A New Generation of Voting:
Promoting Youth Voter Turnout Through Applied Behavioral Economics

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Abstract

The American democratic system is fundamentally based on the idea of a government of the people. At the cornerstone of this system is voting. However, to date, voter turnout among the youth vote (citizens aged 18-29) is very low. This paper explores the historical data of youth voter turnout and subsequently addresses two core questions. First, why is youth voter turnout important? Second, what can we do to increase youth voter turnout in the 21st century? This paper argues that youth voter turnout is important for a number of reasons, from education levels to habitual voting. Primary among these is the argument that increases in youth voter turnout can help to moderate U.S. Congressional polarization. In answering the second question, this paper turns to behavioral economics. After exploring bounded rationality, bounded willpower, and bounded self-interest, this essay proposes making voter registration, as well as voting itself, available online and applying nudges to boost online voter turnout. These proposed nudges include framing voting as a matter of identity, using social media to prompt individuals to vote, and turning voting into a type of social norm, among others.

I. Introduction

The United States of America is no longer a bastion of democracy in action. This is an unfortunate but sadly true realization. Upon its founding, America stood as a city upon a hill, proudly proclaiming its democratic freedoms. Few would deny that the very core of democracy is citizen engagement—particularly through voting. Simply put, voting is the distinguishing factor between a democracy and other forms of government. But many Americans do not vote; and not just a few, but rather the majority of eligible American voters do not vote.\(^1\) Today, rather than standing as the beacon of democratic practices, the United States ranks 38th out of the 40 countries studied by the OECD (Organization for Economic Co-Operation and

\(^1\) In the 2010 midterm elections, 48% of eligible American voters cast ballots, according to the International Institute for Democracy and Electoral Assistance. Available at: http://dx.doi.org/10.1787/888932382121.
Development) in voter turnout. While this is disheartening in itself, the issue is even graver when examining the “youth vote,” or voters aged 18-29. Young voters historically have the lowest rates of voter turnout; in 2010, for example, only 24% of eligible youth voters cast a ballot. This must be improved.

To explain why youth voter turnout must be increased, this paper will examine historical voting data and provide a series of arguments for the importance of the youth vote. Finally, methods for increasing youth voter turnout will be proposed utilizing the new field of behavioral economics and its theory of “nudges.”

II. Historical Youth Voter Turnout

In assessing the importance of increasing youth voter turnout it is helpful to first understand exactly where voting rates stand now. Included below are two figures illustrating voting rates for the 2010 midterm election and the 2008 election, respectively. Generally speaking, statistics indicate that voting rates tend to increase significantly with age. Specifically, as indicated in Figure 1 below, nearly 60% of citizens over the age of 65 voted in the 2010 midterm elections, while less than 20% of 18-20 year olds did the same.

Figure 1

2 Ibid. Statistical analysis available at: http://www.oecd-ilibrary.org/sites/soc_glance-2011-en/08/04/g8_co4-01.html?contentType=&itemId=/content/chapter/soc_glance-2011-29-en&containerItemId=/content/serial/19991290&accessItemIds=/content/book/soc_glance-2011-en.mimeType=text/html.
3 CIRCLE staff. “Official Youth Voter Turnout Rate in 2010 was 24%”. Center for Information and Research on Civic Learning and Engagement. 15 April 2011.
4 Note that 2012 voting rate statistics were not readily compiled and available as of the date of this essay.
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This is not merely a midterm election phenomenon, however. Presidential elections are similar. Even in the 2008 Presidential Election, widely acclaimed for relatively high rates of youth voting, overall voter turnout rates appear to follow a similar pattern to that seen above. While the disparities are much smaller, voter turnout among young Americans still fell far short of turnout among their elder counterparts. As indicated in Figure 2 below, nearly 75% of voters over the age of 65 exercised their right to vote, while only approximately half of 18-20 year olds did the same.⁵

![U.S. Voter Turnout by Age Group 2008 Election](image)

Figure 2

Thus, accepting that youth voter turnout is considerably lower than the voting of other age groups, the question remains: “So what?” Why is it important that younger citizens vote in the modern era?

III. The importance of Increasing Youth Voter Turnout

This essay provides arguments regarding the importance of the youth vote by first taking a closer look at 21st century polarization. In particular, this essay will show that Congressional polarization is high and increasing, while polarization among the American public is not. Analyzing this disparity, the essay will then argue that increases in youth voter turnout can moderate such partisanship. Third, this paper will contend that the citizens comprising the youth vote are the single most educated group of voters that America has had since its inception.⁷ As will be discussed, the educational attainment level of each generation of Americans has increased since WWII, making younger

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⁵ Ibid
voters significantly more systemically educated than their elders. Fourth, the disproportional effect of current Congressional debates on younger voters will be analyzed. Finally, this paper will argue that young voters become habituated to voting and, consequently, increasing youth voting today will have lasting effects on overall turnout.

III.a Modern Polarization

Given the events of the 112th and 113th Congresses, such as the recent sequestration, debt limit crisis, and government shutdown, it seems intuitive that Congress is more polarized now than in recent history. It seems that, even at moments when bipartisan support on some issue is right around the corner, legislation is halted at the behest of inter-party blaming. Many scholars have asked whether this partisanship is truly new or simply “politics as usual.”

III.a.i Congressional Polarization

To provide an answer to this question, McCarty, Poole, and Rosenthal conducted analyses on the polarization of sessions of Congress through time. With their research, the answer becomes clearer: Congress has become increasingly polarized in recent history. This is illustrated in Figure 3 below.

Figure 3

This graph shows the relative difference over time between Republican

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9 Ibid
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and Democratic members of Congress in each house on the liberal-to-conservative scale. “First Dimension” refers to economic issues, indicating that, since WWII, there has been a consistent increase in the degree of polarization over economic issues in both the House and the Senate. Moreover, while the figure above shows the degree of polarization over approximately 130 years, recent years (2000-2007) indicate a sharp rise to levels unseen since before WWII. This rapid rise in polarization is not confined to economic issues, however. McCarty, Poole, and Rosenthal discovered similar patterns of polarization over time on scales involving social issues as well.¹⁰

Based on these findings, many scholars have attempted to determine what factors have caused such increases. Such research suggests that this more recent increase in polarization is attributable to the loss of the moderate factions of each party.¹¹ As discussed by Professors Richard Fleisher and John Bond, where 40% of Congressional Republicans were either moderate or non-conformist in the 1950s, only 15% were by the 1990s. This shift was nearly identical for Democrats.¹²

III.a.ii Polarization among the American people

For some, simply acknowledging Congressional polarization wasn’t enough; a deeper question remained. They looked one step beyond Congressional polarization, examining whether similar degrees of polarization exist in the general American public. One individual leading this investigation, Morris Fiorina,¹³ found that the American public is, for the most part, fairly moderate. In fact, he discovered that values and opinions among self-proclaimed Republicans and Democrats are almost identical, except on the most divisive issues, such as homosexual adoption and gun control. Using data from Pew Research, Fiorina conducted numerous analyses and published his findings in a book entitled Culture War?: The Myth of a Polarized America.¹⁴ One such study showed that among supposedly contentious social issues, voters expressed the following preferences as outlined in Figure 4 below.¹⁵

¹² Ibid.
¹³ Morris P. Fiorina is currently a Professor of Political Science at Stanford University. At the time of publication of Culture War?: The Myth of the of a Polarized America he was the Thompson Professor of Government at Harvard University.
¹⁵ Ibid. at p. 25.
This figure depicts the percentage of respondents who agree with the contentious policy questions in Red States (i.e., a state that voted for Bush in 2000) compared to respondents in Blue States (i.e., a state that voted for Gore in 2000). Examining these social issues, perceived as divisive among liberals and conservatives, respondents generally agreed on most issues. Note that out of 16 issues, the variance between the two groups of respondents is less than 10% for 10 items, and the variance is 15% or less for 15 of the items.

Additionally, in a separate analysis Fiorina excluded non-voters and examined self-proclaimed political positions on a liberal-conservative spectrum. In this experiment he used a 7-point scale to score data (with 1 representing “very liberal” and 7 representing “very conservative”). Figure 5 below illustrates the results of Fiorina’s study.16

The figure below shows that the majority of American voters fall within the moderate range (3, 4, and 5), as approximately 58% of individuals in Red States and approximately 60% of individuals in Blue States fall into this category. With the exception of slight extremity (#6) in Red States, this reinforces Fiorina’s findings in Figure 5: The general public is in agreement more than it is not. Thus, based on Fiorina’s findings, one notes a large discrepancy between the levels of polarization observed in Congress as compared to the American citizenry.

16 Ibid. at p. 28.
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III.a.iii Why is Congress more polarized than the general public?

This disparity between Congressional polarization and the moderate views of the general American public have left many searching for the cause of Congressional partisanship. Certainly, numerous factors have come together to cause such an event. Nonetheless, a few core factors are believed to exist. Primary among these is that, according to Matthew Levendusky, AM Americans have begun to simply “sort” themselves along party lines, despite relatively similar views. The implication of this is that, while individuals may be similar on the conservative-liberal scale, conservatives are more likely to vote purely Republican and liberals are more likely to vote purely Democratic. As will be discussed in section IV of this essay, this type of increased party identification and straight-ticket voting is likely due to what is known as a psychological heuristic. Sorting is not the only explanation of the disparity between Congress and the general public. Another likely cause is the primary electorate. The electorate of American primary elections is disproportionately

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17 Matthew Levendusky holds a Ph.D. from Stanford University, is an Assistant Professor of Political Science at the University of Pennsylvania, and is the author of The Partisan Sort.


19 A full explanation of this concept is set in section IVb. Briefly, a psychological heuristic is a shortcut created in the mind to make complex decision making simpler, faster, and easier. While heuristics can be beneficial sometimes, they come with many biases (i.e. people associate the probability of an occurrence with how easily they can think of an example of it). Heuristics can create inefficient outcomes for decisions that require more attention such as voting.
comprised of extreme and activist voters who are unrepresentative of the broader populace.

In brief, numerous scholars have argued that the primary electorate is unrepresentative and “out of step” with the broader citizenry. More specifically, the primary electorate is much more extreme and polarized than the generally moderate public. This occurrence is not a result of large factions of extremity but rather because of the degree to which the sample of voters who turn out during primaries is relatively small and abnormally activist in nature. For example, in the 2012 Republican nomination process, twenty different state contests (primaries and caucuses) had a turnout of less than 10%. One could certainly argue that this low turnout is due to the relative insignificance of the earliest primary votes. Nonetheless, even in the later contests that determined the nomination, only two states achieved a 30% turnout: New Jersey and Montana. The low turnout among youth is only accentuated in these initial contests; on Super Tuesday in the 2012 election, for example, youth voter turnout was recorded at a paltry 5%. Figure 6 below further illustrates this voting trend.

22 Ibid.
23 It should be noted that a third state, New Hampshire, also reached a voter turnout rate of 31.1%. However, New Hampshire held the second primary contest on January 10, 2012. As it was not a key state in the final stretch of the GOP primary, it was omitted from the above statistic.
24 Super Tuesday is the day in which the greatest numbers of presidential primary contests are held. In 2012, 10 states held primaries on Super Tuesday.
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The figure above shows that since 1972, the voting rate in primaries for youth voters has remained relatively unchanged with voter turnout of 17% in 1972 and 18% in 2000, averaging turnout of 17% over the 6 election years analyzed. However, this is the only age group to have remained the same in terms of voter turnout. Over the same period, voters aged 40 and older collectively doubled their turnout rates. It should be noted here that the differences between McDonald’s calculations (see note 21) and Wattenberg’s calculations of voter turnout shown above (see note 26) arise from the use of different methodologies. However, the purpose here is not to promote either method but rather to show more generally that voter turnout is low (whether at 10% or 40%) and that youth voters are disproportionately underrepresented. With either dataset one finds that over this period the joint voice of the (already quiet) youth vote has become further diluted relative to other age groups in presidential primary contests.

However, it is Congressional races, not merely the Presidential race that are at the heart of the polarization. Given its perceived significance, the Presidential race often receives significantly higher turnout than Congressional contests, which are generally low. While some rates are as high as 22%, less contested races around the country have had turnouts less than 4% of registered voters. This low turnout leaves room for a small part of the


electorate to gain a disproportionate voice in elections.

Because of these low turnout figures, special interest groups, party activists, and more extreme party members are able to have much louder voices, via voting, than would normally be expected. As such, in order to become elected and remain elected, candidates must either be more extreme or act more extreme in order to win their respective primaries.30

III.a.iv Moderating polarization through youth voter turnout

One clear step toward alleviating the rise in Congressional polarization is to increase primary voter turnout—among all age groups, but especially among younger voters. The more primary voters that go to the polls, the more the extreme voters’ voices are diluted and the true, moderate voice of the general population can be heard. Accordingly, more moderate candidates will begin to win their primaries and, once in office, will be able to take more moderate stances without fearing that their Congressional voting record will ruin their future electoral chances. The long-term consequence, theoretically, is a return to a moderate Congress that better matches the level of political unity shown by the American public. Looking more closely at various age groups, one finds that young voters are the single most important group for this movement. This is because, while these voters are collectively a left-leaning and socially liberal age group, they are only slightly so. In fact, according to the Pew Research Center, they are the single most moderate group of any subset of the population with 40% describing themselves as moderates and a near even split (29% liberal, 28% conservative) on each side of the aisle as of 2010.31 The fact that the youth vote is currently the most moderate and the least likely to vote means that the greatest potential for a dramatic change that would ameliorate polarization lies with engaging young voters.

III.b Education and the Youth Vote

While moderating polarization is perhaps the most immediately compelling reason to reach out to the youth vote, there are additional reasons to work toward increasing youth voter turnout. Beyond the simple fact that the youth population is 21% of the potential electorate,32 one finds that these

30 See Brady, supra note 20, at p. 83.
voters are also the single most collectively educated group in American history.\textsuperscript{33} Thus far, each generation since WWII has reached new levels of educational attainment, as shown below in Figure 7.

The top, green portion of this figure shows a drastic increase in the number of college graduates from 1940 to 2012, with less than 5\% of individuals holding a bachelor’s degree in 1940 and more than 30\% in 2012. Conversely, in the bottom, blue portion of this figure, one can also see the sharp decline in the number of individuals without a high school diploma as this rate drops from more than 75\% in 1940 to approximately 12\% in 2012.

The overall percentage of educated individuals significantly improved throughout the 20th Century and, while gains have leveled off in the last two decades, there still exists a strong relationship between age and education.\textsuperscript{34} The importance of, (or more specifically the marginal returns of) a more educated populace is up for debate. However, a correlation between political awareness and education was established in 1948 and was calculated at 0.31. A correlation of this size means that approximately 10\% of an individual’s increase in political awareness is solely and explicitly explained by an increase in her level of educational achievement. While this correlation may not seem particularly high, it has greater significance due to its stability over time. This


For further graphical data see Appendix A.
correlation has remained relatively stable for over 50 years, being calculated at 0.37 in 2004. As Martin Wattenberg, professor of Political Science at the University of California at Irvine, points out in Is Voting for Young People?, this statistical data should suggest that political awareness and knowledge in young people today is significantly higher than it has ever been before. However, as shown in What Americans Know about Politics and Why it Matters, a “general decline in political engagement has offset the positive impact of rising education levels.” Consequently, while young voters have the potential to be the most politically educated and active group of citizens to date, they have thus far remained relatively silent in exercising their democratic rights. Tapping into this potential is important for two reasons.

First, it was the intention of the founding fathers to have educated voters casting ballots. In fact, one of the greatest fears of some members of the Continental Congress was that an uneducated electorate would lead to disastrous consequences in the long term. In 1879, Delegate Elbridge Gerry opposed the Constitution without a bill of rights, for fear that the “the people are uninformed, and would be misled by a few designing men.” It was also partially because of this fear, for example, that an electoral college was put into place to determine the Presidency. Certainly, these founding fathers could not have predicted the advent of Google or the rapid flow of information to younger individuals as a result. Nonetheless, today’s youth voters, if re-engaged in the political process, would be the well-informed voters the founders designed this system around.

Second, a highly educated electorate is important as, moving into the remainder of the 21st century, the United States will face a number of unprecedented issues. These issues, including but not limited to global warming, overpopulation, and international debt crises, will require innovative solutions. In order for these solutions to come about, governmental representatives must be elected who are willing to undertake such programs. Actively choosing these programs, particularly over short-term gains, will require an electorate that understands both the complexities of the issues at hand and the necessity of postponing short-term gains in order to promote long-term well-being. For example, as global warming becomes a more imminent threat, a highly educated electorate will be required to understand the convolutions and implications of the issue and, in turn, to adopt the types

35 See Wattenberg, supra note 26, at p. 69.
37 See Wattenberg, supra note 26.
of difficult programs necessary to abate further global warming. The youth vote, presently representing the most educated segment of the population, can offer this type of open-minded, knowledge-oriented voter base. However, this only applies if they engage with the issues and turn out to vote.

III.c Modern and Future Challenges

Having considered the importance of the youth vote with regard to education and potential long-term problems, it should be noted that younger voters are also disproportionately affected by many current Congressional debates. For example, three of the biggest issues of the 112th and 113th Congresses—sequestration, changes to Medicare and Medicaid, and paying off the national debt—affect the youth more than any other age group. Senior citizens (aged 65+) remain relatively untouched, as any changes to healthcare laws generally include a clause sidestepping this group. Similarly, for economic issues, the future income potential of retired senior citizens is significantly lower than younger voters. Moreover, individuals at their peak earning age, between 40 and 60 remain less at risk of exposure to the long-term negative effects of Congressional decisions. Because many of the key issues of the modern day involve long-term problems such as unsustainable social security budgets, skyrocketing U.S. debt, rising healthcare costs, and global warming, many societal risks are not imminent but in the slightly more distant future. Consequently, it is young voters who will, later in their lives, have to face these debts, feel the cuts due to the previous (and potentially future) sequestration(s), and see any changes in the quality and availability of healthcare. Additionally, while headlines dramatically attempt to speak of the effects on babies and young children who are unable to vote, the youth vote is truly the key demographic for representing the younger population, including children and future generations.

This is important for three reasons. First, as with any decision-making process, there are incentives associated with various options. The fact that many Congressmen and the vast majority of active voters fall into older age brackets means that certain incentives may be misaligned for younger generations. For example, while many people wish to change policy on global warming, the cost-benefit analysis of making difficult lifestyle changes is different for youth voters.
as opposed to older citizens. For younger voters, the prospects of experiencing
the negative effects of global warming are very real and, consequently, the
incentive structure may favor more aggressive measures to halt global
warming, even at the cost of economic growth and profits. However, for elder
voters who have a smaller likelihood of experiencing the effects, the cost-
benefit analysis may be, hypothetically, different (although familial ties would
likely mute this difference to some degree). In this case more immediate issues
like economic well-being, and job growth, may take precedence over global
warming.

Because these different incentive structures and, consequently, policy goals can exist between various age groups on many issues including,
but certainly not limited to, global warming, a well-rounded voter base is
necessary. Without this base, the decision-making process risks becoming
out of balance with the needs of all citizens, focusing too heavily on those of
smaller, more politically active subsets.

Second, as alluded to earlier, the education level of youth voters and
their comfort with technology makes them ideally placed to facilitate public
discourse on innovative solutions to long-term problems. This can be done in a
number of ways, whether through public service announcements, nationwide
awareness campaigns, think tank reports, or—or of interest presently—voting.
Through voting, not only can young citizens ensure proper representation as
noted above, but they can also ensure that proper discussion and consideration
of new ideas is taking place.

Finally, from a purely democratic philosophy perspective, the youth
vote should be properly represented on matters that will significantly affect
their well-being. Because of the democratic-republic nature of the U.S.
Constitution, young voters will not directly vote on each issue but rather
rely solely on representatives to tackle these issues for them. Because of the
disproportionate effect many current debates will have on young voters, it is
ever more important that the tenets of representative democracy are upheld
and young voter’s voices are heard.

III.d Voting is habitual and life-long

Finally, if for no other reason, youth voter turnout is beneficial as a
strong predictor of and motivator for future voter turnout, especially among
first-time voters.\footnote{Meredith, Marc. 2009. “Persistence in Political Participation.” Quarterly Journal of
http://www.sas.upenn.edu/~marchmre/.
the issue well: “Virtually all major works on turnout have concluded that voting behavior is, [at least] in part, a gradually acquired habit.”43 This means that boosting youth impact today will have an even greater impact on overall turnout in years to come. In other words, increasing youth voter turnout does not simply have short-term effects but instead has a long-lasting impact on the overall voter turnout of the populace. In fact, according to Gerber and Green, the single greatest predictor of whether an individual will come out to vote is whether they voted in the last election.44

In analyzing this phenomenon, there are a few noteworthy implications. First, voting at a young age not only increases the likelihood that voting will continue into the future but also that partisan identities held as a youth will be carried into future votes.45 In other words, increasing youth voter turnout today not only increases the likelihood that increases spill over into future years but also that the ideological preferences of youth voters are likely to be slightly better preserved. 46 This is particularly useful in continuing the moderation of polarization (as discussed previously) into the future. By engaging younger, moderate voters earlier, one can increase the likelihood that both voter turnout and moderate preferences may increase over time, thus further ameliorating polarization in Congress.

Second, the psychological explanation of this phenomenon and its implications are also important. Robert Cialdini, Professor of Psychology at Arizona State University, explains that individuals carry strong self-identities.47 As a result, once an individual commits to a certain factor or set of factors (i.e., voting as a moderate, well-informed individual), she feels a need to remain consistent with her internal view or self-portrait. In essence, human nature is such that individuals purposefully take actions to avoid contradictions in internal identity, whether they are aware of the intentions of these actions or not.48 Hence, this predicts the patterns of behavior observed: once an individual becomes “a voter,” that individual will feel the psychological need to be consistent in her behavior and continue to be “a voter” in the future. This concept of psychological identity, as well as its manipulations on behavior,

45 See Meredith, supra note 41.
46 Ibid.
48 Ibid.
will be important to developing strategies for increasing voter turnout shortly.

III.e Concluding remarks on the importance of increasing youth voter turnout

Assuming the foregoing reasoning is sound, it can be safely concluded that increasing youth voter turnout in America is not only beneficial but also important to the future of American prosperity, whether manifested through a moderate Congress or protection against continual rises in U.S. debt. This then leads to the obvious question: What can we do about it? More eloquently, McCarty, Poole, and Rosenthal leave their readers with this as part of their concluding remarks:

Why, then, in the midst of affluence and much positive social change are we struck with political leaders who are at daggers’ point while the general population is generally not? Compared to our political leaders the public is relatively moderate. We have no easy cure. We wish we did, as we find this trend deeply disturbing.49

IV. What Can Be Done?

McCarty, Poole, and Rosenthal are certainly correct in believing that polarization will not be easily cured. The same can be said of increasing voter turnout. While a complete, failsafe cure may be impossible, many scholars have nonetheless proposed strategies to boost turnout. Most often these strategies are focused on increasing overall turnout or increasing turnout to favor one party, rather than targeting a broader subset of the electorate. Though this is less common, others have approached the issue focused primarily on youth. This paper will briefly outline these various strategies, and then propose a new solution using recent breakthroughs in behavioral economics as a guide.

Among the older, more standard recommendations for increasing voter turnout, few are as popular as moving Election Day to a Monday or Friday and making it a federal holiday, thus giving everyone a day off of work and providing them with plenty of time to vote. Similarly, some suggest that changes should be made to voter registration laws; this often includes allowing same-day voter registration, online registration, or both.50 Online registration is believed to be particularly impactful for boosting the youth vote.51 Meanwhile, some institutions suggest increasing early voting

49 See McCarty, supra note 8, at p. 203.
periods and increasing funding to civics education and political awareness campaigns. Others still focus less on the voter experience and more on the campaign tactics. In brief, there are numerous proposals that run the gamut of target populations and potential benefits.

Looking at all of these recommendations, however, there appears to be one key commonality: a root in behavioral economics. Each recommendation is predicated on the goal of changing a voter’s cost-benefit analysis for deciding to vote. Most, like voter registration- and early voting-based proposals focus on making voting easier and less costly to a potential voter. This means that it will take up less of a voter’s time and make voting a more convenient process. Over the past couple of years some newer recommendations have focused on changing the other side of the equation—increasing the benefit of voting. They do this by making it more painful to not vote by putting social pressure on a potential voter. In what is perhaps the most well known of this type of pressure, scholars have shown that simply telling voters that voting is a matter of public record increases voter turnout. One of the tactics studied by Donald Green and Alan Gerber of Yale University involved using direct mail to notify registered voters of this fact. Moreover, they found that notifying voters that their neighbors may receive a list of who voted and who did not vote further increases turnout. In their experiment, the control group (receiving generic direct mail referring to the civic duty to vote) elicited a 29.7% voter turnout, while the pressuring direct mail (including a list of neighbors voting histories and asking “What if your neighbors knew whether you voted?”) elicited a 37.8% voter turnout.

Efforts such as this begin to move away from traditional voter turnout methods and more toward those driven by behavioral economics. Behavioral economics is the key to increasing voter turnout among youth. To gain a better understanding of these implications, one must first examine the field of behavioral economics.

IV.a Behavioral Economics

Rarely has an intriguing concept flourished into an established field of study and a basis for policy-making in so little time. In other influential fields,
such as political science, philosophy, economics, or mathematics, the founders and influential thinkers reach back to distant times, even ancient Greece and before. The vast majority of influential thinkers on the issue passed away long ago. In behavioral economics, however, the opposite is true. With its oldest historical roots in the 1950s, the field came into bloom with Daniel Kahneman’s Prospect Theory of the 1970s. As a result, behavioral economics is a very young field, whose founders and key thinkers are modern day professors at America’s top institutions. Despite its youth, behavioral economics has already evolved into an active policy-making theory, with its own agenda and issues. One of the patriarchs of the movement, Harvard Law professor and co-author of the New York Times bestseller *Nudge*, Cass Sunstein, recently served as President Obama’s Administrator of the Office of Information and Regulatory Affairs. It is commonly believed that, in addition to his work with President Obama at the University of Chicago, Sunstein was offered the position so that he could implement his views on behavioral economics and “nudges.” However, one should first briefly examine the tenets of behavioral economics in which the concept of nudges is based.

**IV.b Understanding Behavioral Economics**

At its core, behavioral economics is a sub-set of economics that, like traditional economics, attempts to explain and predict market events such as consumption, production, demand for goods or, in this case, voting patterns. Behavioral economics is in many ways an expansion of Daniel Kahneman and Amos Tversky’s prospect theory, which, in its simplest (if not over-simplified) form, explains how people make their decisions. It shows that people make judgments based on their own perception of potential gains and losses, dependent upon a reference point. Individuals have their own preferences regarding their risk of losing, known as loss aversion, and consequently their own tolerance of risk in attempts to gain. Perhaps one of the most interesting and crucial aspects of prospect theory is the fact that, depending on one’s reference point (also known as a “frame”), one’s perception of losses and gains can be skewed, which in turn affects one’s behavior. Manipulation of the frame, known as “framing,” will be discussed further shortly, as it is a key tool in affecting behavior.

Based on framing and many other aspects of prospect theory, behavioral economics has worked to develop a new field of study. By merging economics and psychology to simply describe people’s actions as opposed to developing theories of what “Homo Economicus” would or normatively should do, behavioral economics has been able to more accurately explain

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human behavior.

The enhanced understanding of human behavior stems from a realization that real people are not like “Homo Economicus”\(^{58}\)—in many ways rational choice models have been found to be entirely non-descriptive. These realizations, at their core, result from the fact that traditional, rational economics differs from behavioral economics on three points. These three areas are known as “bounded rationality,” “bounded willpower,” and “bounded self-control.”

\textit{IV.b.i Bounded Rationality}

The concept that unlimited rationality\(^{59}\) may not exist was originally discussed by Herbert Simon as “limited rationality”\(^{60}\) in his discussion of choice theory in the 1955. The term caught on as “bounded rationality”\(^{61}\) in his book \textit{Models of Man}, published just two years later. Bounded rationality should not be confused as \textit{irrationality} or a lack of rationality, although it is often used it in this way. Rather, as explained by Oliver Williamson, who synthesizes Simon’s \textit{Models of Man}, bounded rationality can be understood in this way: “although boundedly rational agents experience limits in formulating and solving complex problems and in processing (receiving, storing, retrieving, transmitting) information (Simon 1957), they otherwise remain ‘intendedly rational.’”\(^{62}\) In short, people are attempting to act in a rational manner but either lack perfect information upon which to base their

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58 The term “Homo Economicus” stems from the term “Economic Man,” an idea established as a hypothetical abstraction by John Stuart Mill in his discussions of economics. Although the term was not coined by him, in his essay “On the Definition of Political Economy; and on the Method of Investigation Proper To It,” he states: “[Political Economy] is concerned with him solely as a being who desires to possess wealth, and who is capable of judging of the comparative efficacy of means for obtaining that end.” In essence, Mill is describing a man whorationally and completely pursues the maximization of utility. The concept of Homo Economicus has been criticized by many economists but especially by behavioral economists who find the assumptions that man is entirely rational and utility maximizing is unrealistic.

59 Rationality, for the purposes of this essay, can be understood as including both practical and epistemic rationality. In this way, rationality means that an individual’s beliefs and desires are inherently utility maximizing based on the information at hand and, based on these beliefs and desires; an individual takes the utility-maximizing action.


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actions or lack the capacity to entirely understand the issue at hand. Thus, while from an objective, theoretically omnipotent perspective a person may appear to act irrationally, they may be acting in accordance with what seems (internally) to be the utility-maximizing choice. These gaps are often caused by the use of heuristic principles, or simply heuristics, which were described by Kahneman and Tversky as a means to “reduce the complex tasks of assessing probabilities and predicting values to simpler judgmental operations.” The representativeness heuristic, for example, allows one to quickly classify and judge an object. Rather than calculating the probability that an object belongs to a class of objects, one can merely look at the object and determines that if A looks like B then it is more likely to actually be like B. Representativeness is but one of many recognized heuristics.

Although the use of heuristics is not, in and of itself, “irrational,” as it may often be worth it for individuals to rely on a simpler estimation than calculating probabilities, one of Kahneman’s breakthroughs was the startling fact that people use heuristics even when it is more valuable to carefully contemplate an issue.

This is likely the case, for example, of straight-ticket voting. Straight-ticket voting is a basic heuristic that allows a voter to estimate, without going through the time-intensive and thus more costly, process of researching candidates. Instead, an individual can rely on her knowledge of generic party platforms and choose the same party for each position. As polarization has increased, party lines have been more clearly drawn, and partisan sorting has occurred, this heuristic has likely gained strength, as voters become less engaged and more party oriented.64

While heuristics are the core explanation for the gap between rationality and behavior, other theories also play a part. This aspect of bounded rationality can be most easily summarized as the human element of decision-making. Because of human aspects like the ego, or identity as discussed earlier, and personality, people tend to ignore certain information. This is known in psychology as a cognitive bias; people favor information that benefits their pre-existing notions and will actively avoid information that goes against their opinions. One such example is overconfidence. Mullainathan and Thaler describe the issue of overconfidence by explaining that, “If investors are

overconfident in their abilities, they will be willing to make trades even in the absence of true information.”\textsuperscript{65} This type of human flaw not only helps to explain the gap in an efficient market and in current financial models but also partially explains the shift away from following news stories and toward party-based campaign statements seen in Gallup polls.\textsuperscript{66} It explains why individuals who identify as conservative are far more likely to watch Fox News and those who identify as liberal are far more likely to listen to NPR.\textsuperscript{67} As the Washington Post puts it, voters from different sides of the aisle “often have not only their own opinions but also their own sets of facts, making it harder than ever to approach common ground.”\textsuperscript{68}

Finally, people simply have manners of thinking about an issue that are not always based on objective fact or probability but rather on personal preferences. Almost all people are significantly averse to losing and will pay more than they rationally should (based on the probability of losing) to ensure that they do not lose. This explains the “Endowment Effect,”\textsuperscript{69} or the idea that people tend to value an object in their possession far above the standard market value, as well as workers’ tendency to overwork to ensure they reach their income goals.\textsuperscript{70}

As a result of these numerous heuristic principles, behavioral economists have learned that an individual’s decisions can be dramatically affected by the manner in which the decision is presented to him. As prospect theory shows that frames can affect decisions, behavioral economics shows that these frames can be actively manipulated in a calculated manner to produce different results. This framing allows one to predictably estimate the “mistakes” an individual will make and affect her decision-making as a result.

This concept has become a large focus of bounded rationality, particularly as new theorists attempt to provide means of leading people towards more


\textsuperscript{66} Ibid.


theoretically rational decisions.

It is these psychological quirks that led Professor Christopher Bryan of Stanford University to discover that slight framing differences can alter voter turnout among youth voters significantly.\textsuperscript{71} In his experiments, with a median subject age of 22.8—near the median age of the youth vote—he tested the effectiveness of language in questionnaires on registered voters. Giving the survey to registered voters the day before the election, he broke the group into two and gave each a different questionnaire. In one condition of the experiment, voting was framed as a matter of personal identity. The questionnaire asked “How important is it to you to be a voter in the upcoming election?” In the second condition the questionnaire instead focused on the act of voting, asking “How important is it to you to vote in the upcoming election?” Using public records to follow up with participants, he found that those who took the first questionnaire were significantly more likely to have voted the following day. In fact, the experiment “found an increase in turnout in the noun [voter] condition of 10.9 percentage points, a 13.7% boost in turnout over the verb [voting] condition.” What causes the shift?

The two frames evoke entirely different sentiments and target different aspects of a potential voter’s decision-making process. As Bryan et al. point out, voting is merely a behavior, while being “a voter” is part of one’s identity.\textsuperscript{72} Behavioral economics allows us to drill down on step further. The behavior of voting is less compelling than being a voter, among other reasons, because a behavior is merely one of many alternate opportunities—one can exercise his right to vote or he can partake in numerous other activities (i.e., sleep, watch TV, exercise) that may have a higher utility for him at that time. However, if being a voter is part of one’s self identity, it is a loss of an opportunity to vote to skip the election for something else. Moreover, as part of one’s identity, skipping the opportunity to vote may incite personal feelings of laziness or other negative externalities that are at odds with the individual’s broader identity. These are costly and are to be avoided. Hence, as Bryan et al. found, one is far more compelled to maintain one’s identity and vote than to choose the behavior of voting. This will be beneficial to developing youth voter turnout strategies shortly. However, bounded rationality is only one component of behavioral economics. A great deal of study has also focused on the matter of bounded willpower and bounded self-interest.


\textsuperscript{72} Ibid.
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IV.b.ii Bounded Willpower

Bounded willpower may be better thought of as a limit to one’s self-control. In the realm of traditional economics, Homo Economicus, someone should rationally determine the correct course of action and then follow that course of action perfectly, without regard for temptations or possible deviations. However, in daily life this is simply not the case. There are numerous theoretical examples of this phenomenon, but the clearest examples are those seen in real life; Christine Jolls, Cass Sunstein, and Richard Thaler turn to the fact that “[M]ost smokers say they would prefer not to smoke, and many pay money to join a program or obtain a drug that will help them quit.”73 The rational action for a smoker who knows that smoking is dangerous and unhealthy is to quit smoking. Moreover, it is entirely possible for a smoker to quit smoking as there are no external barriers to quitting—the only necessary device is the willpower to resist a chemical addiction. For smokers, however, this is often easier said than done.

In many ways, bounded willpower can be boiled down to the fact that people often have goals to save more, exercise more, eat healthier, work harder, and strive for higher achievement, yet cannot muster the consistent, prevailing motivation to follow through. Consequently, individuals end up acting in a manner opposite of that which they had formerly hoped and decided to.

One of the manifestations of this discrepancy is known as hyperbolic discounting, a form of time-inconsistency in the evaluation of cost-benefit analyses. In essence, individuals often discount their future as compared to the present. For example, while smoking may be harmful in the long run, this future is severely discounted. Hence, the benefits (relatively small when objectively compared to the detrimental effects) that come immediately may outweigh the long-term, discounted negative outcomes. In this way an otherwise rational actor, due to discounting, may fail to act accordingly. This is likely the case for many registered voters who fail to vote and many unregistered voters who fail to register.

James Fowler of the University of California studied this concept and found that there is a direct correlation between an individual’s measurable patience—how little he discounts his future wellbeing—and his likeliness to vote.74 As Fowler points out, “While the costs of voting are paid on or before

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Election Day, any benefits related to the policy outcome are not obtained until after Election Day."\(^75\)

It is likely, as shown in this research, that some young voters decide that they wish to vote, but when it actually comes time to vote they determine that the short term costs of going to the polls, waiting in line, etc. are not worth the long term gain of potentially changing policy. Individuals may not consciously weigh the costs and benefits of voting in an inter-temporal manner but rather focus on the present, writing off any gains that may be made from voting in the long run. The same logic applies to those potential voters who do not register. The barriers to registering in the short term may outweigh the benefit of having the opportunity to vote in the future.

As a result of these shortcomings, people often choose to sacrifice efficiency in an effort to force themselves to make the more rational decision. For example, rather than buying a large carton of ice cream (at a much cheaper price) and only eating a snack-sized amount, many people will buy the smaller container. They know that if they have the entire carton of ice cream in front of them, they will eat far more than the optimal amount. As such, they must take the less economically efficient road and pay more than necessary to lock themselves into their preferred course of action. Thus, with a certain cost, they are able to pre-commit to the outcome that is better off in the long-term.\(^76\) This creates an inefficient market where consumers are willing to pay higher prices for lower quantities of the same good. Under rational economic theory, this type of behavior is inexplicable. Nevertheless, it exists in the economic market, yet not in the political arena—currently no self-control device exists that allows an individual to commit to go to the polls or applies pressure on the self to do so. This is an opportunity that, if harnessed, could further boost youth voter turnout. Before addressing this, however, we must examine the final realm of behavioral economics: bounded self-interest.

**IV.b.iii Bounded Self-Interest**

The final assumption of rational economic theory that does not hold under real-world observation is the notion of a purely self-interested person. While the idea that people are inherently self-interested is pervasive across

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75 Ibid. at p. 115.
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economics\textsuperscript{77} and political theory\textsuperscript{78}, self-interest cannot be said to be pure.\textsuperscript{79} Despite assumptions to the contrary, the empirical truth is that economic arguments regarding altruism do not account for the degree to which individuals donate to charity or act to promote equality. For example, as explained by Sunstein and Jolls, in many market-based games, “people care about being treated fairly”\textsuperscript{80} and are willing to destroy their own individual benefit to ensure that fairness and equality is maintained. Moreover, while individuals may not want to be fair to others, they do, perhaps for their own greater benefit, wish to appear fair to others.\textsuperscript{81} Hence, in ultimatum games,\textsuperscript{82} individuals generally offer a 60% / 40% or 50% / 50% split, despite the fact that \textit{Homo Economicus} would suggest offering as little as possible.\textsuperscript{83}

\textsuperscript{77} This concept exists throughout economics and can be most directly seen through the theory of a Free-Rider Problem, where people must often be obligated by institutions to act in a manner consistent with the more efficient collective-action solution. While collective action is better for everyone overall, the individual is better off by defecting from this solution and therefore will do so because he cares only for his own interests. See: Stanford Encyclopedia of Philosophy: “The Free Rider Problem” at http://plato.stanford.edu/entries/free-rider/ for further explanation of the example.

\textsuperscript{78} Indeed, the core of James Madison’s arguments for the U.S. Constitution in Federalist Papers No. 10 and 51 is the idea that each man’s interests in ambitions will guide their decisions and will create numerous factions that will always be pitted against one another, thus minimizing the likelihood that a majority will be able to gain enough power to singlehandedly control or force the agenda of government. Federalist Paper No. 51, in its argument for checks and balances, claims, “ambition must be made to counteract ambition.” These arguments are all derived from the assumption that people are self-interested and will predictably promote their own goals and interests. This concept, at least in modern political theory, can be found as far back Hobbes’ Leviathan (1651), which assumes that people without a government would murder, cheat, and steal so long as their own well-being was promoted.

\textsuperscript{79} Mullainathan, supra note 65, at p. 7.

\textsuperscript{80} Jolls, supra note 73.


\textsuperscript{82} An ultimatum game is a type of 2-player game testing allocations of funds. Player A has the choice of how to divide money in an escrow account between himself and Player B. Player B can then either accept the offer, in which case each player receives the allotted money, or reject the offer, in which case neither player receives anything. Traditional economic theory suggests that offering even 1 cent to player B should garner acceptance (as 1 cent is greater than nothing), but results show that offers of 80% to 20% or worse are often rejected by Player B.

Al Roth, 2012 Nobel Laureate in Economics, and his partner Jack Ochs find similar results in their “An Experimental Study of Sequential Bargaining,” but argue that the monetary incentives proposed in ultimatum games simply do not translate into the maximization of expected utility for the subjects.\textsuperscript{84} Rather, the utility of the subjects includes other unidentified preferences in addition to monetary gain.\textsuperscript{85} Nonetheless, even Roth and Ochs admit that they offer the argument, that “an unobserved component of bargainer’s utilities” can explain the discrepancy, “with the very greatest caution.”\textsuperscript{86} While Roth and Ochs’ explanation attempts to frame the discrepancy in a manner consistent with rational economic theory, it would go against the assumptions of Homo Economicus to argue that fairness and equality are truly aspects of an individual’s preferences. Moreover, evidence found by Colin Camerer and Richard Thaler suggests that people destroy their welfare (by declining the offer) in an effort to not only promote positive values like equality but also to show their spitefulness and frustration with the proposer’s lack of etiquette.\textsuperscript{87} They argue that, as an expectation that others will decline unfair offers, individuals often propose more fair splits as an economic strategy. These scholars have tried to rationalize fair proposals into traditional economic theory. However, some scholars who accept that fairness violates utility functions have proposed other reasons.

At the vanguard of this movement is Amartya Sen, who argues that “commitment,” whether to a norm or other higher calling, demands in certain circumstances that an individual pursue a course of action at odds with utility maximization.\textsuperscript{88} Many scholars, particularly Cristina Bicchieri,\textsuperscript{89} have argued about whether this type of commitment can be merely annexed into a broader concept of a utility function as part of social norms, but this is a discussion for a different essay. Assuming that commitment is, as Sen proposes, a violation of one’s utility function, may have profound implications for explaining voter behavior among youth in the 21st century.

In political science there is a long-discussed paradox to voting known as the Downs paradox. As discussed previously, there are certain costs associated with voting and certain theoretical benefits. We have addressed

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\textsuperscript{84} Ochs, Jack and Alvin E. Roth. “An Experimental Study of Sequential Bargaining.”
\textsuperscript{85} Ibid.
\textsuperscript{86} Ibid. at p. 380.
the idea that these benefits may be discounted into the future and, thus, outweighed by the costs. Anthony Downs, in his book *An Economic Theory of Democracy*, explained that this creates a paradox. The benefit of voting is theoretically infinitesimally small even before discounting because, according to Downs, the primary benefit of voting is not policy but the probability of impacting an election. Under this view, given that the probability that one’s vote even slightly impacts an election is so small, nobody should ever vote—yet they do. Some have suggested that benefits come from taking part in the voting process or being able to say that you voted—these are valid arguments. However, bounded self-interest and commitment may provide a clearer explanation to this paradox.

Because, unlike in the traditional economic view of Downs, individuals are not wholly self-interested, they turn out to vote because of a commitment to a social norm of higher cause. In popular culture, this social norm is called a “civic duty.” Hence, according to this theory many voters turn out to vote, despite the costs, because there exists a commitment to this patriotic duty to do so. Angus Campbell and his colleagues at the University of Michigan explained it this way:

Wide currency in American society is given the idea that the individual has a civic responsibility to vote. When this norm becomes a part of the value system of the individual, as it has for most of our citizens, it may be regarded as a force acting directly on the turnout decision.90

Interestingly, this theory would accurately predict the pattern of age-based voting displayed in America. As seen below, the levels to which individuals identify with the concept of a civic duty to vote are relatively lower among youth.91

Understanding that self-interest is not the driving economic force behind decision-making opens the door to many opportunities for boosting voter turnout. In particular, understanding that creating a *norm* that requires voting can strengthen the push to vote will be useful.

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91 See Wattenberg, supra note 26, at p. 121.
Percent Completely Agreeing in Recent Years with Statements Regarding the Duty to Vote, by Age

<table>
<thead>
<tr>
<th>Statement</th>
<th>18-29</th>
<th>30-44</th>
<th>45-64</th>
<th>65+</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;I feel it's my duty as a citizen to always vote.&quot;</td>
<td>44%</td>
<td>61%</td>
<td>71%</td>
<td>75%</td>
</tr>
<tr>
<td>&quot;I feel guilty when I don't get a chance to vote.&quot;</td>
<td>24%</td>
<td>34%</td>
<td>44%</td>
<td>44%</td>
</tr>
</tbody>
</table>

Source: June 2000 and August 2003 Pew Research Center surveys

Figure 8

V. The Solution: Nudges and Libertarian Paternalism

As we have seen, as a result of heuristics and bounds to human behavior, many people fail to act in a manner that maximizes their personal utility (as proscribed by *Homo Economicus*). As a result of these clear issues with neoclassical, rational economic theory, new types of decision-making processes have been suggested that can be beneficially adapted to voter turnout policy. At the vanguard of this movement are Richard Thaler and Cass Sunstein, whose book *Nudge: Improving Decisions about Health, Wealth, and Happiness* has become the gold standard of applied behavioral economics. It has also become widely popular in the public, being named one of The Economist’s books of the year in 2008.  

It is from the concepts and policy ideas of this book that many behavioral economic suggestions are formed. Solutions to low youth voter turnout will come through the lens of nudges.

A nudge begins with a “choice architect,” or a central decision maker who generally attempts to think as objectively and rationally as possible to develop the structure of the choice. In this case the choice architect would be whoever is designing voter registration and voting mechanism. According to Sunstein and Thaler, a nudge is a choice structure “that alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives.” An article in The Economist describes this theory as “soft paternalism,” explaining that:

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94 Ibid. at p. 6
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[proponents of nudges] are paternalists, because they want to help you make the choices you would make for yourself—if only you had the strength of will and the sharpness of mind. But unlike “hard” paternalists [they] aim only to skew your decisions, without infringing greatly on your freedom of choice.  

For example, a common form of nudging is changing the default option for a program. Thus, in a system where someone has to opt into a beneficial program, a nudge would be to automatically enroll them and give them choice to opt-out if they wish. Sunstein and Thaler deemed this type of policy “libertarian paternalism,”96 as it is paternalistic to push someone towards a course of action deemed best, yet still somewhat libertarian as freedom of choice technically remains. Sunstein and Thaler proposed numerous policies based on these principles. Some include a proposal for a “presumed consent” model of organ donation, automatic enrollment into retirement plans, and redesign of the EPA fuel economy notifications. At its core, the purpose of libertarian paternalism is to push citizens towards decisions they would (at least theoretically) make themselves, were they more rational, controlled, and self-interested of Homo Economicus. In this case, the goal is clear: increase voter turnout among youth. Assuming a case has been made that this is the rational choice, the choice architect would aim to, without decreasing an individual’s choices or imposing extreme costs on the individual, increase the individual’s likelihood of voting.

It should be noted that libertarian paternalism has received a significant degree of criticism from people who believe it is more “paternalistic” than “libertarian.”97 This paper does not contend that nudges are without negative externalities or may not have a slippery slope when used in government policy. However, while voter turnout is tangentially related to government policy, nudges involved in boosting voter turnout are, at least arguably, unlikely to lead to greater nudges in government. Nor are they likely to slide down the metaphorical slope toward more paternalistic actions like compulsory voting.

VI. Specific Recommendations

No single strategy is likely to suffice in boosting youth voter turnout in a significant manner. Rather a multi-faceted approach must be taken that alters the cost-benefit equation for voters by simultaneously minimizing

96 See Thaler, supra note 93, at p. 4.
97 For further discussion of the implications, risks, and resistance to broad nudges, see an excerpt of my previous work, On Nudges, in Appendix B.
the cost of voting and the future discounting of the benefits of voting, while reframing the issue to promote the benefits.

VI.a. Digitization of Registration and Voting

Online voter registration has been mentioned above. This tactic was tested in California in 2010 and proved to increase voter turnout. Moreover, the change disproportionately increased turnout among youth voters. Taking this shift to a national scale would further increase voter registration, which then—assuming historical correlation between registration and turnout holds—would increase voter turnout on a national scale as well. There are many additional benefits of online registration at a large scale. First, given that campaigns and advertisements could include direct links to voter registration websites, such registration would likely increase more than seen in the prior experiments of limited scale. Similarly, because online registration would be (essentially) instantaneous, the deadline for registering could safely be much closer to Election Day. Currently, it can take weeks for paper registrations to be mailed and processed—this lag would be eliminated.

On a similar note, implementation of this proposal should be relatively low cost and efficient. Presently, voter registration in many states involves paper forms that must be either mailed in or dropped off at a relevant city office. Going paperless for registration would likely actually present an opportunity to save money in state budgets. Further, from a nudge standpoint, this proposal does not remove any choices or options but rather makes pursuing one’s choice easier and cheaper. However, this alone will only boost youth voter turnout to a small extent. Digitizing online voting as well will further boost turnout.

While online voting may increase voter turnout among all age groups, it would primarily and disproportionately increase turnout among young voters. This is true in both theory and practice. Theoretically, online voting should increase turnout among youth. With digitization of the voting process, the costs associated with voting are nearly entirely eliminated. This includes both the monetary and temporal costs of driving to a polling station, taking time off of work, waiting in line, etc. Consequently, these lowered barriers should change the outcome of a potential voter’s cost-benefit analysis. Based on limited trials, these predictions hold true in practice. This has been

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examined scientifically in the U.K.,\textsuperscript{99} and put into public practice in Estonia,\textsuperscript{100} where online parliamentary elections were held. In both instances, some negative externalities existed—namely that voting favored educated, wealthy individuals,\textsuperscript{101} but youth voter turnout was significantly increased.

Moreover the same arguments regarding cost-effectiveness and efficiency of voter registration apply to online voting as well. While in the first few elections costs may be higher, as both online voting and polling will need to be in place, eventually a time will come when voting can be done entirely online. At that time, the costs of elections will likely be significantly decreased, as a central online platform (whether nationally or for all 50 individual states) with high levels of cyber security will, theoretically, be less expensive than the implementation and maintenance of polling machines in each state.

In this way, digitizing the registration and voting processes will lower the barriers for voting and, in turn, lower to cost to voting. Thus, voter turnout, particularly among youth voters, will be increased. Nonetheless, efforts to boost youth voter turnout should not stop there. In addition to lowering the costs of voting, direct nudges could also be implemented to further the effect as discussed below.

\textbf{VI.b Reframing as a Social Norm}

With the digitization of voting comes the opportunity for online nudges that would be less effective. In particular, there are two nudge-based approaches could be taken. The first is using public acknowledgement of voting to create a social norm in younger voters. This can be done by adapting the findings of Green and Gerber’s study regarding the notification of potential voters of the fact that voting record is public record.\textsuperscript{102} According to Green and Gerber, individuals may find voting a costly act, but they find that violating a real or perceived social norm is even more so. This is the essence of peer pressure and can be replicated and amplified using social media.


\textsuperscript{101} Ibid. at p. 20.

\textsuperscript{102} See Green, supra note 53.
The nudge is relatively simple and, depending on sensitivity to paternalism, can be implemented in various degrees: Add a button on Facebook and other social media sites that asks “Have you voted?” and allows a potential voter to click “Yes, I am a voter.” Then, using this information, social media sites can show in news-feeds how many of an individual’s friends had voted. As more and more people say, “Yes, I am a voter,” a tacit social norm will be created that reframes the decision making process for potential voters. This effect will be seen primarily among those groups using social media most, as well as those groups most likely to quickly garner a large number of networked votes. In other words, more affluent, educated individuals who are more likely to vote will more quickly develop an online presence that invokes social pressure. In these cases, rather than individuals considering voting as an optional, though recommended, voting becomes perceived as a social norm that should be completed to avoid negative social consequences. Some may object to the idea of posting who has voted and who has not on a public, social media site. However, who has voted is already a matter of public record—prompting an individual to volunteer that information publicly, without revealing the details of which candidate he chose, allows for a similar level of protection of privacy.

Robert Bond and his team used a variation of this tactic in a 2012 experiment. He teamed with Facebook to study the influence of social media on voting by placing a button at the top of Facebook in two conditions. The first simply allowed an individual to click an “I voted” button and the general count of how many people on Facebook overall had voted was given. The second condition was exactly the same except for the addition of pictures of friends and a count of how many friends had voted as well. Not surprisingly, the closer interaction of the second condition led to a greater impact. In fact, the opportunity to declare, “I voted” with the knowledge that close friends would see increased youth voter turnout significantly.

The proposal here is to take the Bond et al. nudge one step further by reframing the issue as one of identity, as suggested by Bryan et al. Rather than asking if an individual “has voted,” asking if an individual “is a voter” should augment turnout and increase the benefit found by Bond even further. Additionally, empirical studies may reveal that further language changes could push voter turnout even further. For example, invoking other sources of identity that carry great pride and force could further strengthen the nudge. Perhaps the best incarnation of this type of nudge would be a button on Facebook that states “I am an American and, yes, I am a voter.” More subtle

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104 See Bryan, supra note 71.
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means of drawing this type of patriotic force could involve the aesthetics of the page. For example, rather than strictly saying “I am an American,” the original “I am a voter” button could be written in a Red, White, and Blue box. Each of these alterations to the proposed nudge would likely shift voter turnout somewhat and, with further study, could be refined to maximize the effect on voter turnout. Nevertheless, while useful, this is likely not the most powerful nudge of all.

VI.c Nudging Harder: Altering Choice Architecture

One of the benefits of nudges is that by carefully arranging and architecting decisions, you can ensure that all choices are kept available yet promote a more rationally desirable outcome. Changing this choice architecture, as noted by Sunstein, should involve only minimal or negligible costs to the decision-maker. With online voting and social media, this is more possible than ever. While the restructuring about to be proposed may be less comfortable for some and may garner calls of paternalism, it offers the greatest probability of boosting youth voter turnout without applying compulsory voting.

One of the smallest, yet noticeable costs one can impose on an individual in the modern era is forcing someone to re-login to e-mail and social media. Using this fact allows one to take the previously proposed social media nudge to greater heights. With greater cooperation from Facebook, as well as e-mail applications like Microsoft’s Outlook and Google’s Gmail, youth voter turnout can be boosted even further. The nudge works as follows: On Election Day, users whose IP addresses show them to be in the United States and whose account information show them to be of voting age are logged out of their account. They must re-login, as often happens, in order to reach their News-Feed or e-mail. Additionally, when brought to the traditional login screen, a pop-up appears with a reminder that it is Election Day and asking “Have you voted yet today?” An individual can then click “Yes, I am a voter” (or any of the variations discussed previously), “No, not yet,” “I am abstaining,” or “I do not wish to answer.” Any of these buttons will quickly remove the pop-up allowing the individual to log in normally. However, the “No, not yet” answer will also provide the link to the state election website, so that, if the user wishes, he can open the site in a new tab and quickly cast his ballot before reading his e-mail. In this way, a potential voter receives both a subtle reminder to vote and a nudge to do so with little to no barrier to voting immediately. Finding themselves with little reason not to, this final push will likely skew the cost-benefit analysis of voting heavily toward casting a vote. This will be particularly helpful in increasing voting among those who

105 See Thaler, supra note 93.
are most likely to vote online and are not likely to go to a physical polling station—i.e., young voters.

It should be noted that these approaches require the cooperation and aid of private enterprises that may or may not be willing to participate. Nonetheless, while these nudges would be most effective if integrated into the online applications themselves, alterations could be made to make the nudges based in advertisements that could be purchased by third parties. Thus, with or without the alliance of Facebook, Gmail, and the like, some forms of these nudges are possible.

VII. Concluding Remarks

Voting is more than simply a civic duty—it is the very cornerstone of a healthy democratic republic like the United States. Currently, nearly 20% of the potential electorate consists of voters aged 18-29, who are relatively unengaged and vote in extremely low numbers. There are many reasons that this low turnout must be altered. Beyond the fact that many issues today disproportionately affect youth voters, there is also the fact that these voters are the most educated block of voters in American history. Moreover, their voting in current elections will significantly affect whether they vote in future elections. Perhaps most importantly, increasing voter turnout among youth is one of the most effective opportunities available to moderate the increasing Congressional polarization of recent decades. Boosting youth voter turnout will ensure that elections represent a larger, more unbiased sample of the population and mitigate the effects of more extreme voters. A number of strategies have been proposed in the past to accomplish this, but thus far they have fallen short either in experiments, field studies, or in actual elections. Some of these strategies have been more effective than others, namely those that have targeted the cost-benefit analysis of voting and either lessened the costs or increased the perceived benefits. This knowledge, the advent of behavioral economics, and the refined understanding of human decision making that has developed as result have collectively allowed for the design of more targeted, effective approaches. Nudges, as originally suggested by Cass Sunstein and Richard Thaler, have created a framework through which voter turnout can be increased among young voters. The specific tactics to be applied depend significantly upon the comfort of voters with nudging and libertarian paternalism, which has yet to be determined given the lack of prior application to voting. This essay proposes three types of efforts to boost youth voter turnout. First, it is imperative that both voter registration and voting itself are digitized, allowing voters to have their civic voices heard online. Second, social media should be utilized to reframe voting as an identity-based social norm, using social pressure and a “Have you voted today?” prompt.
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Using targeted, identity and norm promoting language, these prompts can be further amplified. Finally, a bolder approach to this second nudge has been proposed in the case of a citizenry more accepting of libertarian paternalism. In this scenario, potential voters are prompted to re-login to their accounts, whereby they are asked “Have you voted today” and may choose any answer to dissolve the pop-up. Providing those who choose “No, not yet” with a link to cast their ballot will be most effective in increasing voter turnout among young voters.

Nevertheless, some caveats should be mentioned. While this paper makes suggestions based on the findings of behavioral economics, empirical evidence and trials are still necessary to further verify the benefits of and refine these nudges to maximize youth voter turnout. Additionally, this paper claims only what would likely work if put into practice and makes no claims about the logistical efficacy of such proposals. Primarily, while cooperation with Facebook has been achieved in the past, it is merely assumed here that such cooperation would continue into the future. In addition to potential difficulties garnering cooperation with private enterprises, many obstacles would be likely to occur in the public sector. For example, interest groups focused on senior voter issues, as well as the more politically extreme aspects of each political party (particularly the GOP), would view significantly increased youth voter turnout less as a benefit and more as a threat. These logistical problems would have to be overcome and are worthy of further discussion separately.

Finally, one must note in good faith that the nudges as proposed here are likely to carry certain negative externalities. Chief among these are that online voting and social media targeting are likely to not only disproportionately boost voter turnout among young people but also well-educated, more affluent, and native-English speaking individuals, as was discovered in the Estonian experiment. This holds true within the realm of young voters as well, which means that less affluent voters could face underrepresentation in online voting. However, given that online voting could supplement traditional voting, the negative externalities of the proposed nudges would likely be minimal. Overall, these minor externalities are outweighed by the benefits gained by engaging a significantly greater part of the electorate, promoting a more moderate, high-functioning government and ensuring a healthy American republic in the 21st century.
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Appendix

Appendix A: Further Graphical Evidence

1. Polarization over time

Figure A.1

2. Education and Age

Figure A.2

107 See McCarty, supra note 8. Also available at the website of Polarized America vote view.org.
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Figure A.3

![Graph of Educational Attainment]


As seen in the graphs above, the youth population has nearly always (or at least as long as the Census Bureau has collected data on the subject) outpaced its older counterparts with regard to educational attainment. This pace has slowed for high school as the 25-29 year old category has hit a sort of “ceiling” around 84% completion, while college completion continues to increase at a relatively steady rate.

Figure A1.4

![Graph of U.S. Voter Turnout]

108 See Wattenberg, supra note 26, at p. 93.
Appendix B: Nudges and their Implications
Excerpt from my former work, On Nudges, slightly adapted for relevance here:

B.1 Critiques of Libertarian Paternalism

Sunstein and Thaler have received critiques on both sides of the libertarian-paternalistic spectrum. Some paternalists have come out and argued that Nudge does not go far enough. Elizabeth Kolbert of The New Yorker, for example, asked the following:

If the ‘nudgee’ can’t be depended on to recognize his own best interests, why stop at a nudge? Why not offer a ‘push,’ or perhaps even a ‘shove’? And if people can’t be trusted to make the right choices for themselves how can they possibly be trusted to make the right decisions for the rest of us?109

The argument here would lead toward the concept of compulsory voting, which, while occasionally proposed, is generally believed to be anathema the principles of American democracy. While Ms. Kolbert shows where the concept of a nudge may one day lead, other critics have more directly made this “slippery slope” argument. Mario Rizzo and Glen Whitman, for example, have directly responded to Nudge with the objection of a slippery slope. Because slippery slope arguments are made often and poorly made even more often, Rizzo and Whitman developed a framework to properly consider the notion of when a slippery slope concern is legitimate. They begin with the concept of a “gradient.”

A gradient, according to Rizzo and Whitman, is a situation where vagueness in terms or cutoffs makes it difficult to distinguish between appropriateness and inappropriateness.110 As they point out, the classic example of this is the appropriate drinking age. Because the risks of alcohol are dependent on maturity and development of the body, there is a continuum of ages where people are ready. However, because this creates a gradient whereby younger, unready individuals may attain alcohol, the government has established an arbitrary dividing line at age 21. As Rizzo states, “Though we may choose an arbitrary dividing line for a particular purpose … there is nothing inherently right about it.” 111 In the example of ages, the vagueness is relatively slim and, consequently, arbitrary dividing lines can be created.


111 Ibid. at p. 7.
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to flatten the gradient and decrease the risk of a slippery slope less likely. However, as Rizzo and Whitman discuss, the greater the vagueness of terms or concepts or (similarly), the more a concept is based on a continuum rather than rigid levels, the sharper the gradient and the greater the risk of a slippery slope. ¹¹²

Applying this concept to Nudge, one must note that the “gradient” created by libertarian paternalism opens the door to particularly paternalistic policymaking in the future. ¹¹³ This occurs for two reasons. First, the gradient is fairly large because the foundation of libertarian paternalism is completely lacking of distinguishable levels of the degree of paternalism present or the costs it imposes on individuals. On the contrary, as admitted by Sunstein and Thaler:

It should now be clear that the difference between libertarian and non-libertarian paternalism is not simple and rigid. The libertarian paternalist insists on preserving choice, whereas the non-libertarian paternalist is willing to foreclose choice. But in all cases, a real question is the cost of exercising choice, and here there is a continuum rather than a sharp dichotomy. ¹¹⁴

Thus, by its very nature, libertarian paternalism is subject to quite steep gradient, whereby a well-intentioned libertarian paternalist may, without realizing, become what Sunstein calls a “non-libertarian paternalist” (more simply called a paternalist).

The second reason that the nudges of libertarian paternalism may lead to dangerously paternalistic policies if used in government policies in the future is based in the nature of politics. In many instances “once the initial policy is in place where no policy existed before, it often becomes politically cheaper than before to propose extensions to that policy. The logic of the political process often requires that a milder form of a policy be introduced and adopted first,”¹¹⁵ followed by a slow transition to more extreme policies over time. In the context of libertarian paternalism, the fear is that policies may initially be libertarian but over time may shift to become more and more paternalistic. While this is the primary argument that has been raised against libertarian paternalism, others have also been proposed.

Some scholars, particularly Jonathan Klick and Gregory Mitchell, have come to believe that the long-term effects of such policies could lead people to become more dependent on a central “choice architect” and may

¹¹² Ibid.
¹¹³ Ibid.
¹¹⁵ See Rizzo, supra note 110, at p. 9.

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have a more difficult time learning from experience than otherwise. Drawing on philosophical foundations from John Stuart Mill and Alexis de Tocqueville, Klick and Marshall argue that the long-term affects of paternalistic decision-making must be considered.\(^{116}\) Rather than looking at behavioral economics in a static time frame, they believe one must consider the policy implications over a number of years or even generations to consider the impact on a citizen’s skills and understanding. They firmly believe, as Mill and de Tocqueville did, that increased liberty and burden of increased personal risk in decisions lead to a more intellectually rigorous, ambitious, and rational society.\(^{117}\)

Finally, Edward Glaeser has raised the point that cognitive biases theoretically affect everyone, creating a problem for the development of nudges. As Glaeser proposes, even the choice architects who are nominated to rationally create nudges are human and, consequently, are subject to the same biases inherent in others. While they may be able to, with training, avoid some aspects of bounded rationality, other afflictions like the self-serving bias or optimism bias will likely still be present. As a result of their own irrationality and personal biases (ranging from personal preferences to political and religious beliefs, and so on), it is well within reason that the nudges they propose could be just as inherently biased in one direction as an individual’s personal choice is biased in another.\(^{118}\)

\(\text{B.2 Proponent’s responses}\)

Many scholars, like Jolls, Sunstein, and Thaler would address many of these claims together. For example, they do not attempt to directly argue that the risk of a slippery slope does not exist, nor do they submit that the choice architects are somehow above the limits on rationality. On the contrary, they openly admit, “that planners are human, and thus are both boundedly rational and subject to the influence of objectionable pressures.”\(^{119}\) Rather than make these individualized arguments, the proponents of libertarian paternalism often resort to the simple claim that choice architecture is inevitable.

As Sunstein, Jolls, and Thaler argue, “in many cases there is simply


\(\text{\footnotesize 117 Ibid. at p. 1623, referencing J.S. Mill’s On Liberty and de Tocqueville’s Democracy in America}\)


\(\text{\footnotesize 119 See Sunstein, supra note 114, at p. 1200.}\)
no viable alternative to paternalism in the weak sense, and hence planners are forced to take at least a few tiny steps down that slope.”120 They point out that choices must be made and, in many situations, a planner or choice architect must set up the choice one way or another. From surveys to office retirement plans, the creator, or choice architect, must realize that the phrasing of the questions or the enrollment method will directly affect the results. In the example of a retirement program, whether the choice architect decides to create a classic opt-in program or an auto-enrollment program, he is actively nudging consumer choices one way or another. In short, there is no such thing as an innocent bystander when it comes to choice architecture. As a result, in the opinion of Sunstein, Jolls, and Thaler, a slippery slope may be inevitable. Similarly, because the choice must be created in one form or another, the shortcomings of a choice architect are irrelevant.

Sunstein provides one additional retort to this claim. He again highlights that libertarian paternalism does not require one to make a certain choice but rather allows for opt-out options, which sharply limits the steepness of the slope.”121 Thus, “an opt-out right operates as a safeguard against confused or improperly motivated planners” so that the libertarian side of the paternalistic continuum is severely favored and the objected gradient will be (at least theoretically) minimized.

Some scholars, beyond Sunstein, Jolls, and Thaler, have presented other, more direct counter-arguments. Of these, one stands out; as explained in section IIIc, people have issues with willpower that cause them to restrict their own preferences in an effort to maximize their own welfare. Oftentimes they increase their utility as a direct result of curbing their choices. Moreover, many individuals have shown approval of programs, like auto-enrollment into retirement plans. For example, research of businesses’ retirement programs by David Laibson showed that enrollment rates skyrocketed, 97% of employees approved of the auto-enrollment, and even of those who opted-out, approval was still 79%.122 This argument consequently raises two separate, yet highly correlated questions. First, if people are willing and able to impose costs on themselves to increase their utility, does it not make sense that regulations and governmental policies may be able to do the same thing on a larger scale? Second, given that libertarian paternalism is one option for increasing utility in such a fashion and people approve of being nudged, is this really such a bad policy?

120 Ibid. at 1199.
121 Ibid.