

Elections-Food For Thought

Mia G. KING*

Abstract

Democracy means having a government respond to the will of the people. Elections are the means people use to express their desires. In the Oxford Dictionary, an election is defined as “the process of choosing a person or group of people, especially a political position, by voting”. (Hornby, A. S., 2005, p. 49)

Historically, elections have been of many varieties. An election in ancient Athens was far different than elections in today’s world. This brings me to my point, as we are what we value, so elections reflect those values. They are shaped and defined by the values of a particular society and culture. Elections, their definitions and practices have evolved through changing the norms and values of different societies. Western Europe and America forged various electoral definitions and practices. In a democracy, elections supply legitimacy, solve principal-agent problems, and ensure that government is responsive to the “will of the people”.

The most natural thing in the world is for us as individuals to see things through the lenses of our own cultures, traditions, and experience. I am an American. Elections, at every level, are something we Americans get from “our mother’s milk”. At an early age we elect classroom officers, student club officers, and as we grow older we participate as voters in local, state, and federal offices. The whole idea of an election is, in theory, that the person or group that gets the most votes wins the mandate to govern. But is that how it always works? In my brief paper I will first discuss elections in general and then discuss some of the things that can “influence” the outcome of an election. This article is not about giving definitive answers to any of the questions I have raised. Its sole purpose is to ask questions so that all of us can be more analytical about our electoral process to insure that our elections are more fair and, in fact, do reflect the popular will. Without transparency, the “definition of election” changes reality. Elections then become a farce and a sham and are used not for the people but against the people by powerful unseen (or seen) individuals or special interest groups.

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Elections were used in ancient Greece to elect oligarchs and in Rome to elect popes. (Encyclopedia Britannica Online. Retrieved October 11, 2012) The modern understanding of elections evolved in Western Europe and America during the 17th century and has been the usual mechanism by which modern representative democracy has operated. (Ibid.)

Elections in the 17th century to the early 20th century limited who could vote. For instance, in both Western Europe and America you could only vote if you were white, male, and had property. This disenfranchised most of the population. However, it was a reflection of the norms and values of the culture and traditions during that time period. Finally, in the early part of the 20th century, women received the right to vote and property restrictions were eased.

Today, we believe, in theory that elections are essential for a democracy to function. Elections do three things: First, they ensure the legitimacy of the government. Legitimacy is the acceptance of the right of public officials to hold office and to promulgate policies because of the means by which they were chosen. In other words, they were elected by a majority of voters. To ensure legitimacy, there needs to be an universal acceptance of the rules, pub-

lic faith in the system, free speech and association, equal access to voting, accurately counted votes, fairly “weighted” votes, enforceable election laws that are fair, and of course the government must be effective. Second, elections hold representatives in check, the voters hold the elected accountable by having frequent elections, competitive elections, and there is reliable information available to the voting public. Third, elections ensure that the government is responsive to the wishes of the electorate by causing a democratic government to translate citizen preferences into policy and law. For this to happen, voters have to have access to information about policy problems, the candidates and officials themselves. Voters need to have a clear understanding of the performance of existing incumbents.

All of this sounds terrific so far in a perfect world this is how elections should be held to ensure that democracy is not a sham. Now let us turn to some of the problematic issues facing reality vs. theory.

Who is allowed to vote? In the U.S.A., according to the 26th Amendment to the U.S. Constitution, anyone over the age of 18 may vote in all elections. (The Constitution of The United States. Amendment 26) But then there are the exceptions. States are given the right to establish qualifications for suffrage and candidacy within their own juris-

* An associate professor of the Faculty of Humanities at International Black Sea University, Tbilisi, Georgia.

E-mail: mgking@ibsu.edu.ge

dictions. States can, and do, determine if convicted felons have the right to vote. In a presidential election this means that over 5 million voters are disenfranchised. During the 2000 election Vice President Gore “lost” the election to Governor George W. Bush in spite of having won the popular vote by over a half million votes. How could this happen? Our electoral system allows states, according to their population, to elect electors to elect the President. This is an all or nothing proposition. So, if in a state like California, where there are 37 million people, a presidential candidate gets 50.01% of the vote ALL the electoral votes goes to that candidate—that is what happened in Florida in 2000. Bush won the popular vote in Florida by a bit more than five hundred votes, so he “won the state” the electoral votes, and hence the election. Florida disenfranchises ex-felons and in 2000 there were over 100,000 disenfranchised voters in Florida simply because they had in the past committed some crime of which they had paid their debt to society in full. Most of these ex-felons are poor and minorities and most likely to vote for a Democratic candidate. There was also the problem of faulty machines—confusion among the elderly population with understanding the ballot itself, and finally there was the unwarranted intrusion of the United States Supreme Court in *Bush vs. Gore*, 531 U.S. 98, 2000. The Supreme Court ruling essentially said there would be no recount and hence gave the election to Bush. Food for thought, a majority of U.S. citizens gave their vote, legitimacy, to Al Gore, not George W. Bush. Is this a fair, truly democratic outcome? Also in the United States, citizens of Washington D.C., the nations capitol, cannot vote for the president because Washington D.C. is not a state. Then there are U.S. territories like Puerto Rico, the U.S. Virgin Islands, they pay U.S. taxes, are subject to serving in the military and yet do not have the right to vote. There are other ways to “tailor” who gets to vote and who does not. In America several key electoral states like Ohio have tried to limit who votes by requiring an official state identification card. This disproportionately harms the elderly and the poor, buzz word for minorities, who are more likely to vote for Democrats than for Republicans. Fortunately, the courts have thrown out these laws for review as doing exactly what they were designed to do that is to attempt to limit voting of certain segments of the population. Some states also have restricted early voting and extended hours. Election day in America is not a holiday and therefore working people have to vote early in the morning or after work but as some polls close at 8pm and lines can be long and thus discourages people from voting. In Georgia, voting is controlled in several ways. There is a requirement to vote where you have a residency permit therefore voters, if working and living in Tbilisi, have to return to their villages and vote. This is often a hardship.

Alternatively, they can apply for a special residency permit where they work but most of the population does

not seem aware of this provision in the law. Also, absentee balloting is very difficult and in effect cuts off hundreds of thousands of potential voters in Russia alone, where over 2 million Georgians reside. Then there is the peculiar differentiation between “proportional” and “majoritarian” candidates and the law put into effect by the present parliament that requires only a 30 per cent majority threshold to win a “majoritarian seat”. Food for thought, since when does getting 30 per cent of the vote constitute a majority?

What happens when nefarious behavior is sanctioned by law? The most famous example of “the rule of law” is referred to as the “Nuremberg Rule of Law”. After World War II, Nazi war criminals at the Nuremberg trials, justified their criminal acts by saying, “they were just following the law as it was written”. That was the excuse for their actions. Unfair rules such as gerrymandering, the artificial creation of districts that “favor” a chosen political persuasion, exclusion of opposition candidates (Ivanashvili comes to mind), biased media, harassment of opposition parties by governmental bodies, use of intimidation by having armed police or other security officials outside voting stations, using cameras to record who votes and for whom. Tampering with the election mechanism could include (like it did in Florida in the 2000 election) confusing voters on how to vote, or the real tampering with the actual voting machines, voter registration fraud, failure to validate voter residency and the fraudulent tabulation of the results, all can and do change outcomes.

The United States Supreme Court ruled in *Citizens United v. Federal Election Commission*, 558 U.S.08-205, 2012 that it was unconstitutional to have any limits on the amount of money an entity could give to a party or a candidate. Giving vast amounts of money that filter into campaigns without a political organization having to disclose agenda/s or identities is a distortion of the electoral process. Right now in the United States’ presidential election, in Ohio, thousands of letters are being sent out to “swing voters” describing President Obama’s mother as the type of person who posed for “pornographic pictures” and stating that his real father was a left-wing anarchist. (www.cnn.com; retrieved October 8, 2012) These lies are being paid for by “anonymous donors” and it is a way the Republican National Committee can say that “they had nothing to do with such trash,” lies, innuendos, pandering to fear. Other examples come to mind “Obama is a Muslim,” “Obama is not even an American citizen,” Jack Kennedy is a Catholic therefore “if he is elected thePope will rule America,” or like in Georgia, “if Ivanashvili wins then “Russia will rule throughhim.” Spreading fears and lies, especially in an uninformed voting population are another way of thwarting democracy and fair elections.

The kind of governmental system a country has can also cause difficulties. The United States has a two party system, the Democrats and the Republicans. The electoral

college problems I discussed earlier but also consider the fact that most Americans who can vote –don't. President Clinton "won" with only 43% of the vote of those who voted. Then if that was not bad enough out of that count only 42% of all possible voters actually voted. Did he win a majority? Food for thought. Israel has a parliamentary system like in Georgia. Their system allows for many small parties, but unlike Georgia there has NEVER been a single party that has won a majority of the votes. So the party that can put together a coalition with smaller parties will get the chance to form the next government. What is wrong with this? Well, in Israel it has meant that the most secular parties, The Labor Party or The Likud Party, have always had to form governments with smaller religious parties. These small parties, that often have gotten only 5% of the popular vote, hold the major party "ransom" and extract all kinds of "concessions" from them in order for a government to be formed. Therefore, a very small portion of the electorate 5%, rules as if it had the legitimacy of a majority vote. During the last election the Labor Party, Kadima, actually won the majority of votes but was unable to form a coalition government. So the Likud Party managed to form a government with several small parties, none of which had received the most votes.

Finally, things happen, a crisis in the Middle East, war breaks out, there is a terrible scandal, like the Georgian prison scandal breaking out right before an election that sways voters viscerally.

Conclusion

In conclusion, many things affect the outcome of an election, most of all a nation's character, norms, values, and traditions. A well educated and well informed population in a country where they are willing to ask questions and demand transparency will insure that their individual votes count and that the collective will prevail. Sir Winston Churchill once stated. "Democracy is the worst form of government except for all the others that have been tried." (Winston Churchill Speech, November 11, 1947. vol. 444, p. 206-207) To ensure democracy flourishes all citizens must be vigilant about their rights and the fairness of their elections. The best way to do that is "to ask the questions." Just some food for thought.

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