

## **Compulsory Voting: A Dialogue**

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**George Hammond**

### **Exordium<sup>1</sup>**

Jerry: Hi buddy! So ya didn't get out to vote for the mayor, eh?

Tom: What's going to happen if I don't bother to vote?<sup>2</sup>

Jerry: Ya know Tom, voter turnout has gotten worse with each election.<sup>3</sup> Jakee calls it a crisis (61).

Tom: What can ya do, eh? If a guy doesn't wanna vote, ya can't make him.

Jerry: Well there's talk about bringing in compulsory voting to increase the voter turnout.

Tom: Wouldn't that violate a guy's right not to vote? Besides, some choose not to vote and others are just either too lazy or too stupid! And besides, wouldn't it cost an arm and a leg? My taxes are high enough!

### **Statement of Facts**

Jerry: Well, as usual Tom, you've said a cerebrally diluted mouthful there!

Tom: What do ya mean?

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1 NOTE: This is the author's first attempt at a dialogue format. It has brought about some unexpected challenges such as the need for conversational wording, which does not add to the argument (but does add to the 1,200 word count restriction) and would be included in a normal dialogue of this nature, and the use of name titles along the left margin to allow identification of the speaker. Accordingly, the name titles have not been included in the total word count. Also, in all the reading the author found that the primary purpose of implementing compulsory voting was assumed to be to increase voter turnout for a variety of reasons; however, everybody the author spoke with about this issue was first and foremost, and in some cases even vehemently, concerned about their "right not to vote," accordingly, this has been treated as the first issue in this argument, given that the anticipated reader is intelligent, but not a political science or a legal scholar. Finally, the subtitles have been included to reflect the requested argument format.

<sup>2</sup> "Ticked-off voters begin countdown."

<sup>3</sup> This is consistent across federal, provincial, and civic elections throughout Canada (Nakhaie, 363).

Jerry: Where do I begin? First of all, although there's no clear proof that a high turnout guarantees better electoral outcomes that reflect the preferences of the electorate,<sup>4</sup> scholars say compulsory voting has definitely resulted in higher turnout everywhere it has been introduced, especially for young voters who are notorious for not voting in a voluntary system (HLR 593). But the anti-compulsory 'Right not to Voters' think it infringes on their liberties. Others think it would result in uninformed voters casting a ballot and causing a worse electoral outcome. And, as you said, there's gotta be some increased costs to administer it.

Tom: So what's your cerebrally concentrated answer?

### **Proposition**

Jerry: Well, I've been doing some research...

Tom: Oh, geez, here we go!

Jerry: ...and I think they should introduce compulsory voting on a trial basis, for all eligible voters between the initial age of majority (eighteen in Alberta) and one multiple of that age (to age thirty-six). They should tie registration to government benefits and strictly enforce penalties for non-compliance. After eighteen years they could repeal it if it turned out to be no longer necessary.

### **Proofs**

Tom: You gotta be kidding! There's no bloody way they're gonna tell me I gotta vote because I have a right not to vote!

Jerry: I hate to burst your bubble Tommy, but technically, you don't!

Tom: Don't what?

Jerry: You don't have the right 'not to vote'. Legal scholar Heather Lardy acknowledges that it intuitively appeals to our sense of democratic practice

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4 Legal scholars at Harvard University prepared the review paper, "The Case for Compulsory Voting in the United States," in the attached "Works Cited." I will subsequently refer to pages from this review as "HLR XX." The phrase "preferences of the electorate" is something political science scholars often refer to as the "efficacy of the electoral outcome" (HLR 592-593).

(304), but legal beagles have determined that the right to vote does not carry with it a right not to vote.<sup>5</sup> When opponents to compulsory voting raise this issue, they do so in the form of universal 'language rights'.<sup>6</sup> And legally, this results in the public component of a civil liberty being ignored.<sup>7</sup> Lardy insists that every eligible voter has an obligation to vote (317 and footnote 36).

Tom: This seems out of sync with my civil and political freedoms of free-speech and association. Or don't they matter?

Jerry: Of course they matter! Lardy claims they would still be preserved with the introduction of compulsory voting. For example, a convicted prisoner may enjoy a right to free speech despite being stripped of the right to vote; and a seventeen-year old may have the right to associate for political ends even though she doesn't yet have the right to vote (310-311).

Tom: What about my freedom of expression? By not voting I am saying that I think the process sucks.

Jerry: You may know that, but how can the politicians know? Lardy discusses how some countries address this by allowing a person to register as a conscientious objector, to add ballot card comments, or to deal with reasons for not attending (318).

Tom: But I get a feeling of accomplishment and pride in voting. Kinda like having done my 'civic duty'. Compulsory voting will that take away!

Jerry: No it won't, because as Lardy points out, comparing it to other compellable civic duties like jury duty,<sup>8</sup> there is a very strong sense of satisfaction of doing one's civic duty, even though one may be required to do it (316).

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5 This includes the US Supreme Court (HLR 599, footnote 49).

6 Lardy describes this as a trend that has developed over the past several decades where individual civil rights have been confused with universal rights to the point that individual civil rights have gained a "privileged position" and an "authoritative aura," which has raised the burden of explanation and justification for anything that may oppose the "sanctity of individual choice" (305).

7 Legal authorities say that a right "to" vote is a civil liberty and is different from an individual's universal "from" right such as unfair persecution from a corrupt official, racial discrimination, etc. The right to "to" involves the public, because, it is a fundamental principle that a democratic polity is better off when everybody who is eligible actually votes. Also, a "from" right is treated completely differently by the courts (HLR 600).

8 This is from the author's personal experience.

Tom: Huh!

Jerry: So let's look at low voter turnout. A fundamental principle of our democratic system is that the majority rules.<sup>9</sup> Scholars say, '[t]here are serious questions about how legitimate a government is when the vast majority of citizens have not elected it' (HLR 594). Evidence shows that young people don't vote. However, those who do vote early in their adult lives are likely to continue to vote.<sup>10</sup> So it would make sense if we require young people to vote, they would get in the habit of voting, low turnout would disappear, and compulsory voting laws may no longer be necessary.

Tom: Would we be the first country with compulsory voting?

Jerry: Nope. There are about seventeen, depending on who ya read.<sup>11</sup> In Australia it's very well received.<sup>12</sup>

Tom: I can see it working for the kids, but what about us old farts?

Jerry: Most Older Canadians, like us, grew up in an era where being able to vote was a status symbol so we always vote. A campaigning politician knows that oldsters will vote so s/he focuses on how to get us to the polling station. If young people had to vote for, say eighteen years, then an entire generation of

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9 In other words, we collectively agree, going into things that we may not always be able to have things exactly the way we would like them, but we are guaranteed a say in the process of who makes decisions on our behalf. It also means that our representative makes decisions based on the assumption that the majority has given their support for his/her authority to do it. This is so, even though the number of actual voters as a percentage of eligible voters, in all levels of elections, is nowhere near what would normally be considered a quorum (HLR 594-595).

10 This has been substantiated in Italy where they imposed compulsory voting for several years then repealed the laws but continued to maintain a high voter turnout (HLR-598, footnote 44).

11 There are about twenty-four countries around the world, representing about seventeen percent of the democratic world's population that have implemented some form of compulsory voting (HLR 592).

12 In Australia, citizens are required to register when they reach their eighteenth birthday. On election-day, they are required to attend the polling station to be registered and to receive a ballot. If they fail to do this they will receive a \$100 (Aus.) fine in the mail a few weeks after the election (personal communication with some Aussie friends). Australia has a turnout of more than ninety-eight percent. (HLR 612, footnote 130).

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voters would have grown up voting and compulsory voting would likely no longer be necessary. Since it wouldn't apply to those over thirty-six, and they're in the majority population-wise, there would be a lot less resistance to its implementation.

Tom: If we force everybody to vote then won't we just make electoral outcomes worse?<sup>13</sup> And what makes ya think that raising the voter turnout with compulsory voting will guarantee a better electoral outcome?

Jerry: Political science scholar Annabelle Lever points out that those less likely to turnout are from the least privileged social groups hence, the 'most marginalized are further marginalized' (3).<sup>14</sup> Scholars say the critical thing here is that it also means that the elected representative may not actually 'reflect the preferences of (all) the electorate' (HLR 593), but including these people may force politicians to pay attention and this would lead to improved government relevance (HLR 608).<sup>15</sup>

Tom: And the cost?

Jerry: We wouldn't really need to change our current electoral system much. We already have the registration processes. We would need to pass legislation, and it'd be just another bill in the hopper. Enforcement would need tweaking, because according to Panagopoulous (455) and Singh (95), voters abstain least when both the penalties and the likelihood of enforcement are high. Simply having an act in place results in higher compliance (HLR 610, footnote 121). In fact, very few countries actually take violators to court.<sup>16</sup>

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13 There is a concern among political science scholars that including voters with lower socio-economic standing will dilute the median level of political knowledge and sophistication among voters and therefore reduce the efficacy of electoral outcomes; however, this is refuted by the theory of the "Paradox of Voting," which says that an individual voter's efficacy is so limited that it would be irrational for a fully informed voter to vote (HLR 591).

14 Scholars say that this leads to a viscous cycle because these marginalized groups are unlikely to attract sympathetic attention from politicians, who are primarily interested only in those who will actually vote and vote for them.

15 In contrast to a voluntary voting system, in a compulsory voting system the undecided voter becomes critical because they must vote and this becomes a valuable source of votes (Myers 420).

16 Peru and Brazil tie registration and compliance to receipt of government benefits and this helps to ensure a high level of compliance (HLR 611).

### Peroration

Jerry: Well, time to wrap up. Many of our 'most cherished rights' reflect a choice – things like speaking out or not speaking out, worshiping or not worshiping, etc. (HLR 598, footnote 47). This inevitably gives rise to the notion that a right to do something inherently includes the right not to do that thing. And, as Lardy says, there may be 'plausible arguments against the institution of compulsory voting, but the notion that electors possess a right not to vote is not one of them' (304). More importantly, we need to get more people engaged in the electoral process, especially those who feel disenfranchised by their current status; however, they arrived there. Compulsory voting is the best and fastest way to do this. If we focus on young people, on a trial basis, and impose and enforce strict fines and punishments for non-compliance, we would end up with a much better electoral outcome.

Tom: How will we ever know if there's a better way unless we give it a try?

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