

In Defense of Voting—Reinterpreting the Terms of the Voting Calculus with a View toward Election Law and Policy

Eliezer Shmuel Poupko, Ph.D.
The University of Texas at Austin, 2017

Supervisor: Victoria E. Rodriguez

Democratic voting is desperately in need of defense. Contemporary institutions of mass electoral participation are undertheorized, and there is a critical disconnect between conceptions of voting in democratic theory and election laws and policies that implicate participatory values and interests. This dissertation fills some of these gaps between the theories and practices of modern democracy by examining the factors that motivate individual decisions to vote or abstain and the electoral institutions that structure and respond to such decisions. With a primary focus on elections in the United States, this work explores how normative conceptions of voting not only influence individual participation decisions, but also provide foundations for electoral rules and procedures that impact turnout levels, both in the aggregate and for distinct demographic groups. As an analytical framework, the rational choice calculus of voting is utilized to parse the varied motivations for turnout, with the four elements of the calculus providing the outline for the four main chapters of the dissertation. The voting calculus has often been interpreted in ways that minimize the value of voting and provide reasons that explain why individuals do not—and perhaps even should not—participate in elections. This dissertation critically examines those views, and it reinterprets the terms of the calculus in a manner that demonstrates how the act of voting can in fact be highly valued, which explains why individuals do—and indeed generally should—participate in democratic elections. The analysis proceeds by first redefining the expected probability of one vote having a casual effect on an election outcome (Chapter 1), then by reevaluating the normative significance of the instrumental benefits of voting (Chapter 2) and the various types of voting costs (Chapter 3), and finally by reconsidering the theoretical and practical implications of non-instrumental motivations for participation, especially the notion of a civic duty to vote (Chapter 4). Each chapter further derives policy, legal, and broader ethical implications associated with these new interpretations of the terms of the calculus and makes specific reform proposals designed to increase participation in American elections at federal, state, and local levels.

Table of Contents

List of Figures	x
Introduction.....	1
1) Motivation: In Defense of Voting	1
2) Analytical Framework: Reinterpreting the Terms of the Voting Calculus	4
3) Methodology: A View Toward Election Law and Policy	10
Chapter One: Reinterpreting p : A New Theory of How Individual Votes Contribute to Electoral Outcomes.....	19
1) Introduction	19
2) The Paradox of Voter Turnout	23
3) Toward a New Causal Logic of Voting	31
4) Developing the New Interpretation of p	38
5) Critique and Normative Implications of Efficacious Set Causation	48
6) Implications for Election Law and Policy	55
7) Conclusion	63
Chapter Two: The Ethics of Rational Choice and the Instrumental Benefits of Voting.....	67
1) Introduction	67
2) Assessing the Instrumental Benefits of Voting	71
3) B -based Turnout Decisions: Indifference, Alienation, and Ambivalence	81
a) Indifference	81
b) Alienation	83
c) Ambivalence	90
4) Election Law and Policy Implications.....	102
5) Conclusion	113

Chapter Three: The Costs of Voting—Bridging Theory and Practice	118
1) Introduction	118
2) Substantive Voting Costs	129
3) Information Costs	138
4) Information Theory for Representative Democracy	143
a) Riker's Populism and Epistemic Democratic Theory	146
b) A Non-Minimalist Alternative to Epistemic Theory	153
c) Epistemic Theory in its Right Place	158
5) Implications for Election Law and Policy	164
a) Constitutional Design Implications	164
b) Implications for Election Law Doctrine	167
c) Implications for Electoral Policy Reform	171
6) Conclusion	176
Chapter Four: The <i>D</i> Term and the Duty to Vote	178
1) Introduction	178
2) Modeling the <i>D</i> Term	180
3) The Constitutional Duty to Vote and Compulsory Voting	189
4) Should There Be a Constitutional Civic Duty to Vote?	203
a) A Rawlsian Argument for the Duty to Vote	209
b) Responding to Arguments Against the Duty to Vote	220
c) Limitations on the Duty to Vote	239
5) Implications for Election Law and Policy	247
6) Conclusion	258
References	262