*, 6, 1 (2008): 3.

special interests on elected officials. The argument is that the greater the proportion of a candidate's campaign resources that comes from a given source, such as an interest group, the more susceptible he or she may be to the blandishments of that source once in office. The Obama campaign suggests a policy approach to achieve this goal that does not involve direct public funding – tax incentives to encourage small contributions. When small contributors fill a larger portion of a candidate's campaign coffers, large donors are less likely to have undue influence. Today, seven states (including Michigan, Ohio, and Minnesota) encourage small contributions with rebates or tax credits for political contributions of up to \$50.<sup>13</sup>

A tax credit or deduction for small campaign contributions fits with Illinois' general free-market approach to campaign finance regulation. Rather than setting contribution limits, as the federal government and almost all other states do, or establishing a public financing program, Illinois requires campaigns to report the sources and amounts of their contributions. The State Board of Elections then presents this information to the public on their easy-to-use website, and voters are entrusted to make decisions based on that information. While the state has virtually no limits on campaign contributions, it has perhaps the best and most transparent system of reporting in the nation. A tax incentive likewise empowers voters by allowing them to target their resources to their favored candidates.

A tax incentive would cost the state very little to implement because it could be incorporated into the current personal income tax return simply by placing a line for the credit or deduction on the IL-1040 form. Taxpayer participation might be encouraged through a state publicity program, as has been done for the Bright Start college savings plan and the state's organ donation program. But because it would be in the interest of the campaigns to maxi-

mize participation, such publicity might not be needed. On the other hand, Ohio and Minnesota have had low participation rates with their programs, in the range of 1-2 percent.<sup>14</sup>

There are two potential downsides for giving tax incentives to encourage political contributions. First, they represent a tax expenditure, the size of which depends on: whether a tax credit or deduction is used; the size of the allowable credit or deduction; and the rate of taxpayer participation in the program. Table 1 shows the program's tax expenditures under various scenarios. A tax credit certainly would yield larger tax expenditure than a deduction, not only because of its greater direct cost but also because it would probably generate more participation due to its larger and clearer impact on a taxpayers' bottom line. And while the state must be prepared to shoulder 100 percent participation, in practice it will probably be much less; advocates for such a reform hope for 10 percent participation.<sup>15</sup> A scenario for Illinois like that in practice in other states with the most generous policies and participation would be a \$50 tax credit and a taxpayer participation rate of 2 percent. Given that there are approximately 6.5 million individual personal income taxpayers in Illinois, such a scenario would cost the state \$6.5 million, or about \$1 per taxpayer.

The second downside of such a tax incentive is a potential increase in campaign spending. In the Obama campaign, small donors, the effective use of technology and a charismatic candidate helped shatter campaign-spending records. Whether this is a positive development is a matter of debate. Campaign spending that encourages citizen engagement and education may be a good thing, but campaign spending that yields simply more inane or negative TV ads, junk mail, and annoying telephone calls may not be. Recall that a primary goal of early campaign finance regulation was the reduction of campaign spending.

Ultimately, the tradeoff between encouraging more participation in the electoral process and limiting the cost of running for office is one for policymakers to consider.

### Voting Early (If Not Often)

Recent decades have seen increasing use of non-traditional, “convenience” voting options, mainly no-excuse absentee voting (by mail) or early voting (by secret ballot at official polling stations). Without complete official returns, we cannot yet report the exact levels of convenience voting nationwide in 2008. But anecdotal evidence and incomplete returns suggest that non-traditional voting was rampant, largely because both campaigns mobilized voters to take advantage of the option in the 36 states that now allow it.<sup>16</sup> In greater Cook County, for instance, about 30,000 early ballots were cast in the 2006 primary, the first time the state permitted all voters to cast their ballots in advance of Election Day. In the 2006 general election, that rate nearly doubled, to just under 58,000 early ballots. In the 2008 primary, the total more than doubled again, to almost 133,000. And for the 2008 general election, the count soared to almost 500,000 early votes.<sup>17</sup> States such as California, Iowa, and Nevada, all of which established convenient voting many years ago, experienced gradual increases in the use of these methods. Illinois, by contrast, has leaped straight to a fairly high level of convenience voting, thanks in no small part to heavy mobilization by the Obama campaign.

What are the implications of so much voting taking place before the Tuesday after the first Monday in November? Obviously, where early voting is both possible and popular, candidates must adjust their campaign strategies. Late-breaking news and late advertising blitzes cannot affect those voters whose choices already have been made by the closing days of the campaign period. The get-out-the-vote operation should, likewise, be calibrated to areas where the vote has not already “gotten

Table 1  
The Tax Expenditure of Various Reform Scenarios

	Credit/Deduction Amount		
	\$ 25.00	\$ 50.00	\$ 200.00
<b>Credit</b>			
<b>Participation Rate</b>			
2%	\$ 3.25	\$ 6.50	\$ 26.00
10%	\$ 16.25	\$ 32.50	\$ 130.00
25%	\$ 40.63	\$ 81.25	\$ 325.00
<b>Deduction</b>			
<b>Participation Rate</b>			
2%	\$ 0.098	\$ 0.195	\$ 0.780
10%	\$ 0.488	\$ 0.975	\$ 3.900
25%	\$ 1.219	\$ 2.438	\$ 9.750

NOTE: These calculations are based on a 3 percent state tax rate and 6.5 million state tax filers in Illinois. Figures are in millions of dollars.

out.” News media coverage of early voting that suggests a disproportionate presence of one candidate’s supporters in the ranks of the impatient electorate may become a tool in the battle for the undecided. From the voter’s point of view, the convenience of being able to vote over a multi-week window, instead of on a single day, is at least partially offset by the risk of choosing early, and then experiencing regret upon later learning something new about some candidate or ballot measure. Given the length and depth of ballots, all of these comments apply to multiple races and multiple sets of competitors. A candidate vying for a local office might need to tweak tactics if top-of-the-ballot campaigns are driving hordes of voters to the polls days ahead of the deadline.

From a nonpartisan, disinterested point of view, what are the pros and cons of extending the legal period for voting across multiple days? We see several implications: some costs, some benefits, and some arguments that cut both ways.

1. *Boosting Turnout.* The manifest goal of convenience voting is to boost turnout. Increasing participation is usually taken as an unambiguous good, although some may question whether voting by those who seem to lack information about the

<sup>16</sup> Jessica Leval and Jennifer Marsico. “The Rise of ‘Convenience Voting’” *The American*, Thursday, Oct. 16, 2008. Accessed Nov. 16 at <http://www.american.com/archive/2008/october-10-08/the-rise-of-2018-convenience-voting2019>.

<sup>17</sup> Report of Chicago Board of Election Commissioners, accessed Nov. 16, 2008 at [http://www.swschicago.org/EarlyVoting-For2008Election\\_English.pdf](http://www.swschicago.org/EarlyVoting-For2008Election_English.pdf).



<sup>18</sup> See, e.g., floor debate in the Illinois Senate, Jan. 7, 2007, accessed Nov. 16, 2008 at <http://www.ilga.gov/senate/transcripts/strans/89/ST010797.pdf>. Arguments made by Republicans in Illinois were made by Democrats in Georgia as they eliminated straight-party voting in 1993.

candidates or contests is necessarily desirable. The latter argument has been offered, for instance, as a justification for removing straight-party ballot options.<sup>18</sup> Nonetheless, Americans face high costs of voting, as compared to voters in other democracies: federal elections fall on weekdays; the onus to register falls on voters; and ballots are long and often distressingly complicated. The direct benefit of making voting easier should be that



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marginally interested or motivated eligible voters who would otherwise stay home will turn out. An indirect benefit could follow. If polling stations are less likely to be overwhelmed by demand on the official Election Day, there is less likelihood of some discouraged potential voters turning away from long lines at precinct polling stations, forgoing their voting rights. It even might be true that logistical mistakes in the processing of votes and errors made by harried voters, rushing because they are aware of long lines behind them, are less likely when all voting need not take place on a single day.



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2. *Preserving the Secret Ballot.* Despite myriad small distinctions across states in how convenience voting is implemented, there are two main alternatives. Absentee voting is normally voting by mail. Early voting is normally voting in a private booth, more or less as one would vote on Election Day, only days in advance. There is a compelling justification for preferring early to absentee voting. The secret ballot became a hallmark of democracy in the U.S. and elsewhere in the 19th Century, as a means of reducing the possibilities for vote buying, intimidation of voters, and other fraud. Perhaps unintentionally, many states have undone this reform by intro-



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ducing voting by mail. It is probably unavoidable that states provide some mechanism to permit some voters, for instance those too frail to travel, to participate without visiting an official voting station. But the goal of allowing no-excuse-required convenient options for all voters can be met without sacrificing secrecy. The marginal gain in convenience from absentee voting is offset by a marginal increase in uncertainty about vote processing unavoidably introduced by reliance on mail service. More importantly, states should not blithely give up control over the preservation of secret voting.

3. *Location, Location, Location.* Although we think the case for early voting instead of by-mail voting is compelling, the former does pose additional logistical challenges, and possibly avenues for abuse at the margin. Soon after Illinois adopted early voting, the system was challenged in federal court as a violation of equal protection guarantees. The basis of the complaint in *Gustafson v. Illinois State Board of Elections*, No. 06 C 1159 (N.D. Ill. Sept. 30, 2007) was that early voting stations were not equally accessible to voters and were politically situated so as to favor one candidate over another in the Democratic primary. The latter claim could not be proven, and the court found nothing unconstitutional in uneven provision of early voting opportunities. Indeed, it is probably impossible for a government to make voting equally easy for rural and urban residents, except by abandoning the secret ballot and using a pure vote-by-mail system. Moreover, the potential for manipulation of results by strategic placement of polling stations is not unique to early voting. However, the danger is more acute because so many Election Day polling places are at schools and churches, places that cannot tolerate the disruption of being open for weeks rather than one day.



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<sup>19</sup> Robert Putnam. 2000. *Bowling Alone*. NY: Simon and Schuster.

An unavoidable cost of stretching out the legal vote-casting period is that if all voters in each jurisdiction are to use identical ballots, the window for making late changes shrinks.

4. *Less learning.* Voters who deny themselves some portion of the campaign period to learn about issues are likely to be slightly less well informed when they cast their ballots. This concern might seem ludicrous given the length of American campaigns as compared to those in most democracies, where campaign seasons are counted in weeks, rather than months. But because American ballots contain so many choices, the concern about voters' knowledge of the alternatives from which they are choosing probably applies most strenuously to offices other than the presidency. To cite just one example from 2008, about 24 percent of early voters in Adams County abstained from voting on the Constitutional Convention item. By contrast, about 15 percent of Election Day voters skipped that contest. One cannot be certain that the early voters are not people who would have ignored the Con-Con choice even had they voted on Election Day. Still, the difference is at least circumstantial evidence that early voters are prone to more partial abstention, perhaps because less salient contests do not catch their attention in the campaign season that they voluntarily cut short. Notwithstanding our first point above, turnout is not synonymous with voting, and increased rates of deliberate under-voting could be a correlate of early voting.

5. *Impossibility of Late Changes.* The 2008 election in Illinois demonstrated another disadvantage of permitting early voting, namely that the last date by which changes can be made in a ballot must be earlier. When a circuit court judge found the wording of the Constitutional Convention referendum to be biased just a month before Election Day, it was deemed too late to print new ballots. Accordingly, the less-than-ideal remedy was for poll workers to make available a flier with the corrected wording, and to instruct voters to ig-

nore the wording on their ballots for this one item only. Disputes over the wording of referenda are not the only reason why states or counties might sometimes wish to make very late changes to ballots: candidates can die or withdraw, and clerks can discover potentially confusing formats or errors. An unavoidable cost of stretching out the legal vote-casting period is that if all voters in each jurisdiction are to use identical ballots, the window for making late changes shrinks.

6. *Voting Alone.* Some lament that early voting destroys the communal experience of participating in democracy's ultimate ritual. The actual process of choosing candidates is, in modern democracies, meant to be undertaken secretly. But the experience of being part of a crowd fulfilling the duty to vote is sometimes said to be valuable by itself. Many social scientists fret that modern society is too atomistic, and that people are less and less connected to their neighbors, so that "social capital" is deteriorating.<sup>19</sup> From that point of view, convenience voting is a needless assault on the collective aspect of democratic expression, and one more push towards anomie.

At present, it seems extremely unlikely that Illinois or any other state will soon reverse the liberalization of convenient early voting options. It remains to be seen whether this reduction in the cost of voting will spur greater turnout. The unofficial verdict on 2008 is that forecasts of record-breaking turnout based on record-breaking early voting assumed too much. Many of those early voters seem to have been people who would have voted anyway. The good news is that there is little evidence, as yet, of any systematic abuse. Just the same, policymakers should be attentive to the special logistical challenges associated with stretching "Election Day" over a multi-week window.