

How Americans Vote

Alex Keyssar

Alec C. Ewald, *The Way We Vote: The Local Dimension of American Suffrage*. Nashville, TN: Vanderbilt University Press, 2009, 231 pp., \$29.95 (paperback).

ONE WELL-KNOWN CONSEQUENCE of the Great Florida Election Debacle of 2000 was the widespread public discovery, or realization, that Americans vote in different ways (and according to different rules) depending on where they live. As we all learned during our collective, national crash course on electoral federalism, residents of some American counties voted by punching holes in pieces of paper; others made marks with pencils; still others pulled mechanical levers on large, clumsy metal machines. In addition, registration laws varied from one state to another, as did the rules for counting and recounting ballots. Although the 2000 election was a national one—and its most prominent objective was to select the nation's chief executive—even the right to vote for President varied among the states: many men and women who would have been enfranchised in other states were not permitted to vote in Florida because they had once been convicted of committing felonies.

Not surprisingly, one of the key thrusts of electoral reform efforts since 2000 has been towards nationalizing, or at least standardizing, the administration of elections. The Help America Vote Act of 2002 (HAVA) took several steps in that direction, particularly with regard to technology and registration lists; and progressive reformers have advocated numerous additional measures, including a national

registration system, a federal agency to superintend election practices (an agency far stronger than the hapless, HAVA-created Election Assistance Commission), and even a national popular vote to replace the decentralized intricacies of the Electoral College. This recent interest in national uniformity in election practices is not without precedent; similar impulses helped to drive the "Motor Voter" law (the National Voter Registration Act of 1993) and can be discerned as far back as 1842 when Congress attempted to mandate single-member districts for congressional elections. The impulse to nationalize also has deep, influential parallels in the history of the franchise: both after the Civil War and during the long 1960s, national laws protecting the right to vote eradicated many state franchise restrictions in the name of promoting democracy itself.

Indeed, the history of voting rights has certainly shaped the tendency of contemporary reformers—who favor greater and easier political participation—to equate national uniformity with progress. Almost reflexively, the decentralized administration of elections appears linked to a history of racism and class bias, to undemocratic exclusions tailored to conditions in individual states (or even counties and cities). Imposing democracy as a national value has consequently seemed to demand overturning a heritage of decentralization that has often been undemocratic in its thrust. A good electoral system, accordingly, is one that is national and standardized—where the same rules, procedures, and technology are deployed throughout the country.

Political scientist Alec C. Ewald wants to challenge that perspective. His informed—if sometimes tendentious—book takes a sustained and multi-angled look at the "local dimension of American suffrage," and he finds much to be admired—or at least not condemned—in the fact that the conduct of elections has long been controlled and shaped by

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local officials. "Contrary to the current conventional wisdom," he asserts, "the decentralized American way of voting enhances and facilitates our exercise of meaningful popular sovereignty" (96). The variations from place to place in the conduct of elections may have brought us butterfly ballots and Ohio's strange rules about the requisite paper weight of registration forms, but they are not a "scandalous accident of history" and have "important redeeming characteristics for American" democracy (p. 97).

Ewald makes his case both historically and normatively—with the boundary between the two sometimes blurry. His historical claims are well substantiated, yet limited. In three detailed chapters, he traces the evolution of federal laws dealing with electoral practices, from the districting act of 1842 through the temporary supervisory regimes of the 1870s, to the Voting Rights Acts and even to HAVA. At each key juncture in the chronology, Ewald concludes that federal authorities knowingly and intentionally left substantial power and discretion in the hands of local officials. (In the late nineteenth century, they did so by repealing the most interventionist statutes.) "The development of American suffrage practices has been layered and repetitive, even halting, as a durable system of mixed authority has persisted through centuries of...change" (p. 19). The key point for Ewald is that "localism" has endured not because of "neglect" (p. 34) but as a consequence of deliberate national policy, confirmed repeatedly despite growing federal authority over the right to vote itself (and many other things as well).

Notably, Ewald does not even attempt to explain the persistence of the pattern that he describes. This would be a serious shortcoming in a work of history, but Ewald, in the end, is not really interested in historical explanation. His detailed historical chapters serve largely to counter a conception of "localism" as an anachronism perpetuated through accident or oversight and to establish the historical groundwork for an argument in favor of preserving "a measure of local autonomy in election practices" (p. 155).

Ewald's brief for localism has several key elements. He argues that the "local dimension of suffrage actually enhanced the exercise of self-rule in the United States" by contributing to both the "instrumental" and "constitutive" dimensions of popular sovereignty (pp. 95–97). Local control over electoral practices can (and sometimes did) increase turnout; it also permitted *de facto* expansions of the

franchise when local officials chose not to enforce objectionable state restrictions. Throughout our history, according to Ewald, the decentralization of election administration has also encouraged experimentation—with different technologies, for example—that ultimately furthers the democratic cause. In addition to these instrumental advantages, localism has contributed to "citizenship formation" by giving voters a greater sense of "ownership of the political process" (pp. 108, 112). Polling places are run by neighbors, many of them volunteers. Procedures are determined not by distant authorities but by familiar county and town officials; the practice of voting is more "meaningful" precisely because its administration is decentralized. Ewald acknowledges that "localism" has contributed mightily to some of the darker episodes in American electoral history (especially in the years between 1890 and 1950), but, on balance, he concludes that its virtues outweigh its defects.

These are reasonable arguments, and Ewald is careful about qualifying his claims and recognizing their limitations. But "reasonable" arguments are not necessarily persuasive, and this reader, at least, was not convinced by *The Way We Vote*. For one thing, Ewald's evidence about the positive consequences of "localism" is largely (and perhaps inescapably) anecdotal; and many of the anecdotes (such as those buttressing the idea that local control led to an expansion of the suffrage) seem pale in comparison to the great weight of historical evidence, from the South and elsewhere, revealing the ways in which the decentralization of election practices contributed to the exclusion of men (and later women) who met the legal qualifications for voting. Perhaps more important is a conceptual issue: Ewald never makes clear what the alternative (or alternatives) to "localism" might look like. Would federal standards regarding election practices necessarily prevent citizen participation in polling places? Would a national electoral system prohibit experimentation and learning about technology or administrative processes? (It doesn't seem to do so elsewhere, for example in Brazil or India.) Are there any international data suggesting that national electoral systems lead voters to feel less "ownership" over the practices of democracy? Ewald's argument, in the end, is a comparative one, but the terms of the comparisons are never fully specified.

That said, this is a book worth reading for anyone interested in electoral reform in the United States. It

is filled with insights and with information that has never before been gathered between two covers. It also challenges the often unspoken presumption that national uniformity in election practices would unquestionably be superior to the odd patchwork that we now possess. Even if that challenge is ultimately unsuccessful, wrestling with it will, at the least, make us all sharpen our arguments.

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