

Can The General Will Be Expressed in U.S. Elections?: Turnout, Voter Restrictions, Factional Power, and Monied Interests in the American Political System

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ABSTRACT

This research delves into the nuanced relationship between election outcomes and the concept of the “General Will,” as elucidated by Jean-Jacques Rousseau in *The Social Contract*. Through a multifaceted analysis, this paper scrutinizes the representation of election results by considering factors like voter turnout and restrictions, factional power dynamics, and the influence of monied interests. The findings reveal that elections, particularly within the electoral landscape of the United States, fail to truly express the will of the people due to gerrymandering, voter restrictions, and the influence of dark money and special interest groups. Drawing on insights from scholarly discourse, the study concludes by proposing potential solutions aimed at fostering greater alignment between election results and the overarching will of the people.

Introduction

An apocryphal quote from anarchist Emma Goldman states, “If voting changed anything, they’d make it illegal.”¹ Elections are not inherently ineffectual; nevertheless, numerous restrictions, inequities, lack of engagement, and voter turnout – especially in the United States – result in elections not truly expressing the will of the people. Furthermore, corporate and special interest donations – especially from dark money groups that hide their donors, influence policy-making, and skew elections by pouring money into candidates – obfuscate the will of the people with the particular wills of the economically powerful.

According to political philosopher Jean-Jacques Rousseau, the general will is the incorrigible “common interest” of a society for its “own good.”² For Rousseau, the general will is suppressed in large societies because they are “governed by bureaucrats” and the people “don’t know one another.”³ Although Rousseau’s ideal state requires a small population, the will of the people can be better expressed in society by eliminating

¹ Emma Goldman quoted in Justine Orlovsky-Schnitzler, “Voting Isn’t Enough: A Look Back at Emma Goldman’s Radical Anti-suffrage,” [jwa.org](https://jwa.org/blog/suffrage/voting-isnt-enough-look-back-emma-goldmans-radical-anti-suffrage), Jewish Women’s Archive, May 14, 2020, <https://jwa.org/blog/suffrage/voting-isnt-enough-look-back-emma-goldmans-radical-anti-suffrage>.

² Jean-Jacques Rousseau, *The Social Contract*, 13, <https://www.earlymoderntexts.com/assets/pdfs/rousseau1762.pdf>.

³ Rousseau, *The Social Contract*, 23-24.

election procedures that allow “particular wills.” Rousseau and modern political scientists have suggested elections could be more representative of the general will by making political office a lottery, making voting mandatory, or decreasing and amending voter restrictions.⁴

Election Turnout, Voter Restrictions, Gerrymandering, and the General Will

While the general will should represent what the majority of people want, the lack of significant voter turnout, especially in local municipal elections, silences the true expression of the general will, and thus elections only reflect a muted specific will of the voting population. As Rousseau noted, “[the general will] is pushed aside by other wills that invade its territory,” namely the will of voters who turn out rather than the entire citizenry. Zoltan Hajnal emphasizes that in the U.S. “only 27 percent of eligible voters vote in the typical municipal election.”⁵ In Los Angeles, the voter turnout is so low that the city council used cash prizes to incentivize people to participate.⁶ Nevertheless, some political theorists contend that political apathy is a virtue because it is “evidence that government has not engendered grievous distrust and opposition.”⁷ Others suggest that voters’ “preferences differ minimally from those of all citizens” and thus a low voter turnout does not alter election outcomes because the “party of non-voters” is a politically heterogeneous entity comprised of the poor, the less educated, minorities, the young, and the transient.⁸

The U.S. voting population, however, does not accurately represent the demographic distributions of voters by age and race; this, in turn, causes a racial and age misrepresentation in the voter population.⁹ Even in the 2020 election, which was the highest turnout election in recent history because 66% of adult citizens voted, non-hispanic white citizens made up 72% of voters even though non-hispanic whites make up 58.3% of the U.S. population.¹⁰ As Hajnal notes, the voting population is predominantly “politically active conservative,

⁴ Rousseau, *The Social Contract*, 54.

⁵ Zoltan Hajnal, “Why Does No One Vote in Local Elections?,” *The New York Times*, October 22, 2018, <https://www.nytimes.com/2018/10/22/opinion/why-does-no-one-vote-in-local-elections.html>; Lisa Hill, “Low Voter Turnout in the United States: Is Compulsory Voting a Viable Solution?,” *Journal of Theoretical Politics* 18, no. 2 (April 2006): 207-212.

⁶ Howard Blume, “Voter in L.A. school board race wins \$25,000 for casting ballot,” *Los Angeles Times*, July 17, 2015, <https://www.latimes.com/local/lanow/la-me-ln-lausd-election-winner-20150717-story.html>.

⁷ Russell Hardin, “Trust in Government”, in *Trust and Governance*, edited by V. Braithwaite and M. Levi (New York: Russell Sage Foundation, 1998), 24-25.

⁸ B. Highton and R.E. Wolfinger, “The Political Implications of Higher Turnout,” *British Journal of Political Science* 31, no. 1: 179-223.

⁹ Dennis C. Mueller and Thomas Stratmann, “The Economic Effects of Democratic Participation,” *Journal of Public Economics* 87, no. 9-10 (February 2003): 2129-2155; Nicholas Jones, Rachel Marks, Roberto Ramirez, and Merarys Ríos-Vargas, “2020 Census Illuminates Racial and Ethnic Composition of the Country,” census.gov, United States Census Bureau, August 12, 2021, <https://www.census.gov/library/stories/2021/08/improved-race-ethnicity-measures-reveal-united-states-population-much-more-multiracial.html>.

¹⁰ Ruth Igielnik, Scott Keeter, and Hannah Hartig, “Behind Biden’s 2020 Victory,” pewresearch.org, Pew Research Center, June 30, 2021, [https://www.pewresearch.org/politics/2021/06/30/behind-bidens-2020-victory/#:~:text=White%20non%2DHispanic%20adults%20were,but%2020%25%20of%20nonvoting%20citizens](https://www.pewresearch.org/politics/2021/06/30/behind-bidens-2020-victory/#:~:text=White%20non%2DHispanic%20adults%20were,but%2020%25%20of%20nonvoting%20citizens;); “QuickFacts: United States,” census.gov, United States Census Bureau, accessed in June 22, 2023, <https://www.census.gov/quickfacts/fact/table/US/PST045222>; Bernard Fraga, *The Turnout Gap: race,*

wealthy, older, white voters,” which gives them a “disproportionate sway over [the] local government” to influence policy and “trample the rights of minorities.”¹¹ Recent intersectional sociological analyses – that consider race, gender, and class in tandem – find that white people with higher incomes vote more frequently, for example than lower-earning white people.¹² Arend Lijphart argues that when voter turnout is low and uneven, politicians find it more convenient to decrease government assistance for the underprivileged rather than making cuts to entitlement programs that primarily benefit the middle class.¹³

In the U.S., voter turnout and voter suppression have skewed election results for centuries under very undemocratic conditions. American Southern state governments methodically disenfranchised Black Americans and implemented Jim Crow segregation statutes that represented “the most elaborate and formal expression of sovereign white opinion upon the subject,” according to historian C. Vann Woodward. Southern elites, by excluding Black people from the body politic, made the South a “white man’s country,” segregated Black people, provided them with inadequate public resources such as schools and welfare, discriminated against them in the workplace, and allowed white leaders to defeat bills aimed at making lynching a federal crime.¹⁴ Even though Black people represented 54.7% of the population in South Carolina in 1910, practically no Black people could vote because literacy tests, grandfather clauses, whites-only primaries, and poll taxes threw most of them off the voting rolls.¹⁵

Although the Voting Rights Act of 1965 barred many of these Southern state restrictions, new voter restrictions continue to impinge voting for many working-class and minority groups. Restrictive voting laws, like in North Carolina, have required photo identification, eliminated same-day registration, shortened early voting, and banned out-of-precinct ballots. These restrictions, historian Gunther Peck argues, purged nearly

ethnicity, and political inequality in a diversifying America (Cambridge: Cambridge University Press, 2018), 171-194.

¹¹ Hajnal, “Why Does No One Vote in Local Elections?;” Todd Donovan, Daniel A. Smith, Tracy Osborn, Christopher Z. Mooney, *State and Local Politics: Institutions and Reform* (Boston: Cengage Learning, 2014), 131.

¹² Daniel Laurison, Hana Brown, and Ankit Rastogi, “Voting Intersections: Race, Class, and Participation in Presidential Elections in the United States 2008-2016,” *Sociological Perspectives* 65, no. 4 (August 2022), <https://journals.sagepub.com/doi/10.1177/07311214211059136>; Sidney Verba, Kay Schlozman, Henry Lehman, *Voice and Equality* (Cambridge, MA: Harvard University Press, 1995).

¹³ Arend Lijphart, “Compulsory Voting Is the Best Way to Keep Democracy Strong,” *chronicle.com*, The Chronicle of Higher Education, October 18, 1996, <https://www.chronicle.com/article/compulsory-voting-is-the-best-way-to-keep-democracy-strong/>.

¹⁴ C. Vann Woodward, *The Strange Career of Jim Crow* (Oxford: Oxford University Press, 2001), 6-9; Richard H. Pildes, “Democracy, Anti-Democracy, and the Canon,” *Constitutional Commentary*, 17 (July 2000), 10.

¹⁵ Department of Commerce and Labor Bureau of the Census, *Thirteenth Census of the United States Taken in the Year 1910: Statistics for South Carolina* (Washington: Government Printing Office, 1913), 583, <https://www2.census.gov/library/publications/decennial/1910/abstract/supplement-sc.pdf>; W. Lewis Burke, “Killing, Cheating, Legislating, and Lying: A History of Voting Rights in South Carolina after the Civil War,” *South Carolina Law Review* 57, no. 4 (2006): 868-870. https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=2073&context=law_facpub; “The Old and the New,” *News and Courier*, December 4, 1895, 9; Benjamin Tillman, “Speech of Senator Benjamin R. Tillman,” *Congressional Record, 56th Congress, 1st Session*. (Reprinted in Richard Purday, ed., *Document Sets for the South in U. S. History* [Lexington, MA.: D.C. Heath and Company, 1991], 147), 3223–3224.

500,000 North Carolinians from voting rolls in 2016, which he suggests “skew[ed] the entire election.”¹⁶ In 2022 North Carolina Supreme Court, however, struck down this voter ID law, suggesting that it had “racially discriminatory intent” as Black voters are “39 percent less likely than white voters to have the required ID.”¹⁷ Economists Enrico Cantoni and Vincent Pons, however, suggest voter ID laws have “no negative effect on registration or turnout” for any group, nor do they have any effect on fraud, which is the purported purpose of voter ID laws.¹⁸ Leighly has argued that eliminating election day registration increased the cost of registration for people by making it a two-step rather than one-step process, which decreases the chances of working-class people voting.¹⁹ Additionally, because election day is not a paid federal holiday and workers do not receive paid time off, except for state employees in 23 states, working-class people are less likely to vote.²⁰

Outside of voting turnout, the U.S.'s redistricting practice known as “gerrymandering” distorts election results. Gerrymandering manipulates “electoral boundaries to favor one political party over another.”²¹ Since party seats in the House of Representatives, for example, are distributed by electoral district, the difference between the number of seats won and national popular vote share between Democrats and Republicans can be drastic.²² Although redistricting is essential to reflect population and demographic shifts, it can also be used to pack the voters of a certain political affiliation or group into different districts to dilute their voting strength. The Brennan Center for Justice suggests that “extreme partisan bias in congressional maps gave Republicans a net 16 to 17 seat advantage” during the 2010s.²³

The U.S. is not the only purportedly democratic nation that struggles with low voter turnout; Switzerland – a country known for its direct democracy, consensus-type voting, and ironically Rousseau’s homeland – also faces challenges with voter engagement. During a 2018 vote regarding gambling law and monetary policy

¹⁶ Gunther Peck, “Voting Rights Under Fire,” November 6, 2015, in *Glad You Asked*, produced by Duke University, podcast, <https://soundcloud.com/dukeuniversity/voting-rights-under-fire>.

¹⁷ Robyn Sanders, “Voter ID Law Struck Down by North Carolina Supreme Court,” [brennancenter.org](https://www.brennancenter.org), Brennan Center for Justice, February 7, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/voter-id-law-struck-down-north-carolina-supreme-court>.

¹⁸ Enrico Cantoni and Vincent Pons, “Strict ID Laws Don’t Stop Voters: Evidence from a U.S. Nationwide Panel, 2008-2018,” *The Quarterly Journal of Economics* 136, no. 4 (November 2021): 2615-2660.

¹⁹ Jan Leighly and Jonathan Nagler, *Who Votes Now? Demographics, Issues, Inequality, and Turnout in the United States* (Princeton: Princeton University Press, 2014), 11-13.

²⁰ NYS Board of Elections, “New York State Voting Leave Rights,” April 14, 2020, <https://www.elections.ny.gov/NYSBOE/elections/TimeOffToVoteFAQ.pdf>; Tom Huddleston Jr., “A state-by-state guide to where you’re guaranteed paid time off for voting – and where you aren’t,” [cnn.com](https://www.cnn.com/2022/11/01/us-states-where-employers-have-to-give-you-paid-time-off-to-vote.html), CNN, November 1, 2022, <https://www.cnn.com/2022/11/01/us-states-where-employers-have-to-give-you-paid-time-off-to-vote.html>.

²¹ Benjamin Plener Cover, “Quantifying Partisan Gerrymandering: An Evaluation of the Efficiency Gap Proposal,” *Stanford Law Review* 70, no. 4 (April 2018), <https://law.yale.edu/sites/default/files/area/center/liman/document/ssrn-id3019540.pdf>.

²² Bernard Tamas, Ron Johnston, and Charles Pattie, “The impact of turnout on partisan bias in U.S. House elections, 1972-2018,” *Social Science Quarterly* 103, no.1 (January 2022): 181-192.

²³ Michael Li, “Extreme Maps,” [brennancenter.org](https://www.brennancenter.org), Brennan Center for Justice, May 9, 2017, <https://www.brennancenter.org/our-work/research-reports/extreme-maps>; Julia Kirschenbaum and Michael Li, “Gerrymandering Explained,” [brennancenter.org](https://www.brennancenter.org), Brennan Center for Justice, June 9, 2023, <https://www.brennancenter.org/our-work/research-reports/gerrymandering-explained>.

reform, only 34 percent of eligible voters participated.²⁴ Many young people cited that they feel discouraged from voting because of the “complicated language” on ballot initiatives. When emotionally charged, clear-cut identity or immigration measures get put to the vote, however, turnout spikes: “vote to join the European Economic Area (EEA) in 1992 brought out 79%; the 2016 vote to deport foreign criminals, 63%.”²⁵ Voters engage when they understand or are interested in the processes, but a lack of understanding has even led Switzerland to fail to have a high turnout and satisfy Rousseau’s democratic ideal.

Factional Power, Money, and the General Will

Private donations in political campaigns have also tilted election results away from representing the people’s will and towards the particular wills of special interests. Much like Rousseau, James Madison lambasted the influence of factions in *Federalist Paper 10*, suggesting that a factious spirit and uniting against the rights and interests of other citizens leads to democratic unsteadiness and injustice.²⁶ In the United States, factions have made elections and politics less representative of the will of the people through monetary donations, mainly from corporations and labor unions.

In the 2010 case *Citizens United v. Federal Election Commission*, the Supreme Court, ruling that political contributions are a form of free speech, overturned previous rulings that limited such contributions.²⁷ One of these rulings was the 1990 Supreme Court case *Austin v. Michigan State Chamber of Commerce*, in which the court upheld a Michigan state law prohibiting independent expenditures by corporations or “nonprofits” composed primarily of business corporations. In *Austin*, the court suggested that “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form ... have little or no correlation to the public’s support for the corporation’s political ideas.”²⁸ Political donations allow corporations to influence legislation in ways that contradict the desires of voters and maximize profits. By ruling that political contributions are a form of free speech, *Citizens United* essentially legalized the corruption of American elections through corporate, individual, nonprofit, and labor union contributions to candidates, which are received, I argue, as a form of bribery.

²⁴ Domhnall O’Sullivan, “Should we worry about low voter turnouts in Switzerland?,” swissinfo.ch, August 10, 2018, https://www.swissinfo.ch/eng/business/democratic-duty_should-we-worry-about-low-voter-turnouts-in-switzerland-/44248880.

²⁵ O’Sullivan, “Should we worry about low voter turnouts in Switzerland?”

²⁶ Rousseau stated the following: “[one has to] find a form of association which defends and protects with all common forces the persons and goods of each associate...” Rousseau, *The Social Contract*, 6; James Madison, *The Federalist Number 10*, [22 November] 1787, [https://founders.archives.gov/documents/Madison/01-10-02-](https://founders.archives.gov/documents/Madison/01-10-02-0178#:~:text=By%20a%20faction%20I%20understand,aggregate%20interests%20of%20the%20community)

0178#:~:text=By%20a%20faction%20I%20understand,aggregate%20interests%20of%20the%20community.

²⁷ U.S. Federal Election Commission, *Citizens United v. FEC*, accessed June 29, 2022, <https://www.fec.gov/legal-resources/court-cases/citizens-united-v-fec>.

²⁸ U.S. Federal Election Commission, *Citizens United*; Non Profit organizations that raise money exclusively from member donations and fundraising activities should not be restricted in donations in the same manner as corporations because, as the Supreme Court ruled in the 1986 case *Federal Election Commission v. Massachusetts Citizens for Life*, advocacy groups, properly defined, are formed explicitly for promoting political ideas, have no shareholders, and do not accept contributions from established corporations or labor unions. U.S. Federal Election Commission, *FEC v. Massachusetts Citizens for Life*, accessed June 29, 2022, <https://www.fec.gov/legal-resources/court-cases/fec-v-massachusetts-citizens-for-life>.

The 2010 *Citizens United* decision effectively allowed corporations and anonymous donors to pour unlimited money into political campaigns through Political Action Committees (PACs) as long as they are not “coordinating with a candidate or political party.”²⁹ Private special interests have deployed numerous PACs to drown out the voices of ordinary citizens by pooling campaign contributions and funding campaigns, ballot initiatives, and legislative proposals.³⁰ Over the past eight years, *USA TODAY* and *The Republic* discovered that at least 10,000 bills that closely resembled model legislation were introduced throughout the United States; more than 2,100 of these bills became laws.³¹ While corporations and wealthy donors must expose their campaign contributions, dark money groups, which are nonprofit organizations that are not required to disclose their donors, have spent \$2.6 billion in elections since 2010.³²

Political contributions serve as a tool to sway election outcomes and influence elected officials' decisions. Large corporations often employ Political Action Committees (PACs) to support candidates opposing labor unions, aiming to mitigate the unions' impact on their business interests. The United States Chamber of Commerce, representing over three million businesses, channels political donations into lobbying efforts, enabling corporations to wield significant influence over state legislatures and Congress, ultimately shaping anti-union legislation.³³ Entities like the American Legislative Exchange Council (ALEC), composed of corporations and legislators, collaborate to draft bills that politicians introduce in state legislatures. Through this avenue, corporations play a pivotal role in proposing legislation, including anti-union laws, tailored to favor their financial interests.³⁴ Anti-union PACs and think tanks, such as ALEC, played a crucial role in the formulation of Wisconsin's Act 10 in 2011. Governor Scott Walker, backed by corporate-funded PACs, swiftly proposed and enacted the act, which stripped public sector workers of essential collective bargaining rights and benefits. The act significantly weakened unions, leading to a drastic decline in union membership in Wisconsin, traditionally a pro-union state. Walker's secret collaboration with corporate-backed PACs streamlined the approval of Act 10, disempowering public sector unions and paving the way for a 2015 "right-to-work" law.³⁵ This legislation further curtailed the power of both public and private sector unions, draining them of members, financial

²⁹ Tim Lau, “Citizens United Explained,” brennancenter.org, Brennan Center for Justice, December 12, 2019, <https://www.brennancenter.org/our-work/research-reports/citizens-united-explained>; Mimi Murray Digby Marziani, “Money in Politics After Citizens United: Troubling Trends & Possible Solution,” brennancenter.org, Brennan Center for Justice, April 19, 2012. <https://www.brennancenter.org/our-work/research-reports/money-politics-after-citizens-united-troubling-trends-possible-solutions>.

³⁰ Rob O’Dell and Nick Penzenstadler, “You elected them to write new laws. They’re letting corporations do it instead,” publicintegrity.org, The Center for Public Integrity, April 4, 2019, <https://publicintegrity.org/politics/state-politics/copy-paste-legislate/you-elected-them-to-write-new-laws-theyre-letting-corporations-do-it-instead/>.

³¹ O’Dell and Penzenstadler, “You elected them to write new laws.”

³² Anna Massoglia, “‘Dark money’ groups have poured billions into federal elections since the Supreme Court’s 2010 Citizens United decision,” opensecrets.org, Open Secrets, January 24, 2023, <https://www.opensecrets.org/news/2023/01/dark-money-groups-have-poured-billions-into-federal-elections-since-the-supreme-courts-2010-citizens-united-decision/>.

³³ United Steelworkers, “Who Is behind These Anti-Worker Bills?” accessed June 29, 2022, <https://www.usw.org/act/campaigns/rtw/resources/who-is-behind-these-anti-worker-bills>.

³⁴ United Steelworkers.

³⁵ Erik Gunn, “Wisconsin’s Union Presence Shrinks Dramatically, New Report Finds,” *Wisconsin Examiner*, February 22, 2022, <https://wisconsinexaminer.com/brief/wisconsins-union-presence-shrinks-dramatically-new-report-finds>; Christine Hatfield, “Report: Act 10, Manufacturing Declines Contributed to Drop in Wisconsin Union Membership,” *Wisconsin Public Radio*, February 22, 2022, <https://www.wpr.org/report-act-10-manufacturing-declines-contributed-drop-wisconsin-union-membership>; U.S. Bureau of Labor Statistics,

resources, and political influence. Pro-corporation organizations, including Koch Industries' PAC, Americans for Prosperity, and individual donors like David Koch, contributed substantial funds to Walker's campaign, ensuring the enactment of these laws.³⁶ Despite public support for labor unions, evidenced by polls indicating two-thirds of Americans approve of them, union membership has dwindled to its lowest rate (10 percent nationally) since the 1930s. The disparity between approval and membership is attributed to extensive corporate political donations influencing politicians to pass legislation detrimental to unions. Laws like "right-to-work" and Act 10 impede unions' fundraising capabilities, hindering their ability to function effectively.³⁷ The substantial imbalance in political spending between corporate and labor PACs, with corporate PACs outspending labor PACs significantly, underscores the need to eliminate private political donations. The absence of such donations would compel politicians to prioritize the will of the people over the interests of deep-pocketed individuals and organizations.

Therefore, campaign donations from PACs fundamentally alter the behavior of representatives as can also be seen concerning the oil and gas industries. In the 2022 election cycle, oil and gas PACs spent \$352,500 on donations to forty House Democrats' campaigns to try to weaken their party's \$2.2 trillion climate and social spending bill.³⁸ Some suggest that Democratic Representatives Henry Cuellar, Vincente Gonzalez, and Filemon Vela's opposition to fees on methane emissions were related to campaign contributions they received from gas and oil PACs.³⁹ The tactical fluidity of how these funds can be deployed across party lines demonstrates the effects of dark money in electioneering-adjacent distortion of the general will. While a supermajority of Americans is aware of the problem of money distorting democratic processes, only a plurality is aware of the degree to which dark money exerts on election results and demands campaign finance reform. According to a 2018 Pew Research poll, 74% of eligible American voters believe that it is important for the country that "people who give a lot of money to elected officials *do not* have more political influence than other people." However, the degree to which this sample believes the negative statement describes the US as "not at all" falls to only 43%, with the crucial "not too much" segment at 29%. The "not at all" segment believes that people who give

"Union Members in Wisconsin — 2021: Midwest Information Office: U.S. Bureau of Labor Statistics," March 16, 2022, https://www.bls.gov/regions/midwest/news-release/unionmembership_wisconsin.htm.

³⁶ Jason Stein and Patrick Marley, *More Than They Bargained For: Scott Walker, Unions and the Fight for Wisconsin* (Madison: University of Wisconsin Press, 2014), 39-67.

³⁷ Megan Brenan, "Approval of Labor Unions at Highest Point Since 1965," *Gallup*, September 2, 2021, <https://news.gallup.com/poll/354455/approval-labor-unions-highest-point-1965.aspx>; Erik Gunn, "Union-backed Survey Finds Public Support for Unions, Especially for Health Care Workers," *Wisconsin Examiner*, February 9, 2021, <https://wisconsinexaminer.com/brief/union-backed-survey-finds-public-support-for-unions-especially-for-health-care-workers/>; Taylor Johnston, "The U.S. Labor Movement is Popular, Prominent and Also Shrinking," *New York Times*, January 25, 2022, <https://www.nytimes.com/interactive/2022/01/25/business/unions-amazon-starbucks.html>; "Union Members - 2021," *Bureau of Labor Statistics*, January 20, 2022, <https://www.bls.gov/news.release/pdf/union2.pdf>; Ted Van Green, "Majorities of Adults See Decline of Union Membership as Bad for the U.S. and Working People," *Pew Research Center*, February 18, 2022, <https://www.pewresearch.org/fact-tank/2022/02/18/majorities-of-adults-see-decline-of-union-membership-as-bad-for-the-u-s-and-working-people>.

³⁸ Nevertheless these PACs also donated the remaining \$6.5 million to Republican candidates who are vocal in their opposition to emission and gas use restrictions and taxes.

Benjamin J. Hulac, "Oil, Gas Firms Give More Cash to Democrats Resisting Carbon Fees," *rollcall.com*, Roll Call, December 9, 2021, <https://rollcall.com/2021/12/09/oil-gas-firms-give-more-cash-to-democrats-resisting-carbon-fees/>.

³⁹ Hulac, "Oil, Gas Firms Give More Cash to Democrats Resisting Carbon Fees."

a lot of money have more political influence than regular citizens, and the “not too much” acknowledges that while people are giving a lot of money in elections, it only causes a minor degree of distortion to the result. Taken together, this voting swath represents 72% of the American public, but this distinction has so far failed to rally a critical mass of bipartisan support to overhaul the campaign finance laws. Two notable presidential campaigns (Democratic Elizabeth Warren in 2020 and Republican John McCain in 2000) prioritized campaign finance in recent American history but failed to win a popular mandate.⁴⁰

Some conservative commentators have argued, however, that it is not only corporations who distort American democratic processes but also “special interest groups” like labor unions. They suggest that unions are “powerful political constituencies” that shape government to their ends.⁴¹ One study has shown that union contacts made with its members, as exemplified by the Los Angeles County Federation of Labor, through phone calls, house visits, and so forth increased voter turnout amongst its members, which could make politicians bend to the will of unions who can effectively mobilize their membership.⁴² Therefore, they propose that the mere presence of Public Employee unions obscures the general will by exerting influence over politicians. Scholar George C. Leef suggests that union contracts make it difficult for city officials to have managerial control over bad workers like “bad cops” or bad teachers and drain public coffers through excessive salaries and benefits like premium healthcare and pensions to public-sector union workers. Leef argues that although most Americans want better public education, for example, teacher unions raise huge funds and host big get-out-the-vote campaigns to push for their interests. Leef highlights how D.C. mayor Adrian Fenty was targeted by the local teachers’ union in 2010 with an over one million dollar campaign in support of her opponents to stop Fenty’s closing of the worst schools, the firing of low-performing teachers, and her institution of merit pay.⁴³ Teachers’ unions can sway elections even without funding large-scale campaigns. Sarah Anzia asserts that educators earn higher salaries when the election for school board is held off-cycle rather than on-cycle. This phenomenon is due to fewer overall participants in off-cycle elections, which leads to teachers being able to sway the election more in their favor. Anzia states that beginning teachers make 1.6% higher salaries in districts that hold off-cycle school board elections and maximally qualified teachers earn 4.2% more in districts with off-cycle elections.⁴⁴ These scholars suggest unions partake in a form of “electioneering” (through political donations and effective election turnout) that shape localities and the federal government to spend in ways that protect member pay rather than ensuring the efficient usage of citizen tax dollars.⁴⁵ Commentators like Leef suggested that public-sector unions should be outlawed because they represent an “unavoidable conflict of interest with the core values of the Constitution,” essentially by upholding the particular interests (both material

⁴⁰Bradley Jones, “Most Americans Want to Limit Campaign Spending, Say Big Donors Have Greater Political Influence,” [pewresearch.org](https://www.pewresearch.org/short-reads/2018/05/08/most-americans-want-to-limit-campaign-spending-say-big-donors-have-greater-political-influence/), Pew Research Center, May 8, 2018, <https://www.pewresearch.org/short-reads/2018/05/08/most-americans-want-to-limit-campaign-spending-say-big-donors-have-greater-political-influence/>.

⁴¹Ilya Shapira, “Unions Can’t Force Non-Members to Pay for Political Advocacy,” [cato.org](https://www.cato.org/blog/unions-cant-force-non-members-pay-political-advocacy), Cato Institute, September 19, 2011, <https://www.cato.org/blog/unions-cant-force-non-members-pay-political-advocacy>.

⁴²J. Ryan Lamare, “Union Influence on Voter Turnout: Results From Three Los Angeles County Elections,” *ILR Review* 63, No. 3 (April 2010): 454-470.

⁴³George C. Leef, “Book Review: *Not Accountable: Rethinking the Constitutionality of Public Employee Unions*,” [cato.org](https://www.cato.org/regulation/fall-2023/book-review-not-accountable-rethinking-constitutionality-public-employee-unions), Fall 2023, <https://www.cato.org/regulation/fall-2023/book-review-not-accountable-rethinking-constitutionality-public-employee-unions>.

⁴⁴Sarah F. Anzia, “Election Timing and the Electoral Influence of Interest Groups,” *The Journal of Politics* 73, No. 2 (May 13, 2011): 412-427.

⁴⁵Daniel DiSialvo, “The Trouble with Public Sector Unions,” *National Affairs*, Fall 2010, <https://www.nationalaffairs.com/publications/detail/the-trouble-with-public-sector-unions>.

and political) of unionized public employees above the general will of the entire U.S. population. These conservatives also argue that even private-sector unions undermine market competition, push up operating costs, and reduce service qualities in ways that are counter to the will of the people and are only in the interest of their constituencies i.e., workers in certain industries like construction, transportation, or hospitality.⁴⁶

Possible Solutions

Scholars have proposed manifold tactics to more accurately represent the will of the people in elections – namely a lottery system for political office, mandatory voting, and the elimination of voter restrictions. Jan Brennan cited the correlation between multiple factors of the election and the poor election turnouts, including “voters having a lack of knowledge on election terminology” and “barriers to getting to voting locations.” She claims that adding “incentives to participate in elections” and “making the case for the impact of local elections” will yield a better turnout.⁴⁷ Others suggest that “compulsory voting” would remove turnout concerns and narrow socioeconomic differences in the voting population. Compulsory voting, its advocates argue, would also limit problems with campaign finance by making turnout and factional quid-pro-quo “vote buying” less of a campaign focus, which would make programmatic and policy ideas more important to campaigns.⁴⁸ Rousseau suggests eliding the electoral system and basing political service on a lottery system: “Election by lottery would have few drawbacks in a real democracy, where it would hardly matter who was chosen because all the people would be on a par as regards mœurs and talents as well as principles and fortunes.”⁴⁹ By replacing the current tournament model of primaries and general elections with a lottery system for the legislature, voter turnout would be irrelevant, and dark money and special interests would have less influence over political processes as campaign donations would not matter. The potential for every eligible citizen to be chosen for representation would lead to a system that reflects the ideological and identitarian diversity of our nation and galvanizes everyone to be more knowledgeable and not outsource their civic responsibility to a two-party machine.

Conclusion

Various modern distortions have entered into the popular election democratic schema to obfuscate the general will: from paltry turnout in local elections resulting from disinterest to restrictive and discriminatory voting laws to gerrymandering and the increasing presence of privately funded interest groups deploying war chests of dark capital. The current electoral system in the U.S., for example, does not represent the will of the people. Voting could more accurately represent the people’s will through the withdrawal of private monies in politics, higher voter turnout, and the elimination of voter restrictions and discrimination.

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⁴⁶ Shapira, “Unions Can’t Force Non-Members to Pay for Political Advocacy;” Gopal Sreenivasan, “What is the General Will?,” *The Philosophical Review* 109, no. 4 (Oct 2004), 546-547, <https://www.jstor.org/stable/2693624>.

⁴⁷ Jan Brennan, “Increasing Voter Turnout in Local Elections,” *National Civic Review* 109, no. 1 (Spring 2020): 16-23.

⁴⁸ Lisa Hill, “Low Voter Turnout in the United States,” *Journal of Theoretical Politics* 18, no. 2 (April 2006): 213-216; Shane P. Singh, “Compulsory Voting and Parties’ Vote-Seeking Strategies,” *American Journal of Political Science* 63, no. 1 (January 2019): 37-39.

⁴⁹ Rousseau, *The Social Contract*, 57-58.

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