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Resolved: In a democracy, voting ought to be compulsory.

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Topic Analysis by Matt DeLateur

This resolution should prove challenging but interesting. Its complications lie in that it bears a slight metaphysical aspect; the resolution questions what the very nature of a democracy should be. For a system characterized by its distribution of voting, to ask about voting appears bold. At the same time, I find this resolution incredibly topical and important. In places far away from our representative democracy, citizens of other nations—most notably Egypt—seem to be grappling with the birthing labors of democracy. Their struggle asks the same questions as this resolution: What constitutes a democracy? Why do people enter a democracy and what are their rights in doing so? Is the government of a democracy sufficient to be a democracy or does such a definition necessarily to include the will of the people directly? Hopefully I can shed some light on the plethora of questions raised by this resolution.

I. Interpretation

"In a democracy"

The resolution appears vague at first glance with regards to an actor. As discussion below will expand upon, ought typically is used as a normative verb. Whose interest guides the "ought"? To understand this question, we have to delve into who or what constitutes a democracy.

To define a democracy is a difficult question in and of itself¹. At first glance, the resolution seems to address a political state whose system of government is democratic. While convenient, that definition isn't specified in the resolution at all.

Affirmatives will probably be more inclined to gear towards the state being the essence of democracy, so as to grant more plausible links for consequentialist frameworks. This can be justified as a most plausible interpretation through the following logic: In the status quo, most democracies (whatever that terms means) do not currently deploy compulsory voting. The resolution therefore posits a question of change from the status quo in a way that affects an entire nation. Generally, the state implements national change within democratic systems.

However, negative definitions of democracy may emphasize a more "ground-up" definition of a democracy as being a collective noun limited to the constituents who formed such a democracy. This garners the negative a strategic advantage in framing the resolution. This framing

¹ <http://www.uiowa.edu/~c030142/DefinitionsOfDemocracy.html>

emphasizes the social contract roots of democracy, an origin that conjures familiar notions of sacrificing freedom for rights. The vagueness of “In a democracy” bolsters the plausibility of such an interpretation.

What type of democracy is being addressed? A direct democracy—a democracy where each citizen casts their vote directly to express their opinion on legislative or other matters—falls under the scope of “a democracy”. However, so does a representative democracy—a democracy where citizens of certain designated locations have their voices expressed in the legislature by an elected official.

Modern states tend to be representative democracies by the nature of large populations complicating a direct democracy. Even then, there are competing views of what role an elected representative should serve for their constituents. Some theorists believe that a representative should act as a “trustee”, simply making choices they believe to be beneficial or correct. Other theorists maintain that representatives are solely in power to express the collective will of their constituents. The former iteration of representation theory is known as the “delegate model” while the latter is referred to as the “trustee model”.

Strategically, it seems that affirmatives will want to conceptually frame democratic representation as an issue of the delegate model. For democracy to serve its purpose better, a higher degree of trust in a delegate’s ability to accurately reflect the views of constituents would seem desirable. On the other hand, negatives will probably steer more towards the trustee model, as the trustee model emphasizes the worthiness of the candidate over their ability to channel as many voices as possible.

“Voting”

The resolution shows the scope of its vagueness with this term. What constitutes voting? The obvious answer seems to be some sort of political expression of representation.

Unfortunately the resolution doesn’t specify that the word “voting” refer to legislature or even to political voting. While the suggestion may seem juvenile, I see no particular phrasing in the resolution which excludes the possibility of the ballot I cast for the Chicago Bears as 2014 Super Bowl Champions as a form of voting covered under the specifications of the resolution.

While unfortunately vague in this regard, this shouldn’t pose a large problem. For the sake of safety, a few topicality shells about “voting” would go a long way in warding off silly cases. In a

more practical deployment, some negatives may want to reach for a broader definition of voting to try to stress infeasibility of implementation for the resolution. Other than expanding aff solvency burdens, “voting” doesn’t seem to offer too many strategic uses that dwell inside the realm of being reasonable.

“Ought”

As mentioned above, “ought” is inextricably linked with an actor. Defining the actor intended by “a democracy” will be key to understanding what normative thought should be derived from ought. Affirmative strategies will probably want to deploy definitions of democracy that are centered around the state or a government, so as to use ought to conjure state-centric values like justice or equality. Negative strategies will probably want to leverage definitions of democracy centered around the individual, so as to create a more personalized, “morality” type “ought” which meshes better with negative ground. However, the negative can easily operate within a state-based “ought” as well.

Both sides of the resolution should probably be prepared for interpretations of “ought” as logical consequence or expected outcome. These interpretations may be used to descriptively affirm/negate or access some sort of consistency with democratic will cases that utilize polls as contention level arguments.

“To be compulsory”

A touch of research goes a long way for this portion of the resolution. While it may be the (understandable) instinct of negative debaters to make “compulsory” as coercive as possible, there is little to no empirical evidence of “vote or die” style systems currently in place. Strong affirmatives should use this phrase not as something to avoid or sidestep, but rather as an anchor to reel in negatives that get a bit too overzealous. A convincing strategy in cross-examination that immediately appears is to ask after the NC if any overstated coercion methods from the NC are currently in place. In all probability, the truth will be no. That being said, the negative is not up a creek without a paddle. Rather, I simply caution negative debaters to not let their cases get sucked up by the appeal of such a provocative phrase. The lack of empirics about harsh compulsory voting methods should not be a handicap but rather a reminder for negative debaters to engage with the topic at the level I think it was designed for—answering the question: should the theory behind why citizens have a government grant the government the ability to force me to vote?

While I caution negatives to base their own case positions around an interpretation of “to be compulsory” as indicating some draconian method of enforcement, negatives should make sure to be ready to use this as a reality check too. If the affirmative posits that there would be significant benefits of an entire democracy or multiple democracies all voting, a critical part of the negative strategy will be to ensure that affirmatives don’t blur the line between “encouraged” voting and “compulsory” voting. Abstention seems difficult in multiple countries barring physical incapability. This has significant implications for topicality and theory shells on the topic. I toss and turn thinking of a CX that begins with: do you defend a system of voting where everyone has to cast a vote?

II. Affirmative Case Positions

Rawls

John Rawls’ philosophy is like butter. As long as you have something to start with, spread away and it’ll taste pretty good.

Most—if not all—affirmative positions will be focusing on the fact that poor voting turnout disproportionately harms certain groups of society. Whether that portion of society proves to be youths and minorities² or the socioeconomically disadvantaged, affirmative logic would dictate that compulsory voting proves effective at increasing voting turnout. With higher turnout across the board, these currently disadvantaged groups would have their exclusion remedied. The elimination of arbitrary factors such as minority status, income, and age (beyond 18) from the expression of one’s political will seems to mesh well with Rawls’ theory of justice. I find this position, if explained well, viable for local debate as well as for national debate.

State-based consequentialism

Another affirmative strategy that seems viable is a case that simply expounds upon the many benefits of compulsory voting for the democratic state that implements such a measure. As addressed above, such a case would probably have to do a bit more work than usual to convince a judge that “in a democracy” unquestionably refers to a nation as the actor in the resolution. That being established, the link between state-based ethics and utilitarianism is natural and logical (obviously not undisputed by some, but understandable). Literature exists to argue that compulsory voting increases political stability, minimizes extremism, and leads to more informed

² <http://www.brennancenter.org/analysis/testimony-house-hearing-restrictive-voting-laws>

politicians. Any of these improvements are great tangible benefits for the state and are open to really specific weighing. As for the Rawls case above, I find this position viable for local debate as well as for national debate.

III. Negative Case Positions

Autonomy/Freedom

Many negatives will make note of an obvious fact: anything compulsory necessarily restricts freedom. Delving into backfiles will yield innumerable cards that emphasize the role of the state as minimizing restrictions of freedom. As in most deontological leaning cases, the majority of legwork for such a position would happen at the framework level. This is best accomplished with a highly fleshed out investigation and presentation of ideas that determine the very fundamental roles of government: social contract theory.

Convincing negatives may not want to take a hardline, right-libertarian “get your hands off my freedom” stance, but rather emphasize the nuances that make voting an issue that may not be worth the backing of state force. Voting is not a matter of physical safety. Voting doesn’t seem to be zero-sum at the level of rights (it may be so at the level of representation). This is important, as common responses to social contract frameworks will allege that the social contract is being violated if one citizen harms another and has that citizen has thus forfeited their right to freedom from state intervention. If a negative does a good job convincing the judge that it is the role of the state to prevent undue harm and to provide opportunity, this position can be highly convincing.

Biopower

Recent memory conjures no topics more inviting for critiques of the aff as unduly increasing the scope of biopolitical control other than the assorted healthcare topics (vaccination, illegal drug abuse, health v. law). The thesis of such a position would be that forcing citizens to cast votes at state-appointed polling places serves to reiterate the mindset that the government should control the way citizens conceptualize their bodies within the political sphere.

Negative/Positive Obligations

A strategic position for the negative may take the time to delve into the theory of positive and negative obligations in relation to the state. A common definition of the state—of which I am a fan—is the body that possesses a sole monopoly on the legitimate use of force. A negative case

could argue that this force of the state is solely deployed to uphold negative rights. For example, the right to life is commonly understood to be a natural right. The negative would want to explain that the obligation of the state is to protect that right from being violated, but it is not the source of said right. In the case of the resolution, the negative's theory of state obligations would dictate that the state has an obligation to protect the right of the citizen to express their political will, but has no positive obligation to ensure that all citizens vote. Such a case lends itself to a strategically simple burden structure, in that the affirmative would have to demonstrate that ensuring voting deserves to be (or even can be) a positive right.

Consequentialist Criticisms of Compulsory Voting

Negatives across the board should be prepared to levy and/or all of the following accusations at compulsory voting:

Compulsory voting will decrease voter turnout because it will alienate those who fundamentally disagree with it.

Compulsory voting will hurt the socioeconomically disadvantaged because polls generally aren't open before or after the workday. Those who are socioeconomically disadvantaged tend to work many hours per week. The aff simply raises the stakes for not voting, either penalizing a poor group of people or increasing the risk of losing one's job.

Compulsory voting will lead to financial costs of implementation that will ultimately hurt the vulnerable sects of society by raising taxes.

Counterplans

It ain't broke, you can still do it better. The negative has significant ground for counterplans with this resolution. Most notably, some literature suggests that increasing voter education has proven more effective than making voting compulsory. Less involved systems such as compulsory balloting may also provide significant negative ground for counterplans.

Politics Disadvantages

If justified theoretically, this topic seems to grant reasonable room for politics scenarios. The negative would have to argue that a theoretical comparison of making voting compulsory in a democracy warrants exploring the possibility of the US (or another country) enforcing such a law.

This is doable. Though the time may not be ripe for juicy politics scenarios, it's worth preparing for.

IV. Conclusion

Overall, the topic presents a very fundamental and theoretical question about the delicate balance of sacrificed freedoms and guaranteed rights that form the crux of the state-citizen relationship. This resolution proves vague but narrow, which I hope will funnel rounds into thorough interrogations of the fundamental conflict in the resolution rather than theoretical quibbles about hypothetical implementation issues. Good luck and happy researching!

Topic Analysis by Devin Race

Starting the Year Right

Before I dive into the topic, I'd just like to say a few words about debating the first topic at the first tournaments of the year. You may think to yourself that you're rusty from the summer and that everyone is going to be just getting back into the swing of things. Don't think like that. If you have been unsatisfied with your competitive success and feel like you haven't performed to your potential, the beginning of the year is an ideal time to break out. Why?

The start of any new topic is rocky for anyone. You haven't had many, or any, tournaments to test your cases, you haven't had time to do that much research, and you don't have a great idea of all the positions you need to prep against. These factors are compounded on the first topic of the year because you add to the normal new-topic jitters additional things: people dealing with losing the seniors who were supporting the team, changing to a new coach, and dealing with all the normal start-of-the-school-year stuff while trying to prep for the topic. All that is to say, people probably won't be debating at their best during the month of September.

You may have realized that fact passively. It may have been a comfort to you because you felt that you were scrambling and liked the knowledge that everyone else was scrambling, too. If you trade this passive attitude for an active one, you'll leapfrog ahead at the beginning of the year. This is debate strategy on a macro level. Take advantage of everyone else's unpreparedness rather than participating in it. You can take advantage of it by putting MORE work in for this topic than you normally do. You don't really have homework right now and you probably get 1 or 2 dropped lowest quiz grades or something in your classes. Use them now. Doing prep is valuable because it gives you an advantage over your opponents. Your prep will give you an even greater advantage over your opponents right now because they haven't done it. That means prep is much more valuable at this time of year and you should take advantage of that fact.

Here's an example of the prep you should be doing. You know the Harvard Law Review articles (and if you didn't before, you do now!). You don't have to wait for the first tournament to know that people are going to be running this evidence. Read through the article and cut answers or find authors indicting the methodology or just come up with responses to every part of it.

Here's a prep mistake you should avoid during this time: because there is something of a time crunch, you may just sort of cast about and start writing the first case position that you can think

of or find cards for and just race through writing it. You might feel like you're on the right track because you are doing prep fast, and a lot of it. But you are not really doing prep if it turns out that what you have written is totally useless. This essay is going to point you toward the right way to start: by thinking. It may not feel like you're getting a lot done at this stage, but you are getting far more done than you would otherwise. If you at any point in the thinking and outlining process start to feel that way, take a break by writing a few more responses to the Harvard Law Review article until you feel better and then start fresh.

Introduction

This essay approaches the topic from a particular perspective. My aim here is to focus on interpretive issues and approaches to the resolution. Hopefully this will supplement other research or essays you are reading that speak to the more contention-level approaches to the topic. That means I spend a good bit of my time in this essay on the framework level of the debate, but in doing so I hope to also point you towards authors and arguments you could use at the contention level. My idea in doing this approach is that it is somewhat more difficult to learn about framework-level arguments on your own, so this will hopefully jump-start your thinking on this level. Don't think I'm speaking only to framework-heavy debaters, however. Although some of the positions I direct you towards would be framework heavy, the issues I raise could be a valuable part of a very short framework or even just good tools for your refutation of cases even if they never appear in your cases.

Analysis of the Resolution

Who is the Actor?

There are many debate arguments that depend on features of the actor in the resolution. For example, there is the MacIntyre argument,³ expanded upon by Boyle and Lavin⁴ that the goodness of an agent's actions ought to be determined relative to what kind of thing that agent is. What makes a roller coaster good is different from what makes a pencil good. So, the argument goes, we should determine an agent's obligations based on their function. The argument on this topic will be along the lines of "we shouldn't determine whether compulsory voting is good in the abstract, we should just see if it is consistent with the function of a democracy." The function

³ MacIntyre, Alasdair C. *After Virtue: A Study in Moral Theory*. Notre Dame, IN: University of Notre Dame, 1984.

⁴ Boyle, Matthew and Douglas Lavin. 2010. Goodness and desire. In *Desire, Practical Reason, and the Good*, ed. Sergio Tenenbaum. New York: Oxford University Press.

argument is more compelling on this topic than a lot of other topics. But before we assess its merits and how to make it, let's pause over the question of who the actor is.

Most people just go ahead and assume that the government is the actor on any government-policy topic. But this is not so obvious. Let's take a look at the exact words of the resolution:

In a democracy, voting ought to be compulsory.

Think about this as a sentence. "In a democracy" is a prepositional phrase modifying the place where voting ought to be compulsory. "Voting" is the subject of the sentence and "ought to be" is a verb which tells us the way it would be best for voting to be, which is supplied by the word "compulsory." Importantly, nowhere in this does there appear an agent who is responsible for implementing the voting process. Consider how this would be different from a resolution that read:

A democracy ought to make voting compulsory.

The difference here is between what philosophers call the "agential" use of ought and the "non-agential" use. The most helpful analysis of this is contained in an essay by Stephen Finlay and Justin Snedegar.⁵ They give examples of non-agential vs. agential sentences:

Non-agential:

- (1) It ought to be that every election is free and fair.
- (2) It ought to be that Larry wins the lottery

vs. agential sentences:

- (3) Bill ought to kiss Lucy.
- (4) Vince ought to stop driving drunk.

Note that the resolution is an instance of the non-agential use of ought. Take a look at sentence (1) above. That could be equivalently reworded as "Every election ought to be free and fair" (earlier in the article they talk about how "ought-to-be" is interchangeable here). This sentence has the same grammatical structure as the resolution. Here's what Finlay and Snedegar have to say about non-agential uses of ought:

⁵ Finlay, Stephen, and Justin Snedegar. "One Ought Too Many." *PHILOSOPHY AND PHENOMENOLOGICAL RESEARCH* (2012)

The non-agential sentences (1) and (2) say that certain states of affairs ought to be the case (the “ought-to-be”). Here ‘ought’ is commonly glossed as meaning it is best that..., so we can call these readings evaluative. From some state of affairs being best nothing directly follows about how any agent has most reason to act, and so these sentences seem to have at most an indirect bearing on agents’ deliberations. Sentence (2) entails neither that somebody has most reason to rig the lottery so Larry wins, for example, nor even that Larry has most reason to buy a lottery ticket (the odds of his winning would after all be extremely long).

Now, why should you care about this analysis of the grammatical function of “ought”? At least three reasons.

First, it is a way to refute the MacIntyre/Boyle and Lavin function arguments you will be likely to see. If the resolution is non-agential, that means it is not a question of an agent’s reasons for action. That means that there is no agent stipulated in the resolution and the resolution is not a question that relates to the function or reasons of an agent. This would be a strong take-out to most frameworks.

Second, if you are thinking of running a Boyle and Lavin-type function argument, this is something to keep in mind. Most frameworks are missing the step where they specify *why* the resolution is even talking about an agent’s reasons for action, and such frameworks would be vulnerable to this kind of attack.

Third, realizing this way of analyzing the resolution opens up a wide variety of interesting and strategic framework arguments somewhat outside the norm. I’ll just suggest a few possible framework directions you could go with this argument: you could argue that the non-agential “ought” does not bear on an agent’s responsibilities or capabilities, so arguments about whether compulsory voting would be practicable or even possible are irrelevant. It doesn’t matter if a system of compulsory voting is impossible: all that matters is that *it would be best if* voting were compulsory. Consider this example: It would be incorrect for me to say “Jon Stewart ought to grow wings and fly” because presumably Jon Stewart is incapable of doing that and so it’s inappropriate to obligate him to do so, given the well-accepted principle that “ought implies can.” On the other hand, it is perfectly acceptable for me to say “It would be best if humans grew wings and flew about” because then we could fly and it would be super-fun. That is just expressing the desirability of a certain state of affairs, not obligating an agent to bring it about, and so there is no question about the capability of the agent.

That is just one of many interpretive arguments that could be made using the Finlay and Snedegar analysis. My top advice for you if you are interested in this kind of argument is to read the Finlay and Snedegar article. They are arguing that there is actually no difference between the agential and non-agential use of ought, but they are responding to people who say that there is. Thus, reading it and investigating the footnotes will give you both sides of the debate. It's a clear and readable article, too.

I won't be leaving this interpretation of ought behind as I start to talk about broader framework issues. It would be wise for you not to think of little bits of framework and interpretation as being divorced from the case position as a whole. Think instead about an interpretive argument like this setting up a certain cohesive approach to the resolution. Watch for opponents who have tricky but non-cohesive frameworks: likely, you will be able to find some contradiction. For example, someone might run this Finlay and Snedegar argument to try to spike out of implementation arguments but then have a criterial structure that relied on the function argument!

Democracy, Morality, or Both?

The Resolution as a Question of Democracy

A big framework issue on this topic is whether the resolution is a question of what is morally right versus what is consistent with the nature or identity of a democracy. The stakes of the difference here are significant. It might be that compulsory voting violates deontology, utility, virtue ethics, and every other ethics you might think of, but it is still consistent with the identity of a democracy. Conversely, for the negative, you might say that compulsory voting is the single most ethically good thing that someone can do, but it is inconsistent with a democracy and thus no good.

You might argue that this is the proper interpretation of the resolution on the basis of the function argument explained above. But you could take other routes, as well. You could argue, in fact, that the Finlay and Snedegar argument justifies this approach to the resolution. Since this is a non-agential sentence, what we're really analyzing is whether compulsory voting is the best kind of voting policy. It is only appropriate to talk about morality if we're talking about agent's obligations, so we should instead talk about whether compulsory voting would be a policy consistent with a democracy's overall policies. A number of other arguments could be made along these lines.

But there is yet another order of interpretive issue to face here. After you've justified that the resolution is a question of what is consistent with the identity of a democracy, you face the further question of what *kind* of democratic identity we're talking about here. We could be talking about

(a) what is consistent with the ideal type of democracy, or the ideals that all democracies ought to be striving for or (b) what is consistent with the way that democracies actually work right now. The (b) route is significant because the way democracies work now may be different than how their ideals say they ought to behave. Of particular interest here might be the writing of Chantal Mouffe, famous for developing the idea of “radical democracy,” a position I’ll talk about a little bit later.⁶ The point being, compulsory voting might be consistent with the identity of an ideal democracy but not democracies as they actually exist now, or vice versa. If you set up this issue on the framework well, you can specify and narrow the ground available on both sides in a way that is advantageous to you (and whether it is advantageous will be determined by your determination of the argument and evidence on both sides).

The Resolution as a Question of Morality

The opposing framework argument would be that we should analyze whether making voting compulsory violates universal moral obligations. This would allow you to make arguments from moral frameworks such as utilitarianism, deontology, contractarianism, etc. There are several routes to arguing that this is the proper interpretation of the resolution.

You could argue that moral obligations ought not change based on the situation or actor, and so voting ought to be evaluated for its moral merits independent of the actor. Or, you could hijack a framework that says that we should only care about whether compulsory voting is consistent with democratic principles by saying that deontology/utility/contractarianism/whatever IS the most consistent with democratic principles, and then proceed from there. A successful framework of this sort would be well-served by having both levels of justification.

Case Positions

What follows are some directions you might consider for your cases. Again, as I’ve been emphasizing, a case position is not separate from the framework issues that you establish, and I’ll be making an effort to connect the two as I explain them. The first two of these case positions are not aff- or neg- specific but rather could be either an aff or neg case. They are simply starting points for thinking. The second two are specifically affirmative or negative case ideas.

Plans, Counter-plans, Semi-plans

⁶ Mouffe, Chantal. *The Democratic Paradox*. London: Verso, 2000. Especially pages 42-44.

This topic is ripe for positions that specify or advocate a particular plan of action. This is true because the resolution is a question of implementing a certain type of policy, a voting policy, and such debates are probably most strategic and potentially most educational in the context of a particular policy. Even if you are not running a plan aff, however, it could be strategic to specify some elements of your policy. Here are a couple issues that any aff should consider specifying even if you aren't running an outright plan:

- (1) Conscientious objectors. One objection that negatives could make is that certain people have reasons to not want to vote. I'm sure that there are some religious or cultural groups that could be cited here. This makes the violation-of-autonomy argument stronger. So, will your mandatory voting policy have an exception for conscientious objectors? There is precedent for this in mandatory programs like the U.S. draft (See Military Selective Service Act (50 App. U.S.C.A. § 451 et seq. [1967])).
- (2) Voting Day. It may be logistically difficult in many democracies for voting to be made mandatory. In the U.S., it would require a complete overhaul of the way that voting day works. The system we have now doesn't even properly accommodate the tiny percentage of people who turn out to the polls, hence annual stories of long lines and extensions past normal hours at polling stations. Certain affirmatives need to be particularly careful about this. For example, affirmatives may argue that a problem in voting has been historic underrepresentation of certain groups of people, like low-income citizens. Low-income citizens are kept from voting by, for example, being unable to leave their jobs in order to go to a polling station. Unless the affirmative has a mechanism to prevent this problem, they aren't solving their harms.
- (3) Enforcement. In order for something to be mandatory, it must be backed by the force of law to some degree. In your program, will people who fail to vote be fined, be subject to mandatory community service, be shot on sight? If you fail to specify this, you leave the negative able to say that the policy simply wouldn't be enforceable and thus would fail. The affirmative could really get into trouble here if they don't have a good Voting Day procedure and their advocacy is about under-representation. For example, imagine that the affirmative specifies a fine as enforcement but doesn't say how low-income citizens are going to all get to the polls. Then the affirmative is advocating fining low-income citizens, which is certainly going to be a harm under the AC framework.

Each of these points is something that the affirmative should be thinking about in the case. As the negative, you should think about how to exploit the affirmative's failure to specify any one of these things. That might take the form of the contention-level objections I outlined in explaining them, but it could also take the form of theoretical objections. The normal specification good theory shell is much stronger on this topic, and negatives would be well-served by crafting a topic-specific version of this shell.

Plans: All of the points listed above are things that the affirmative could specify in creating a plan text. A plan text on this topic should be very long, and should certainly address the three things I listed, in addition to laying out further details of the plan. Here are some ways you could consider specifying:

- (1) Country. Choose a particular democracy that you think ought to have compulsory voting. The U.S. is certainly a viable option (if you go this route, consider adding to your plan that you will defend any amendments to the constitution necessary to make the system constitutional in order to get out of certain neg cases). But consider what kind of strategic benefit you want to get out of specification. For example, if you want to avoid dealing with issues and problems of implementation, you might consider specifying to a very small democracy (like Belgium, Luxembourg, or Malta), or a country that already has a compulsory voting system (Singapore, Thailand, Luxembourg). A valuable resource for anyone considering specifying a country, or running a plan of any kind, or just for anyone debating the topic, is The Electoral Commission's Report, "Compulsory Voting Around the World."⁷ It outlines the policies of every country with a system in place.

- (2) Who is voting compulsory for? Perhaps you don't want to make voting compulsory for the entire population but just for a certain set of citizens. Maybe only felons should be required to vote—this would give you the benefits of getting a historically underrepresented population to the polls and perhaps somewhat avoid the autonomy arguments of the negative because you can say that felons have already forgone autonomy. You could even couple this with saying that they ought to be required to publicly justify their decision, making it a whole civic rehabilitative program and heading off the argument that felons will sabotage the election or some such.

Before moving on to other positions, it's worth saying a word about how you could theoretically defend a specific advocacy on this topic. There are generic theory arguments that you could use

⁷ Younger, Sam, comp. *Compulsory Voting around the world*. Electoral Commission, 2006.

and I won't talk about here. I'll just raise a few topic-specific ones. First, you could argue that the resolution only requires you to talk about a single country because of the use of "a," meaning one, in "a democracy." Second, you could make arguments about how policy decisions are never made in the abstract and the resolution is a question about a certain type of policy. This would enhance your education arguments. This is just to get you started thinking in a topic-specific direction in your theory shells. General advice: always re-write or revise your generic theory shells to be specific to the topic and even the tournament you're debating (perhaps things are different at the first tournament than the last tournament?) This will give you better arguments and ones that your opponent is less likely to have generic answers to.

Democracy Bad

An interesting issue is which side gets "democracy bad" ground. Put some thought into this even if you don't plan to run it as a case position, because it could be very strategic as turns. A democracy bad argument would have this form: an argument for why democracy is morally evil and then a reason why compulsory voting either contributes or detracts from that moral evil. It makes the most sense to run these kinds of arguments under the interpretation of the resolution where we evaluate moral concerns rather than just consistency with democratic ideals. The reason is that if we just care about whether compulsory voting is consistent with democratic ideals, we don't care about whether democratic ideals themselves are good or bad. Good authors for this kind of position might be Slavoj Zizek⁸, Chantal Mouffe⁹, Carl Schmitt¹⁰, or Jacques Derrida.¹¹ Many of these authors have fairly dense writing (with the exception of Mouffe), so if you want something shorter and easier to read I'd recommend running a Lexis Nexis search with the author's name and keywords like "democracy" or the names of the books and articles footnoted below.

[There are ways that you could make democracy bad-esque arguments work for either side under the framework where we only care about the identity of a democracy. This is in square brackets because this kind of argument could get kind of complex, and readers looking for a more straightforward type of argument should skip it. Here's how one such argument could go: Most "democracy bad" argument are probably going to talk about the gap between the rhetoric espoused by liberal democracies and the way that they must exist in practice. So you could say that what we care about is the way democracies exist in practice. That existence is in fact contrary to the ideals they are supposedly based on. So if the affirmative has shown that

⁸ Zizek, Slavoj. "The Leninist Freedom." *On Belief*. London: Routledge, 2007.

⁹ Mouffe, Chantal. *The Democratic Paradox*. London: Verso, 2000

¹⁰ Schmitt, Carl. *The Crisis of Parliamentary Democracy*. Cambridge, MA: MIT, 1985.

¹¹ Derrida, Jacques. *Rogues: Two Essays on Reason*. Stanford, CA: Stanford UP, 2005.

compulsory voting is consistent with an ideal democracy then they may have shown that it is *inconsistent* with democracies as they exist in the world because democracies as they exist are contrary to those principles. This would require you to win the framework argument discussed in “Democracy, Morality, or Both.”]

Democracy Bad Strategies:

For the negative: if the affirmative says that compulsory voting is the greatest thing ever for democracy and you argue that democracy is immoral, you have straight turned the entire AC. There are several different forms this could take depending on the AC framework. If the aff is utilitarian, you could make the argument that democracies as they exist now are surely going to destroy the world with their immorality and so if compulsory voting will make them stronger, it will also bring us closer to our doom. Or, if the affirmative is arguing that compulsory voting is consistent with democratic ideals, you could say that those ideals are immoral (from a variety of different perspectives).

It could be strategic to run this as your neg case in a number of circumstances. For example, many affirmatives will just sort of assume that democracy is vaguely good without justifying it. These cases may nonetheless depend on the unjustified assumption of democracy’s moral goodness. A negatives strategy that turned the case at that point would be a very powerful strategy.

For the affirmative: If you wanted to throw your opponent off, you could just run a case that started by justifying that democracy is morally bad and then run a contention saying that compulsory voting is anti-democratic. This would then force your opponent to run their affirmative arguments for compulsory voting good against you. A more strategic approach might be this: have an AC that says we only care about what is consistent with democratic principles, not what is moral. Then when the negative runs arguments about why compulsory voting is morally bad because it violates autonomy, the AR can read arguments about how democracy is itself morally bad and so its violation of autonomy is consistent with the identity of democracy (see Derrida in particular for this argument). This strategy does not require the aff to sever out of the AC because this AR strategy would not be inconsistent with the aff.

NC: A Democratic Paradox

There is an argument that debaters have been making for years on the negative that goes like this: the best system of government is democracy. Democracy only does stuff that is the will of

the people. The aff can't show that the resolution is the will of the people, so you negate. This would be run on any government-type topic.

This argument becomes very interesting in the context of the current resolution. Most affirmatives will probably argue that democracy is good, so they won't be able to challenge you there. Affirmatives will also probably say that voting and getting the consensus of the people is particularly important for a democracy, so they won't be able to challenge that part of the case. But if that's true, how can the implementation of a system of compulsory voting ever be legitimate? Surely, in order for an action of a democracy to be legitimate the people must consent to and vote for it. But if the affirmative is making arguments like "we can't get an accurate idea of the will of the people without a system of compulsory voting" then how can we ever know that the will of the people supports compulsory voting? We would have to first implement a system of compulsory voting, then force everyone to vote about whether they think everyone should be forced to vote. This has two implications. First, the system of compulsory voting would always be implemented without verifying the will of the people. This is inconsistent with democratic ideals. Second, saying that people will vote to keep compulsory voting or not doesn't check that back. Forcing people to vote that they don't want to be forced to vote means that you have already violated the will of the people.

A smart negative debater will write notes in their case like "pause reading now and apply this specifically to the aff case." You should have a generic reason why the will of the people must be verified for every government action, but you should also prevent the affirmative from arguing against you by showing that this is the implication of their own case, either explicitly or implicitly. I think the most strategic 1N using this case would be to have a very short case, leaving yourself plenty of time to do other things in the 1N, like make a really awesome on-case spread against the AC and/or to read some off-cases.

AC: Parts Combined

I have already given a number of affirmative case positions and ideas throughout the essay by suggesting different places to start from (i.e. a certain framework argument or a specific plan). That should give you a starting point for many aff cases by thinking about how to combine the different pieces in different ways. I'll just give you one idea of such a combination [I'll write this using case-language, but this does not have warrants]:

First, start with the framework argument that we only care about whether voting is consistent with the identity of a democracy because the resolution doesn't care about the general moral question

about voting, it only cares about what is appropriate in a democracy [here you could also make the argument about why the definition of 'ought', using warrants from the Finlay and Snedegar article, justifies this interpretation]. Then, the fundamental feature that constitutes a democracy's identity is the practice of voting. Voting *is* democracy. This would be to say that democracy in its purest form isn't even really bound by laws or a constitution. Instead, it is just solely the will of the people. Next, voting constitutes democracy in such a way that the society is more and more a legitimate democracy if more and more people vote (this should follow directly from the warrants for pure direct democracy as the only legitimate form). Then, it's a quick step to say that compulsory voting ensures that more people votes, thus bringing us closer to a true democracy.

Conclusion

Hopefully this essay has got you thinking about things you weren't thinking about before. My advice is to take what is useful to you. Don't feel bound to write a particular case position that I've outlined. Instead, take inspiration from different parts of the essay to motivate your own thinking. If any of the citations I've given are interesting, look into the texts themselves, but also use them to expand your research: all of the works I cite in turn cite other authors and works, which will be directly on your topic of interest. Furthermore, other authors may have cited the works I mention. Find them using a service like Google Scholar, which allows you to see all the other works that have cited a particular text.

Good luck and have fun.

Topic Analysis by Jeff Roberts

Introductory Comments

In the United States, it is commonly lamented that only a small number of eligible voters attempt to vote while so many have given their lives for the hope of such a right. In fairness, it is equally true that many gave their lives for the choice not to vote – I suppose – and so we can at least suggest the September/October resolution has taken up a water-cooler topic for once. After-all, you need not have spent years in graduate school to discuss this topic intelligently. Most of the citizenry has some life experience with either personally voting, going to the polls with others to vote, or exposure to “get-out-the-vote” campaigns. In other words, the resolution is very current and easily understood.

What may not be as well understood are the questions such a resolution creates for debaters. To that end, this essay will attempt to briefly outline the terrain of the debate by first discussing some key issues for each side to consider, then exploring the wording of the resolution itself, and finally by offering some suggestions for strategy.

The terrain

At least 24-31¹² nations have laws for compulsory voting, and most of those are “democratic” nations, more on democracies in a bit. The laws derive from the problem of turnout, the Harvard Law Review¹³ elaborates: “One solution to the problem of low voter turnout is to require all eligible voters to vote by law. Approximately twenty-four nations have some kind of compulsory voting law, representing 17% of the world’s democratic nations. n9 The effect of compulsory voting laws on voter turnout is substantial. Multivariate statistical analyses have shown that compulsory voting laws raise voter turnout by seven to sixteen percentage points. n10 The effects are likely to be even greater in a country such as the United States, which has a much lower baseline of voter turnout than many of the countries that have already adopted compulsory voting. n11” The literature also commonly cites Australia as a model of success given the large increase in voter

¹² Austria, Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Costa Rica, Cyprus, Dominican Republic, Ecuador, Egypt, Fiji, France (senate only), Gabon, Greece, Guatemala, Honduras, Italy, Liechtenstein, Luxembourg, Mexico, Nauru, Paraguay, Peru, Philippines, Singapore, Switzerland (Schaffhausen), Thailand, Turkey, Uruguay

¹³ “The Case For Compulsory Voting In The United States.” December, 2007. 121 Harv. L. Rev. 591. Lexis.

turnout based mostly on the laws requiring voters to show up at the polls – they went from 37% turnout to nearly 94% turnout after implementing compulsory voting laws.

While some nations offer carrots to entice voters to come to the polls e.g. the law grants them tax credits if they go to vote or, as in Greece, going to vote is attached to other government goods, like driver's licenses, but most states offer sticks – Belgium, amongst the very first states to initiate compulsory voting, uses fines in this manner and Bolivia goes so far as to take away from your paycheck each month. A third avenue exists too, some nations, like Thailand, which have little or no enforcement, simply make the law but never truly enforce it – much like laws requiring citizens to register for the draft – such a high rate of compliance is given due to the fear of punishment that no true enforcement is needed. At the end of the day, the policies essentially set forth the expectation that all citizens of the nation must vote as part of their civic duties. Think of it like the duty to be a “good Samaritan” when you see an injured child by the side of the road, or the duty to register your vehicle with the department of motor safety, or even the duty to be immunized before attending public schools.

Such civic obligations are not uncommon, but the questions, both legal and philosophical, surrounding such duties are very much the first place debaters should begin their study. Consider the thoughts of former Chief Election Commissioner of India, Krishna Murthy¹⁴:

One of the essential features of modern democracy is to have periodic, free, and fair elections in which the maximum amount of people that are entitled to vote do in fact participate to elect their representatives. These elected representatives become members of the legislature and their roles depend upon the constitution of the country and the nature of the political system adopted by its people. Broadly, the constitution would indicate whether democracy is based on a parliamentary system or a presidential system. In either case, the representatives are elected by the people.

In many articles, you will find that the lack of voter turnout is chief amongst the touted concerns from supporters of compulsory voting laws. Presumably, the argument goes that it represents a form of injustice when a government is elected that does not enjoy the full majority support of the people they represent. Indeed, in a nation like the U.S. no Presidential election in its history can boast much more than the high 30s of a percentage for actual voters having been in their camps

¹⁴ Murthy, T.S. Krishna. Spring, 2012. “The Relevance Of Voting Rights In Modern Democracies.” 2 Wake Forest J. L. & Pol'y 337. Lexis.

on election-day. Indeed, the Harvard Law Review¹⁵ illustrates some of the reasons for such grave concern:

There are serious questions about how legitimate a government is when the vast majority of citizens have not elected it. n23 This concern goes beyond the question of whether or not low voter turnout affects substantive policy outcomes (which is unclear n24). More fundamentally, there is a serious tension with the understanding "that within our constitutional tradition, democracy is prized because of the value of collective [*595] self-governance," n25 which is as much about procedure as it is about substance. n26 Indeed, the level of voter turnout as a percentage of eligible voters in many recent elections would not even be sufficient to constitute a quorum for some of the most important American political institutions. n27 But the most serious questions arise not from the sheer number of citizens whose voices are not counted, n28 but from the fact that certain groups are underrepresented. n29 Partly because of disparities in turnout rates by demographic categories, the center of political gravity has shifted toward the wealthiest white Americans. n30 Government may not be giving adequate consideration to the priorities of the poor or of racial minorities. n31

I will elaborate on the racism part of that quote in a later section but essentially the above means it is completely plausible that no President has ever been a representative of the majority of the nation. As Murthy¹⁶ explains, "Democracy is meant to be the people's rule for their liberty and welfare. Democracy does not stand still like a granite building; it is always evolving over a period of time, depending upon local conditions in each country. In a modern democracy, it is ultimately the will of the people expressed through periodic elections that decide the fate of the people. In practical terms, modern democracy has come to mean government based on majority rule. The leaders acquire political power and strength because the people's power is vested in them through elections. Very often, the political masters, when they are elected to form the government, are under the deluded impression that they represent the will of the people. If voter turnout is very poor and if votes are split by too many candidates contesting a seat, the government ceases to be majority rule. In such situations, it is the minority of voters who run the government." Proponents of compulsory voting would claim that at least by increasing the voter turn-out, they increase the likelihood of true representation and thereby legitimacy in government.

¹⁵ See note 1.

¹⁶ Ibid.

But the reasons why voters do not go to the polls are complex and varied; Murthy¹⁷ furthers, "Poor voter turnout is also the result of such things as [*342] illiteracy, ignorance, indifference, and poverty. Further, the increasing role of money, religion, and power in the emerging democracies leads to an important debate as to the desirability of compulsory voting in modern, representative democracies. Ideally, in a modern, representative democracy, all the voters should exercise their electoral rights in every election by visiting polling stations and casting their votes; however, the effective implementation of compulsory voting in emerging democracies, in the midst of enormous social and economic problems, draws a large question mark." Such large questions weigh heavy in the minds of the scholars and lead a great deal of the scholarly debate to center around the rights of voters. In the U.S. for example, the right to vote is a protected constitutional right; yet, the right not to vote has been in question. Most accounts of the Supreme Court decisions on the question of the inverse right not to vote suggest that there is no such inverse right. The decision of *Singer v. United States* recounted in the *Harvard Law Review*¹⁸ explains why such an inverse right may not exist:

However, the very idea that a right, by definition, can be waived is false. n48 Numerous rights cannot be waived; n49 and, although many others can, this still does not imply the general existence of inverse rights. The Supreme Court observed this in *Singer v. United States*, n50 in which it upheld a federal rule that requires government consent in order for a criminal defendant to waive his right to a jury trial. n51 The Court declared that "the ability to waive a constitutional right does not ordinarily carry with it the right to insist upon the opposite of that right," n52 and cited several examples of this principle in the context of a criminal defendant's Sixth Amendment rights: the right to a public trial, the right to be tried in the state and district where the crime was committed, and the right to confront the government's witnesses. n53

The reason that a right does not imply its inverse is that there are competing interests at stake. An individual right may serve both a public and a private interest, and creating an absolute individual right of waiver would leave unprotected the public interest that the right serves. n54 The right to trial by jury is a protection of the individual [*600] from the power of the state, n55 but it also serves an important collective function by promoting the accuracy and legitimacy of criminal trials. n56 There is no inverse right to a bench trial because this would focus only on the individual interest and would ignore the collective interest.

¹⁷ Ibid.

¹⁸ See note 1.

Similarly, the collective interest in having open trials prevents a defendant from turning his right to a public trial into the inverse right to a private trial.

The idea being that citizens have rights for both private and public purposes should be a useful framework for debaters on this question. As many debaters will want to argue that the freedoms of speech include the right not to participate in elections and values individual autonomy, however, using a lens like the one described by the Supreme Court decision in *Singer*, may allow debaters to mitigate concerns over such freedom by weighing the competing value of the collective interest against such personal freedoms.

The offensive ground for the affirmative should extend beyond just voter turn-out. In fact, civic engagement itself is a possible benefit as would be forced changes to poor political practices, possibly lowering the money spent on campaigns, and even changes in national political culture. The Harvard Law Review¹⁹ summarizes the benefits:

Compulsory voting thus has the potential over time to alleviate some of the very causes of the current low levels of voter turnout. By triggering a shift in political discourse, compulsory voting would create a virtuous cycle that would alleviate the underlying causes of voter apathy. First, as already mentioned, compulsory voting will reduce the negative tone of campaigns that discourages some potential voters. n42 Second, compulsory voting can make politics less partisan and divisive, since currently the voting population is much more partisan than the electorate at large. n43 If the entire population votes, there will be a more balanced representation of the political spectrum. Finally, compulsory voting can lead to increased government relevance. By bringing in groups that are underrepresented among those who are currently likely to vote, compulsory voting will force politicians to shift their focus to different sets of issues. People who are brought into the democratic process will increasingly find that the government agenda addresses their interests, and this recognition could lead to a greater [*598] appreciation of the importance of democratic government. This may increase the utility people get from fulfilling their civic duty to vote, which would in turn lead more people to see their rational choice as voting, rather than staying at home on Election Day. n44

¹⁹ See note 1.

All the benefits are simply predicated upon the idea that by garnering an increase in over-all turnout you can force changes in practices, increase voice in politics, and widen the scope of politic engagement to include more than just the minority interests.

But the benefits are not without their fair share of dissent. Notably, The India Times recently published a review of the several states where voting had been made compulsory and argued that the results were not as simple as higher turnout. Siddharth Varadarajan²⁰ writes:

While Italy -- at 92.5 per cent -- tops the list of 172 countries ranked by the Institute for Democracy and Electoral Assistance (IDEA) according to average voter turnout for all elections held since 1945, only four other countries with compulsory voting made it to the top 50: Belgium (84.9 per cent), Netherlands (84.8), Australia (84.4) and Greece (80.3). In other words, 45 out of 50 countries with the highest rate of voter turnout do not make voting compulsory. And Italy, where voting is compulsory on paper, there are no penalties prescribed. The worst that could happen to a non-voter, says IDEA, is that it "might be difficult to get a daycare place for your child... but this is not formalised in any way at all." Some of the countries where voting is compulsory have turnout rates that are so low that obviously the law is strictly for the birds: Egypt, at 24.6 per cent, has the second lowest rate of average voting in the world. Political scientists argue that while compulsory voting can be successful in bringing voters to polling stations, it brings along a host of other problems. Among these are a higher number of spoilt or invalid votes. In the Brazil's 1989 presidential election, turnout was 80 per cent but 19 per cent of votes polled were invalid. In Belgium, invalid votes cast run at around 7 per cent, and in Australia, four percent of those who voted in 1998 spoilt their ballots.

Such studies which illustrate a converse correlation between compulsion and voter turnout and then further suggest that invalidated voting could be an issue within the compelled votes certainly raise some red flags that negative ought to be able to exploit. The question of low-turnout in spite of sanctions and mandates may seem puzzling to many. The choice would seem to be clearly a rationale one: go vote or be punished. But as scholars have found, rational choice theory can vary on many issues: how much it costs to travel to the poll, how much work must be missed to vote, the intellectual energy which must be spent to be informed when voting, not being able to

²⁰ *The Times of India*. Online, May 4, 2004. "Compulsory Voting May Not Be the Answer." web. <http://timesofindia.indiatimes.com/voter-turnout/Compulsory-voting-may-not-be-answer-to-low-turnout/articleshow/658282.cms>

find a sitter for children, and so forth and so on; Costas Panagopoulos²¹ reviewed all of the data and concluded that people will only go to vote when the penalties are very harsh:

A reasonable explanation for non-voting in compulsory systems where abstention is more costly than participation is that voters calculate the probability of sanction enforcement to be low. This suggests abstention may be a rational decision in these systems, and this study provides some evidence that voters behave as such in countries that mandate voting. Voters in these systems abstain least when both the penalties and the likelihood of enforcement are high, and abstain most when neither penalties nor enforcement levels are meaningful. From a public policy point of view, this study suggests that compulsory voting countries that seriously wish to deter abstention should impose high sanctions for non-compliance and enforce these sanctions strictly. Sanctions that are largely symbolic and enforcement that is effectively non-existent are unlikely to yield enhanced turnout.

In fact, the enhanced turnout may not even be more democratic at all. That is, some research suggests that in spite of increased turnout, the claim that a more democratic result is reflected by the outcome is dubious. Keith Jakee and Guang-Zhen Sun²² researched voting from both expressivist and information based lenses to assess the degree to which outcomes were altered in both compulsory and voluntary contexts, their findings are suggestive that we may not be able to “over-simplify” large compelled turn-out with democratic growth:

Contrary to some recent assertions, we show that if we take an expressive view of the voting act and consider the role of information on that act, an increase in electoral turnout alone does not necessarily lead to a superior aggregate electoral outcome. From our perspective, the decision to vote is a function of the intensity of the individual's preferences over the very act of voting itself and the extent to which the individual is confident in her understanding of the world and the particular electoral context. We therefore argue that the unexamined assumption that forcing citizens to vote will make them unambiguously more interested in, and informed about, the political process is, at least at present, untenable.

²¹ Panagopoulos, Costas. “The Calculus of Voting in Compulsory Voting Systems.” *Political Behavior*, Vol. 30, No. 4 (Dec., 2008), pp. 455-467. JSTOR.

²² Keith Jakee and Guang-Zhen Sun. “Is Compulsory Voting More Democratic?” *Public Choice*, Vol. 129, No. 1/2 (Oct., 2006), pp. 61-75. JSTOR.

Thus, the benefits of compulsory voting are definitely debatable. And for every benefit the advocates of compulsory voting would assume, a negative study is likely to be found which will question the foundation of such advantages. The topic literature will most certainly lend itself to good substance debates.

In summary, the terrain of the debate will contrast voting as a form of expression against voting as a form of duty. Debaters on the affirmative will argue that voting is a duty and a service to all the citizenry. The affirmative will claim that harms caused by voter apathy and low turnout include a wide range of potential harms from political engagement to government efficiency. Meanwhile, the negative side of the debate allows for voting to be a form of expression: a right reserved for the individual. The negative will suggest that the benefits are minimal and the costs remain high if not outright infringements of voter rights and autonomy.

Considering the terms

As always, debaters must carefully choose the definitions for the words in the resolution. Aim for fairness and for definitions which withstand scrutiny. Amongst the more important terms you need to address is the term “democracy.” For example, do we mean “democracy” the form of government wherein all eligible citizens participate equally, or do we mean “democracy” the system of multiparty elections, freedom of speech, and a representative government? In the *Oxford English Dictionary*, by no means the authoritative source on democracy but at least a good scholarly attempt for my purposes here, “democracy” is first defined as a “system of government by the whole population usually through elected representatives,” the second definition reads “a classless and tolerant form of society,” while the third definition reads “the principles of the Democratic party.” I have to laugh out loud about the poor judge who listens to a debate over whether or not the Democratic Party ought to use compulsory voting. Debaters on this topic will likely gravitate toward the first definition as it seems inclusive of most nations as well as the more philosophical principles intrinsic to “democracy.” Interpretations may argue about the context of the prepositional phrase “In a democracy” and it being more suggestive of a government. But largely, I see no easy way to settle the debate over what was intended by the framers. I think good arguments can be had from the definition being the second for example, in a classless and tolerant society compulsion to vote ought or ought not to exist. In short, the term “democracy” is fairly easy to define but in the context of the resolution it might be argued to describe the nation compelling voters to vote, or sundry other versions. I think using it as a form of government seems most obvious and it will likely be the norm.

Another question would then follow: does the resolution limit the topic of discussion to only nations that are democracies? It is upon this issue which brings up some concerns. After-all, how many nations are “true” democracies? The old debater one-liner “America is a republic” will once again creep its ugly head into many rounds where some poor debater rushes in with too many U.S. specific examples. Simply put, the key will be to engage literature about many nations and therefore about many flavors of democracy. Keep in mind that as many as 31 nations already have compulsory voting and a wide variety of arguments could come up regarding the differences in the forms of government. But very few nations are “pure” democracies without any class or any intolerance allowing for equal participation at all points of the self-governing process. Such a platonic view of democracy may seem trite and not worth much time in preparation, and I wish I could agree, but we all know that some debater is out there looking for an easy way to catch you off guard.

“Ought” is another term worth our consideration at this phase. “Ought” is typically defined as expressing a duty or obligation and many debaters will even go so far as to suggest it expresses moral obligations. Under such conventional understandings, “ought” expresses a certain force compelled out of obligation and thus we have good strategy to be gained by hashing out from where and by whom such a force would derive. After-all, who “in a democracy” has a duty to the voters, or, a duty to compel the voters? It would seem the government has such duties and possibly the citizens themselves have duties to one another or even themselves. Thus, debates can be had over the moral force of such duties, – whether or not governments can ever have moral decision making or only risk calculus etc. – over the agent of such duty, and also over the object of such obligations. I think this will make for rich framework debate and possibly help many to establish a value structure from a more nuanced position. If we imagine “ought” means mere duty, then we can safely argue our agent is the government of the democracy and then we can move quickly forward into their duty being to all their citizenry. So, we can begin to weigh options for such a policy as “compulsory voting.” The resolution becomes simply a question of “why is there a duty for a democracy to enact a policy of compulsory voting?”

It probably goes without saying, but the resolution implies negative ground is “ought not.” I know many a negative theorist are rolling their eyes at such a statement, but what I mean to say is simply that the most natural or normative negative case positions will be launched primarily from the grounds of “ought not to” rather than from the more atypical negative case positions which will take issue with the affirmative ground itself or democracies in general. Such “left-ist” positions have strategic value and will certainly be contemplated by many a debater, but I think it a more rare choice that debaters will argue ““democracies” should not exist at all” as a negative strategy when they could simply argue that democracies have no such obligations to use compulsory

voting. Negatives could easily win that “in a democracy” the people’s will should prevail, thus if the people vote to have no compulsory voting then the government would be obligated not to use it, and therefore the resolution itself establishes a semantic trap of logic i.e. because you cannot affirm the statement in all cases without contradicting the statement when the people reject the claim you must negate. But, I wonder how many traditional or conservative judges will find this line of argument persuasive. In short, I think that the norm will be to embrace a more traditional negative strategy and construct a full case position for why there is not a duty rather than to try to reject democracies or establish some sort of truth testing burden.

Strategic Notes

When you choose positions to argue for this resolution, I would suggest you avoid some of the “high-power” offense we see so often on the debate circuit. It is often, amongst offense/defense debaters, the case that debaters reduce the arguments to a race to extinction or a race to see who can reach nuclear war first in the hopes that they will outweigh their opponents every move. Such tactics make sense in the game framework of debate – it is a game and you need offense to win so go get the biggest offense you can find. But, I would suggest that doing so on this topic will ring untrue. Many judges will balk at your claims that failing this duty will cause a nuclear war or will cause extinction. The claims you establish can access some large offense but you will have to develop the internal link story much more carefully than in many resolutions past.

For example, the affirmative has good offense to be had within the realm of representation, governmental legitimacy, and activating voice and participation. These may not seem like much, but if you consider that a lack of meaningful voice and participation leads to public disengagement in politics and government, less faith and trust in government, and eventually the deterioration of a government due to its perceived illegitimacy, you can see that government implosion is, while perhaps just as complicated a matter to explain the links for, still much easier to persuade a judge by way of probability versus nuclear war scenarios. Certainly, empirical examples abound for where governments have fallen apart over time from causes very similar to a public growing ever more disenchanted with the “elected” officials. In some cases, it may even be argued that there is a duty to use compulsory voting in order to off-set systemic oppression and racism within current and existing norms for politics. In other words, it would not be hard to imagine an affirmative case built around the idea that politics as usual amounts to no more than entrenching racism, sexism, homophobia, or any other number of social injustices caused by leaving those with power to further stretch the gap between themselves and those without political power. The affirmative line of attack would probably suggest that compulsory voting serves as a first mechanism in the redistribution of political power, or something along such lines.

The big offense being of course that we have a duty to fight against such oppression and voting affirmative provides for “more voice” and a chance “for change,” while the negative side merely rests complacent about it all in the face of evidence showing such injustice. Ok, so perhaps it will not go exactly like that, but I think such commentary should get your wheels turning about the possibilities of offense outside of genocide and extinction claims.

The negative should have no shortage of solid offense either. The negative debaters can frame positions around autonomy and voter rights. They can complain that forcing voters to vote does not guarantee the voters make a more democratic decision – in fact, it may lead to the contrary according to some studies and in the rush to have more bodies at the poll we may actually only succeed in increasing the likelihood of a minority candidate winning the election. In some ways, this could be worse. The negative ought to construct entire positions that are functionally link turns to affirmative offense. This will both serve to place strong duress upon all of the affirmative links as well as to offer the negative additional time on the AC flow for dismantling the framework and value structure. For example, a negative position built upon claims that compulsory voting leads to invalid decisions and causes many voters to vote when ill-equipped to do so, could function as severing the links affirmative has to a more representative form of government and thereby allow negative additional time while attacking the AC value structure since their negative case would provide embedded clash with parts of the AC proper. Or, to counter such powerful offense as the affirmative position I mentioned about racism being entrenched in many current political systems, the negative can argue that such problems will only be masked by compulsory voting, giving us a sense of change but all the while still allowing those with money and power to succeed the easier because now they do not even need to placate to the center, they can rally their well-organized base and run the gambit.

Likewise, affirmative debaters must be aware of the many arguments which seem to be addressed in the literature such as voter turn-out increases and the reliability of the election outcomes. With so many of the benefits claimed by affirmative authors being rendered dubious by recent studies, affirmative debaters will need to do their homework to find strong positions. I suggest staying closer to the duty debates. Affirmatives can gain good ground by arguing in favor of a civic duty – going back to the Singer v US decision about public and private benefits from rights. This kind of position has the added benefit of being well-aimed at an obvious line of negative ground, autonomy. From such a case position, the affirmative can access a number of benefits and a large amount of philosophical ground for their value structures. The findings about invalid votes and turnouts can be more or less counted as worth nothing to the affirmative since those would only matter if the duty did not exist. If you answer, what “ought” a democracy to do, it does not really matter the results – or at least so the affirmative spin would go. Negative will

fight back that what ought to be is determined by the outcomes and so forth and so on the debate will tend to develop.

Final Thoughts

I am happy that this resolution was chosen for September/October. I know some of the novices out there will be doing a different topic due to the new NFL rule, but I think many of the coaches will reject the rule given it adds so much to their workload and thus several novice will begin their debate careers on this resolution. To that end, I think this resolution gives a great exposure to the LD world allowing for rich values based clash with plenty of good literature to explore. I wish you all luck on the topic and hope you start off your 2013-14 season with a few extra wins!

Topic Analysis by Clay Spence

Like they usually do, most debate coaches complained about the compulsory voting resolution when it came out. I couldn't disagree with their criticism more. On the September/October topic delves into a wide array of literature concerning the philosophy of democracy; what ideals democratic states strive towards and what democratic states can be obligated to do. In my experience LDers tend to focus on framework arguments rooted in abstract metaethical theories which take as their starting point a fact about the nature of an individual human being. While this topic certainly allows for such approaches, it also creates an interesting opportunity for debaters to short-cut directly to a solid body of political philosophy on democracy in crafting their frameworks.

One reason I like the current topic is that the terms are fairly uncontroversial. "Compulsory voting" really means "compulsory turnout"; Lijphart's article (which is the base article for most of the topic literature) defines it as such, and every article I've read has agreed. From a common-sense perspective it seems clear that the only way to reconcile the traditional secret ballot with an obligation to make voting compulsory is to force attendance at the polls.

The word "ought" in the resolution denotes an obligation. There are at least three different forms the obligation could take: prudential, moral, and functional. I tend to think the resolution is a question of the latter two, since the obligations of a democracy are constrained by its nature as a democracy, and moral obligations generally supersede prudential ones. Moreover, most of the literature I've read has appealed to the basic moral concepts (freedom, rights) that justify democracy.

The phrase "in a democracy" is a key modifier to the resolution "voting ought to be compulsory". The resolutional actor is an individual democratic state, but in its pure form the resolution suggests that each and every democratic state has an obligation to make voting compulsory. Since the implied actor in the resolution is a democratic state, I think a worthwhile interpretational argument to make is that the phrase "in a democracy" implies that debaters need to contextualize their framework arguments in terms of what democratic states have obligations to do. In other words, I don't think vague appeals to metaethics are sufficient on this topic. Naturalism and practical reason don't seem immediately relevant, and I think debaters would have to do a lot of work contextualizing their individual-centric ethical theory to the resolution. A compelling response to these kinds of abstract frameworks is to explain why democratic governments have a different set of obligations than individual persons.

On this topic, there's no escaping the fact that topical presumption arguments go negative. To win presumption the neg should argue that we should err against wasting resources unless compulsory voting clearly generates a social good, and that we should presume in favor of individual rights to free-choice and self-determination unless there is a compelling reason to override them.

I think it's worthwhile to start from the ground-up in approaching this topic, so I'm going to assess the different contention-level affirmative arguments made in the literature, and then discuss how those arguments might fit into different democracy based frameworks. While I think there is a definite neg-bias in terms of framework/philosophy literature on this topic, the overriding consensus in the literature seems to be that compulsory voting *works*, at least insofar as it brings voters to the polls, so I think a strong starting point for many ACs will be to capitalize on that fact and construct a framework around it.

Compulsory voting is really good at getting voters to turnout. Since they made compulsory voting mandatory, Australia has had an average of 90%+ turnout for elections, and the story is similar for most other democratic states that use compulsory voting, raising voter turnout by an average of seven percentage points (Lever, Schafer). However, given concerns about a) violating individuals' rights to freely abstain and b) wasting resources unnecessarily that might cause one to presume against compulsory voting, defenders of compulsory voting must make an independent argument for the value of higher turnout rates.

Lijphart's article "Unequal Participation: Democracy's Unresolved Dilemma" brought the issue of compulsory voting to the attention of political theorists, and spawned a host of related debates. Lijphart argues that because low turnout is unequal turnout, the primary benefit of compulsory voting is to ensure that democratic governments accurately determine the majority will of their constituents. Since individuals who are likely to abstain from voting are more often than not in low-income brackets, voluntary voting systems risk excluding the voice of lower socioeconomic classes in favor of wealthier demographics with higher turnout rates. Lijphart also found that older voters are more likely to turn out than younger voters.

As I understand it, Lijphart's argument appeals to the democratic ideal of proportional representation. Since voluntary voting has the unintentional effect of under-representing young and low-income voters, Lijphart argues that the parties elected may not represent majority consensus on policy issues. Moreover, since the under-represented parties generally lean left politically, voluntary voting deprives the left of a significant constituency base.

Although the value of equal representation to democracy might seem unquestionable, the common responses to Lijphart's argument in the literature make clear that the issue isn't so plain. According to Lever, "The value of political participation, on any democratic view of politics is, importantly, voluntary – or an expression of the free choice, beliefs, interests and efforts of people taken individually and collectively." On this view, the 'internal link' to good representation is a voting population who freely express their authentic views in a way that reflects their self-interest.

Critics of compulsory voting argue that forcing nonvoters to turn up at the polls and cast ballots has a number of unsavory consequences. Jakee and Sun argue that the idea that uninformed voters will balance each other out with random votes is misguided, and that essentially "random" votes that don't reveal a voter's true preferences can still sway elections such that informed voters don't have their interests represented. Even more critically, how is it possible to "represent" a voter's interests when that voter hasn't reflected upon those interests and the way their choice of political candidate will affect them?

But must votes be "informed"? Isn't this kind of thinking elitist? As Lever argues in her article, governments should not be given the right to coerce individuals against their will, even if that coercion is in the individual's best interest. If this is true, one might make compelling arguments that objections to compulsory voting can't take as their premise the notion that some human beings make better decisions than others. This seems to make sense at some level, especially on controversial political issues to which the "right answer" is unclear or hotly contested.

But in other respects a rule of absolute inclusion seems clearly wrong. Saunders argues that voluntary voting has the natural property of encouraging "relevant voting constituencies" to turn out, since voters who will be affected by policy will have an incentive to vote on that policy, and voters who are apathetic to the policy issue in question will not. One wouldn't argue that a student at high school A has an obligation to vote for a student council officer at high school B precisely because student council affairs at high school B have no impact on school A. By analogy, if a voter determines that they don't care about/have no interest in a particular election, and believes that the election will not affect them meaningfully, why should the government compel that person to show up to a voting booth? One could argue that the obligation to represent unaffected, uninterested voters is as weak as the obligation to represent disenfranchised felons.

Brennan doesn't think so, and argues even more strongly that bad voters have an obligation not to vote. Brennan argues that in the same way an individual has a fairness-based obligation not to pollute (or contribute to any collective action problems), individuals have an obligation not to

contribute to the collective action problem of electing a bad government by casting bad/uninformed votes that skew outcomes in favor of less qualified candidates.

This is a more controversial view, and affirmatives could answer in a variety of ways. One response is that voters should just generally trust the democratic process—candidates that aren't thoroughly vetted wouldn't appear on the ballot, and we should, as a general principle, have trust and confidence in our public leaders even when we disagree with them on policy points. However, the flip side of this coin is that compulsory voting arguments that claim that voluntary voting undermines left-wing candidates are flawed in the same way. If democratic *procedure* is what counts, then outcomes shouldn't matter.

A second line of response to Lijphart's argument is that forcing voters to turn out removes their ability to abstain in protest. A more extreme, and consequentialist, form of this argument would be to claim that compulsory voting gives oppressive governments a democratic façade, behind which to be oppressive. The right to abstain in protest is deeply rooted in any theory of democracy, so this argument is persuasive. But denying voters the right to abstain in protest also impacts to a value of quality representation: if voters truly believe that none of the candidates on the ballot are worthy of their vote, then regardless of how they cast their ballot they will be misrepresenting themselves.

The affirmative has a couple decent responses available to them. First, if the affirmative defends the secret ballot, then protest voters could, hypothetically, scrawl anarchy symbols on the ballot in lieu of actually voting. (I'm actually unclear on how this would work in voting systems which use computerized voting booths). Second, the affirmative could specify that they defend a compulsory vote, but with the stipulation that the ballot would have a box which voters could check to signify that they do not want to cast a vote for any of the candidates. A significant number of voters in Russia usually check this box. However in both of these cases, the question remains as to why compulsory voting is uniquely preferable to voluntary voting if nonvoters can cast the equivalent of a non-vote.

Lijphart hints at several other potential benefits of compulsory voting, and other authors in the literature usually mention some combination of the following: 1) Compulsory voting might incentivize politically alienated voters to read up on what their options are and make an informed choice, 2) Compulsory voting may reduce the impact of sectional politics by forcing politicians to be responsive to a broader constituent base, 3) Voluntary voting systems create a free-riding scenario where non-voters benefit from having an electoral, democratic government without doing their part to maintain the system.

It's worth discussing the third argument, because, if true, it has the potential to be a very strong affirmative case. Perhaps I don't understand the argument well enough, but I have a hard time understanding how an abstention from voting undermines the democratic process. Furthermore, I have trouble understanding how abstention creates a collective action problem whereby nonvoters exploit voters.

There are several independent arguments a negative might consider when writing a case. The simplest is the libertarian argument that governments do not have the right to interfere with their constituents' freedom any more than absolutely necessary. Compulsory voting would be unjustified on this view because it coerces nonvoters to turn out to the polls. A number of authors defend this position, including, prominently, Nozick. While I'm sure that this will be the most common negative position on the topic, I think that affirmatives will be able to easily sidestep these kinds of cases so long as they prove that compulsory voting (like taxation for roads and basic infrastructure) generates a clear social good.

Another strong negative position, which I mentioned earlier, might argue that the foundation of democracy is that governments should have a minimal role in forcing individual citizens to act according to their best interests. On this view, compulsory voting is unjust because it denies individuals the ability to act in their prudential self-interest (staying home because they'd rather not drive to a polling station) for the ostensible purpose of better representing those persons (their best-interest). On this view the right to vote is like the right to marry: individuals may exercise it if they desire, but don't have an obligation to. As a corollary to this argument, the negative might persuasively claim that governments should not force people to act against their beliefs, and argue that compulsory voting forces well-informed individuals who choose not to vote for good reasons to vote.

A third straightforward negative position could use Brighthouse and Fleurbaey's argument that democracy requires a proportionality criterion to weigh between the interests of constituents. According to their article (which was the best negative article I've read), basic democratic principles derive from a larger concern with proportionally taking into account individual's stakes in a collective decision. The principle of majority rule follows from the proportionality principle because interested individuals should have an equal stake in their governance. However the principle that the majority may not disenfranchise minority groups also follows from the proportionality principle because to treat a minority individual as though they had no rights is tantamount to denying they have a relevant stake in the decision-making process. Given this framework, a negative might make a straightforward argument against compulsory voting by

arguing that individuals who are more affected by an election have a stronger stake in the election process, and under a voluntary voting system affected individuals would have a strong incentive to turn up and vote, while non-voters wouldn't have the same incentive.

Aside from these general positional clashes, negatives might consider running counterplans to the affirmative advocacy. For instance, Saunders argues that a presumption against coercion means that a morally preferable alternative to compulsory voting would be incentivizing people to turn out by offering them financial incentives like tax breaks.

The arguments I have just outlined are certainly not the be-all end all of topical arguments to make in debate rounds on the September/October topic, but as stock, middle-of-the-road arguments they should be a good reference for general turns and responses to make to most middle-of-the-road positions. I'm sure you'll hear many if not all of these arguments in rounds over the next couple months. However, in conclusion I'd like to turn to a discussion of framework, in particular what affirmatives need to consider in framing their ACs.

Plenty of debaters will recycle generic frameworks, but I would suggest you view this topic as an opportunity to delve into some topic specific framework literature on the ideals and obligations of a democratic state. Not only will other debaters be less able to respond to a unique, democracy-centric framework, but you'll probably enjoy the reading. Also, this kind of literature is crucial to writing good papers for your gov classes in college, so you'll get a good leg up on the competition.

However, if your framework appeals to the value of democracy you need to make it very nuanced otherwise superficial turns will link in. Over the course of this topic analysis I've made reference to a number of different democratic ideals, among them egalitarian freedom from coercion, majority rule, equal representation and informed deliberation. In order to dominate framework debates on this topic you will need to be able to weigh between them. Delving into possible ways to compare between the importance of different democratic ideals is beyond the scope of this essay, but hopefully the following list of questions will help guide your preparation and thinking as you get ready to win framework:

- 1) Are best-interests relevant to democratic decisions, or only expressed self-interest of citizens?
- 2) Are better-informed decisions de jure better than uninformed decisions, or only presumptively better?

- 3) Do individuals with a greater stake in democratic decisions have a stronger claim to representation than uninterested parties (proportionality principle) or do all votes count equally (egalitarian principle)?
- 4) Are constituents of a democracy entitled to equality of outcome (equal representation) or merely equality of opportunity to represent themselves?
- 5) Relatedly, how far does equality of opportunity extend? Are socioeconomic conditions a significant determining factor on one's opportunity to vote?
- 6) Does the need to determine what the true majority opinion is supersede the need to respect general rights accorded to citizens? In other words, how important is representation to a democratic calculus?
- 7) Can interests in the common good or future democratic stability/legitimacy override procedural rights to individual free-choice and self-determination?
- 8) Do democratic voters vote in rational self-interest or out of a sense of duty to express their beliefs?
- 9) How important is the minimization of elite power as a democratic ideal, and what means are acceptable to minimize elite power? What means are acceptable to institute a rule of popular sovereignty?

Good luck on the upcoming topic!

AFFIRMATIVE EVIDENCE

DEFINITION - COMPULSORY VOTING

COMPULSORY VOTING IS A SYSTEM WITH INCENTIVES AND PENALTIES TO INCREASE VOTER TURNOUT.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

Compulsory voting (CV) is a system of laws and/or norms mandating that enfranchised citizens turn out to vote, often accompanied by (a) a system of compulsory voter registration and (b) penalties for non-compliance, usually fines or the denial of state-provided benefits. CV is widespread throughout Latin America, but somewhat rarer among industrialized democracies. Cross-national studies find CV to be an effective mechanism for increasing turnout, by between seven to sixteen percentage points; within-country comparisons also generally find that CV boosts turnout. CV is commonly thought to advantage parties of the left (based on social-structural and demographic patterns of turnout in countries without CV), and hence shift public policy in that direction also. But these conjectures are difficult to verify, since other political and institutional variables intervene between voter turnout, election outcomes and policy outputs. It is often overlooked that fines and sanctions are just one aspect of CV: states employing CV usually reciprocate by reducing the costs of turnout for its citizens, via weekend voting, simple registration procedures, and the creation of a centralized, professional bureaucracy concerned with all aspects of election administration.

UNIQUENESS

CURRENTLY 25 COUNTRIES USE COMPULSORY VOTING

Bart Engelen – 2007. [Research Assistant of the Fund for Scientific Research – Flanders (Belgium), Centre for Economics and Ethics]. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica*, 2007, 42, (23–39).

It is not easy to record exactly which countries currently have compulsory voting laws because of a lack of uniformity in the way countries formulate, implement and enforce such laws (IDEA, 2002, 106). Nevertheless, there is a broad consensus that the following countries currently practice some kind of compulsory voting: Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Cyprus, Ecuador, Egypt (compulsory only for men), Greece, Luxembourg, Nauru, Singapore, Thailand and Uruguay. The following countries have such laws, but do not strictly enforce them: Costa Rica, Dominican Republic, Fiji, Honduras, Italy, Liechtenstein, Mexico, Paraguay, Peru and Turkey. This brings the total to 25 countries, inhabited by more than 700 million people [practice some kind of compulsory voting]. The fact that one out of five citizens in an electoral democracy is compelled to show up shows that compulsory voting is not as rare as its opponents often suggest.

COMPLIANCE MECHANISMS

COUNTRIES USE MULTIPLE DIFFERENT POLICIES AND EXEMPTIONS.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

Compliance with CV is most commonly induced with a system of small to moderate fines (e.g., Australia and Belgium), although a substantial number of countries with CV do not rely on fines. Other penalties include ineligibility for elected office for a prescribed period (e.g., Argentina), ineligibility for certain types of government employment (e.g., Venezuela), and disenfranchisement (e.g., Thailand). In other countries CV operates as a norm, with social embarrassment an important sanction for non-compliance (e.g., Italy). Sometimes CV appears as a constitutional provision or in statute, but with no mention of penalties for non-compliance (e.g., Bolivia, Chile, Liechtenstein, Egypt). Many countries also have large classes of exemptions. For instance, Australia's federal CV statute exempts non-voters with "valid and sufficient" reasons for not turning out; Australia's courts have rigorously denied non-voters' claims of indifference between the candidates or alienation from politics as valid and sufficient reasons (AEC 1999). Age exemptions are also common: for instance, Brazil makes voting optional for citizens between the ages of 16 and 18, citizens over the age of 70, and for illiterates.

CONGRESS COULD EMULATE THE SELECTIVE SERVICE SYSTEM'S APPROACH BY TYING VOTING TO THE RECEIPT OF GOVERNMENT BENEFITS.

HLR – 2007. "The Case for Compulsory Voting in the United States." Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

One approach to enforcement of compulsory voting would be to emulate the Selective Service System's (SSS) approach. Under federal law, it is a crime for almost any male citizen or alien between the ages of eighteen and twenty-six not to register with the SSS.ⁿ¹²² Although the SSS does refer a list of suspected violators to the Department of [*611] Justice for potential prosecution,ⁿ¹²³ such prosecutions are rare.ⁿ¹²⁴ Instead of using criminal law to enforce registration laws, the SSS has achieved an impressive compliance rate of 93% by tying important government benefits - such as driver's licenses, eligibility for student financial aid, job training, government employment, and citizenship for immigrants - to registration.ⁿ¹²⁵ Compulsory voting laws similarly could achieve high rates of compliance by tying these and other government benefits to voting, thereby avoiding costly criminal prosecutions.

Other countries have been able to successfully enforce compulsory voting laws by tying the act of voting to valuable government benefits, along the lines of the SSS. Brazil issues a document called a titulo eleitoral to voters, who must present the document in order to interact with state agencies or even to get a job.ⁿ¹²⁶ Peru also requires individuals to carry proof of having voted in order to obtain certain government benefits.ⁿ¹²⁷ Both have achieved relatively high levels of voter turnout,ⁿ¹²⁸ although it is unclear how much of this turnout is due to compulsory voting. The successes of these countries, along with the SSS's track record of compliance, illustrates that this approach can be effective at achieving high compliance without the high costs of criminal law enforcement.

CONGRESS COULD EMULATE AUSTRALIA'S USE OF ADMINISTRATIVE LAW TO COMPEL VOTING.

HLR – 2007. "The Case for Compulsory Voting in the United States." Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

Another approach to enforcing compulsory voting is to use administrative law. Australia uses this kind of enforcement regime for its compulsory voting laws.ⁿ¹²⁹ Under this method, a federal agency would be charged with documenting which eligible voters fail to vote in any election. These nonvoters would be notified by mail of their failure to vote and assessed a small fine. The agency would also offer them a chance to provide a legitimate reason for their nonvote, such as illness, emergency, or conscientious objector status. If the agency accepts [*612] the excuse, then the fine would be waived. Otherwise, failure to pay the fine would potentially lead to a judicial action and, ultimately, a prison sentence. Australia has achieved very high voter turnout using such a system. Since the Australian Electoral Commission takes less than 2% of nonvoters to court,ⁿ¹³⁰ the costs of enforcement are relatively low.

COUNTRIES [GENERAL]

COMPULSORY VOTING IS USED IN MANY DEMOCRACIES.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

Western-style democracies utilizing CV for at least some of their elections include Australia, Austria (in two provinces), Belgium, Greece, Italy, Liechtenstein, Luxembourg, and Switzerland (just one canton). The Netherlands also had CV up until 1970. In almost all of these Western democracies CV was instituted in the early 20th century, shortly after the expansion of voter suffrage and the political organization of labor movements in the late 19th and early 20th centuries. At the same time there were some experiments with CV in the American states: North Dakota (1898) and Massachusetts (1918) actually amended their constitutions to permit CV, but their respective legislatures did not implement CV in their statutes (Gosnell 1930, 206-7). CV is widespread throughout Latin America; for instance, Argentina, Brazil, Costa Rica, Ecuador, Guatemala, Honduras, Panama, Peru, Uruguay and Venezuela have CV. Cyprus, Egypt, Fiji, Turkey, Thailand, Singapore and the Philippines also have CV.

ONE OUT OF FIVE CITIZENS IN AN ELECTORAL DEMOCRACY IS COMPELLED TO VOTE IN THE STATUS QUO.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", Acta Politica, 2007, 42, (23-39).

It is not easy to record exactly which countries currently have compulsory voting laws because of a lack of uniformity in the way countries formulate, implement and enforce such laws (IDEA, 2002, 106). Nevertheless, there is abroad consensus that the following countries currently practice some kind of compulsory voting: Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Cyprus, Ecuador, Egypt (compulsory only for men), Greece, Luxembourg, Nauru, Singapore, Thailand and Uruguay. The following countries have such laws, but do not strictly enforce them: Costa Rica, Dominican Republic, Fiji, Honduras, Italy, Liechtenstein, Mexico, Paraguay, Peru and Turkey. This brings the total to 25 countries, inhabited by more than 700 million people. The fact that one out of five citizens in an electoral democracy is compelled to show up shows that compulsory voting is not as rare as its opponents often suggest.

COUNTRIES [BELGIUM]

BELGIUM USES A SERIES OF FINES TO ENCOURAGE VOTING.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

Within the EU, the most pronounced example of compulsory poll attendance is Belgium. According to election law, abstaining voters are subject to progressive fines, which become higher with the number of elections missed. They start from €25-50 for the first time and can rise to €50-125 for the second abstention. Those who abstain for a fourth time are also subject to temporary disenfranchisement and ineligibility for public office (Constitution, 1893; Electoral Law, 1894). Exempted are Belgian citizens abroad and EU and third-country nationals in local elections. The Belgian system seems to be taking an increasingly flexible line with non-voters and has made additions to the list of acceptable reasons for non-voting. Consequently, the increase of infrastructural facilitations for casting ballots and the lack of sufficient judicial staff resources to handle abstention cases has made prosecution less likely in effect.

COUNTRIES [GREECE]

COMPULSORY VOTING HAS INCREASED VOTER TURNOUT IN GREECE, EVEN WITHOUT AN ENFORCEMENT SYSTEM.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

In Greece too, no enforcement system is in place. Yet the election law clearly stipulates sanctions for non-voting that entail imprisonment or deprivation of public office (Constitution, 2001; Election Law, 2007).⁵ Although no implementation mechanisms are in place and compulsory voting exists only in abstracto, participation rates (around 80%) are still higher there than in the rest of the EU, the recent 53% being the lowest ever recorded. The same is true for Italy, which abolished the law in 1993. Hence, in most cases, even when enforcement is very lax or absent, the system seems to work. Surprisingly, voters still tend to adhere to the rule, not really for fear of punishment, but rather driven by popular belief or political custom.

COUNTRIES [SWITZERLAND]

SCHAFFHAUSEN HAS AN EFFICIENT SYSTEM OF COMPULSORY VOTING.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

The system seems to work better in the Swiss canton of Schaffhausen, which combines very low fines with an extensive list of acceptable reasons for no-show at the polls (Electoral Law, 1904). These include seniority (over 65 years) and absence due to a) military or civil service b) professional or family grounds c) illness d) serious illness of a close relative e) an eight-day period of mourning and f) holidays. In addition, the small German-speaking region of 74,000 inhabitants uses an almost automatic system to follow-up non-voters. It applies minimum fines of CHF3 (approx. €2) with a system of distribution that does not involve too many staff resources: after elections, police officers visit residences and re-collect each citizen's voter card, on which is marked who has voted and who has not.

LOW TURNOUT

VOTER TURNOUT IS LOW AND GETTING LOWER.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

Participation in the EU elections has been constantly decreasing from 62% in 1979 to 43% in 2009. In the seven direct elections to the European Parliament so far, the turnout has fallen by an average of 3% each time, the largest drop occurring in the 1999 elections (7%). Of course, voter abstention is a common phenomenon in many countries around the world, more so in Western Europe, the USA, Canada and Japan. In the past, some electoral scholars (Morris- Jones, 1954) have argued that a low turnout is not necessarily a bad thing. It might even be considered as an indication of voter satisfaction and trust in the established system. This view, however, is rather out of step with the growing demand for participatory democracy in today's world.

INCREASES VOTER TURNOUT

CROSS-NATIONAL EVIDENCE SHOWS THAT COMPULSORY VOTING INCREASES VOTER TURNOUT.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

Even a casual inspection of compendiums of aggregate turnout statistics reveals higher turnout among countries with CV. For instance, a recent collection of data on voter turnout in 171 countries finds turnout about six or seven percentage points higher in 24 countries with some form of CV than in countries without CV (IDEA 1997, 32). Multivariate statistical analyses typically find CV to have larger impacts on turnout, controlling for other institutional and political variables that affect turnout. Lijphart's (1997) review finds CV associated with a boost in turnout rates of seven to sixteen percentage points; for examples of the studies reviewed, see Powell (1981), Jackman (1987), Jackman and Miller (1995), and Franklin (1999), the latter study being distinctive for including an individual-level analysis, exploiting survey data from European Union countries. Among Latin American countries, the estimated turnout boost associated with CV is roughly eleven to seventeen percentage points (Fornos 1996). These results are striking considering (a) large cross-national differences in institutional and political characteristics of these countries that impact turnout (e.g., Jackman's 1987 study considered competitiveness of elections, electoral disproportionality, number of political parties, unicameralism vs bicameralism, but found CV to have the largest impact on turnout of all these institutional features) and (b) considerable variability in the enforcement of CV among those countries that ostensibly have CV.

WITHIN-COUNTRY COUNTRY COMPARISONS PROVE COMPULSORY VOTING INCREASES VOTER TURNOUT.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

Hirczy (1994, 65) makes a compelling argument that cross-national analyses provide "no causal proof that mandatory voting actually produces high turnout" and indeed, the causal arrow may be reversed; i.e., a country that adheres to a norm of high turnout simply "enshrines its civic norm in law". A research design that overcomes this threat is to compare turnout within countries, before and after the implementation or repeal of CV, or across sub-national units with and without CV. An additional strength of this design is that within countries many of the factors affecting turnout remain constant even while CV comes or goes. Studies of this type find CV to have large effects on aggregate turnout. Prior to the implementation of CV in 1924, turnout in the nine elections for Australia's House of Representatives averaged 64.2%; in the nine elections following the introduction of CV turnout averaged 94.6%, an increase of 30.4 percentage points ($t = 8.7$; author's calculations, using data in Hughes and Graham (1968)). In the Netherlands, the abolition of CV in 1970 was followed by a drop of roughly 10 percentage points to roughly 84% (Irwin 1974; Hirczy 1994). In addition, the removal of fines for non-voting in Venezuela in 1993 saw turnout fall by roughly 30 percentage points (Lijphart 1997, 9). In Austria, cross-provincial and longitudinal variation in the use of CV permits a powerful assessment of the impact of CV. Turnout in eleven federal parliamentary elections between 1953 and 1987 averaged 92.7% in provinces without CV; among provinces with CV turnout averaged 95.7%, to yield a treatment effect of 3.0 percentage points ($t = 3.4$), this smaller but statistically significant effect reflecting a "ceiling effect" (turnout rates are bounded at 100%). A reasonable conclusion of these studies is that CV's effects are conditional on baseline levels of electoral participation; i.e., CV is likely to have bigger impacts on turnout when other factors predispose a country to low turnout, and vice-versa (Hirczy 1994). This insight can be applied in cross-national studies of voter turnout, using interaction terms or multi-level statistical models to make the effects of CV conditional on other variables. Public opinion surveys have also been used as proxies for the "natural experiment" of removing CV. For instance, researchers in a number of countries with CV have asked respondents to report their likely behavior in a counterfactual scenario of voluntary turnout. Results from studies of this type suggest modest falls in voter turnout in Australia --- to about 88% from the current 96% figure (Mackerras and McAllister 1996) --- but larger falls in Belgium (Hooghe and Pelleriaux 1998), Brazil (Power and Roberts 1995), and Venezuela, all on the order of around thirty percentage points. Jackman (1999) urges caution in interpreting these estimates, arguing that (at least in the Australian case) survey response bias produces an overestimate of voluntary voter turnout, since hypothetical non-voters are less likely to respond to a survey on politics in the first place.

COMPULSORY VOTING ENCOURAGES THE STATE TO MAKE VOTING EASIER, WHICH INCREASES TURNOUT.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", *Acta Politica*, 2007, 42, (23-39).

Proponents of compulsory voting argue that it motivates politicians 'to make the system voter friendly' (MacKerras and McAllister, 1999, 223). This means that voting procedures will be facilitated: 'wherever voting is compulsory it is reasonable to expect the state to make voting a relatively painless experience (y) in order to ensure a high rate of compliance' (Hill, 2002a, 2). This includes all kinds of measures that minimize the effort needed to vote, resulting in even higher turnout levels (Hill, 2002b, 90–91; Jackman, 2001, 16317; Keaney and Rogers, 2006, 21–25; Verba, Nie and Kim, 1978, 288). Compulsory voting and other turnout-increasing measures thus function in a mutually reinforcing way. More importantly, voter-friendliness must be understood as a raised responsiveness of the government to its citizens' needs. As you only count if you vote, you should do so in order to make sure the government looks after your concerns. Compulsory voting thus 'encourages incumbent governments to protect everybody's interests' (Hill, 2002b, 88).

INEQUALITY

LOW VOTER TURNOUT EXACERBATES SOCIAL INEQUALITY.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", *Acta Politica*, 2007, 42, (23-39).

To show that low turnout is among the most serious threats democracies face today, I want to argue that it affects basic democratic values. The most fundamental premise of democratic thinking holds that those affected by a decision should be able to participate in the process which brings it about. To ensure that public policy is about the public – as it ought to be – one has to give the public a say in it. As Dahl argues, all members of a democracy ‘must have equal and effective opportunities for making their views known to the other members as to what the policy should be’ (Dahl, 1998, 37). As direct participation is practically impossible in large societies, one has to resort to some type of representation and insist that policy decisions should be made by a publicly elected government. This makes an election the pre-eminent occasion to participate in public life. As voting is the most important form of political participation (IDEA, 2004, 23), turnout is often used as a ‘measure of citizen participation’ (Verba et al., 1978, 8). When casting their votes, people express their opinions and preferences of the politicians, policies and politics of their country, region or town. In line with Dahl, one can argue that all citizens must have equal and effective opportunities for making their views known as to who should govern the country. In fact, this is why every defender of democracy considers universal suffrage to be a necessary requirement for any democratic regime. However, if one truly values this hard-won right to vote, one cannot remain neutral if only half of the potential voters actually exercise it. Departing from Dahl, I want to argue that universal suffrage (having the opportunity to vote) ought to be extended to universal participation (making use of the opportunity to vote). Indeed, ‘where few take part in decisions there is little democracy; the more participation there is in decisions, the more democracy there is’ (Verba and Nie, 1972, 1). To stress the importance of effective participation, I want to show how important democratic values are affected if electoral participation is low. The more citizens abstain, the less representative the electoral result becomes. This problem is aggravated by the fact that ‘low voter turnout means unequal and socio-economically biased turnout’ (Lijphart, 1997, 2). As Keaney and Rogers (2006, 10) aptly summarize, ‘international evidence shows that turnout and inequality are closely linked, and that as turnout falls so it becomes more unequal’. While universal suffrage equalizes the opportunities for participation in elections (every citizen has exactly one vote), inequalities between privileged and less privileged citizens persist in the way citizens exercise such opportunities (Lijphart, 1998, 1–2; Verba, Nie and Kim, 1978, 1–6). This forms a problem because governments normally respond to the opinions expressed by citizens in elections: ‘if you don’t vote, you don’t count’ (Burnham, 1987, 99). This assumption has been empirically confirmed. In their cross-country comparison, Mueller and Stratmann (2003, 2151) found that political participation has a positive impact on income equality. The more citizens abstain, the greater income inequality will become. The logic behind this is clear enough. As turnout declines, less privileged citizens tend to abstain more than others. As a result, they will have less representatives looking after their concerns and will therefore exert less influence on policy decisions. As low turnout means unequal influence, it violates the value of political equality, which lies at the heart of any notion of democracy. I thus want to argue that a purely formal equality of opportunity has to be extended to a more substantial equality of participation and influence.

STUDIES PROVE THAT COMPULSORY VOTING IMPROVES INCOME INEQUALITY.

Chong and Olivera 08, Alberto Chong [Research Department, Inter-American Development Bank] and Mauricio Olivera, "Does Compulsory Voting Help Equality Incomes?", Economics & Politics, Volume 20, November 2008.

In this paper we study the relationship between compulsory-voting laws and the distribution of income. The existing empirical literature has focused, on the one hand, on the effect of voting laws on the size and composition of public expenditure and taxes. On the other hand, the existing empirical literature from development economics has focused on the determinants of income distribution. This article uses both literatures to motivate a reduced-form empirical approach, expanding the literature by focusing on the robustness of the partial correlation between compulsory-voting laws and indicators of income inequality, in particular, the Gini index. Furthermore, we believe that the use of systematic sensitivity analyses adds credibility to our findings. Our analysis suggests that the effect of compulsory voting on income distribution is strong if the law is strictly enforced. Enforceable compulsory-voting laws compel the bottom-income quintiles of the population to vote. In this scenario the median voter would be the population that prefers higher transfers and redistribution programs. If the law is enforced, the effect is an improved distribution of income.

**LOW TURNOUT CREATES A VICIOUS CYCLES THAT CANNOT BE BROKEN WITHOUT
COMPULSORY VOTING.**

Armin Schafer 11, [Fellow at the Hanse Institute for Advanced Studies in Delmenhorst],
"Republican liberty and compulsory voting, Max Planck Institute for the Study of Societies
discussion paper, No. 11/17, 2011.

What is more, the causal arrow between turnout rates and income inequality seems to run in both directions. Lower turnout leads to more inequality, as just discussed, while rising inequality in turn depresses electoral turnout (Anderson/Beramendi 2008; Solt 2008, 2010). Under these circumstances, a vicious circle might arise, in which decision-makers direct policies at a median voter who less and less resembles the average citizen (Hill 2006: 216). As a result, egalitarian policies – higher taxes for the rich, urban development in deprived areas, universal health care, or public investment in early childhood education – become less likely, while larger sections of the lower classes might feel alienated from politics and “conclude that politics is simply not a game worth playing” (Solt 2008: 58), which will make voters even less representative. Under voluntary voting, it is hard to see how this circle can be broken.

DEMOCRACY DOESN'T ITSELF REDUCE INCOME INEQUALITY.

Alberto Chong and Mauricio Olivera – 2008 [Research Department, Inter-American Development Bank]. “Does Compulsory Voting Help Equalize Incomes?” *Economics & Politics*. Volume 20, No. 3.

The crucial issue is that regardless of its theoretical validity, in practice, democracies may not necessarily improve the distribution of income in the short run, or not at all, and if so, not to the extent that policy-makers expect or desire. In fact, the ultimate objective of fair representation is for governments to provide their constituencies with their wants and needs. This should be reflected in the welfare of the corresponding groups. According to conventional wisdom, the poor are less likely to go to the urns, which may result in the election of [so] leaders who do not cater to their needs and may end up skewing the distribution of income against them. In fact, the voters who would benefit the most by voting tend not to vote, as [because of high] transaction costs tend to be extremely high. Furthermore, the marginal impact of the vote of one single voter, especially in non-urban areas, is perceived, true or not, as in- consequential, which ends up biasing the cost-benefit calculation of individuals against voting. Individuals do not adequately assess the positive externalities of voting outcomes because they are typically not internalized in the utility functions of the voter.² In this context, compulsory-voting mechanisms have been encouraged to make voter turnout more representative of the democratic process.³

COMPULSORY VOTING LAWS BACKED BY STRICT ENFORCEMENT CAN SIGNIFICANTLY REDUCE INCOME INEQUALITY.

Alberto Chong and Mauricio Olivera – 2008 [Research Department, Inter-American Development Bank]. “Does Compulsory Voting Help Equalize Incomes?” *Economics & Politics*. Volume 20, No. 3.

With regards to our variable of interest we find that compulsory voting appears to have no effect on income inequality, as shown in Regression 1 on Table 3. The coefficient of the compulsory voting variable is unexpectedly positive but it is statistically non-significant at conventional levels. When we include a dummy variable that captures the level of enforcement of compulsory-voting laws, the result is still statistically insignificant, although the sign of the coefficient shifts from positive to negative. This is shown in Regression 2. Finally, when using a dummy variable that captures strong enforcement of compulsory-voting schemes only, the sign of the corresponding coefficient is negative and statistically significant at conventional levels. This is shown in Regression 3. This finding implies [implying] that countries with strict enforcement of compulsory-voting laws have, on average, a Gini coefficient that is 3.7 points lower. The model explains 44% of cross-country inequality.²⁴ In Regressions 4–6 we test the same three first specifications as before but use an index of political rights instead of civil liberties. The results are similar. In short, mandatory-voting laws that “on paper” require individuals to vote but bear little or no consequence when not done, do not have a bearing on the distribution of income. This is unsurprising because the lack of impact may occur either because the increased number of voters, if any, may not be representative of the voting population, or simply because additional voters do not go to the urns in significant numbers. On the other hand, compulsory-voting laws that are linked to a penalty or consequence when not voting are, indeed, associated with an improvement in the distribution of income, possibly as voter representation increases.

REMOVING COMPULSORY VOTING SHARPLY INCREASES INCOME INEQUALITY – RECENT STUDIES OF VENEZUELAN REFORMS PROVE.

John M. Carey and Yusaku Horiuchi – 2013. [Carey – Dartmouth Social Sciences Professor, Gov't Dep't Chair; Horiuchi – Dartmouth Associate Professor]. "Compulsory Voting and Income Inequality." Prepared for a seminar on Latin American Politics at Harvard University and a seminar in the Department of Government at Dartmouth.

The left panel shows the trajectory of net Gini coefficient for Venezuela (the black line) and synthetic Venezuela (the gray line). As expected, it shows that the level of inequality was similar between the factual and counterfactual cases until 1993 but the level of income inequality sharply increased only for the factual case [where compulsory voting was abolished].

They continue:

In sum, all these results suggest that the removal of legal sanctions for non-voting in Venezuela in 1993 fueled the observed increase in income equality after 1993. But we are also obliged to ask whether the political history of the case is consistent with the theory that motivates our analysis, and with the inferences that follow from it.

They conclude:

For matters of inference, keeping the issue of redistribution out of debates over compulsory voting has its *methodological* advantages. Specifically, as we have argued, the apparent *absence* of redistributive motivations for the Venezuelan reform in 1993 increases the validity of the synthetic control method we employ in this paper to estimate the reform's unintended impact on economic inequality. Our results, however, suggest that from a normative perspective, questions of inequality and redistribution belong at the center of these debates. The Venezuelan results suggest that ending compulsory voting, and the subsequent drop-off in electoral participation, contributed to increasing economic inequality in the 1990s above levels Venezuelans would otherwise have experienced.

PREVIOUS STUDIES SUFFER FROM SEVERE LIMITATIONS.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

As a result of methodological limitations, no previous study adequately addresses the primary question of interest. Confounding variables, reverse causation, and model misspecification may bias the correlational and survey studies. The most compelling causal evidence on the effects of turnout comes from studies of small shocks to turnout. These studies address a separate question about the effects of marginal changes to voter turnout, but they do not assess the effects of near-universal turnout. If marginal voters are unrepresentative of the entire population of nonvoters, then these studies do not speak to the counterfactual question at hand. To determine what would happen if everyone voted, we need a policy change that closely mimics the ideal counterfactual — one where almost everyone is brought to the polls.

PREVIOUS STUDIES SUFFER FROM SEVERE LIMITATIONS.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

Previous attempts to address this question suffer from methodological problems. Correlations between turnout and various outcomes lack a causal interpretation because confounding variables influence both turnout and the outcomes of interest and the outcomes of interest may influence voter turnout. Comparisons of voters and nonvoters within an electorate also suffer from the possibility of confounding variables or systematic measurement error in surveys. Previous quasi-experimental approaches lack external validity because the subset of voters influenced by the quasi-experiment is unrepresentative of all nonvoters. In short, previous research has failed to answer the counterfactual question of interest. In a democracy with voluntary voting, researchers have been unable to determine the effects of near-universal turnout.

The analysis presented here largely overcomes the problems of previous studies. The timing of the introduction of compulsory voting in different Australian states appears to be exogenous to partisan attitudes and other political events, so difference-in-differences methods can estimate the causal effects of compulsory voting laws. Moreover, because compulsory voting caused a substantial increase in voter turnout, the subset of citizens influenced by the policy is nearly the entire population of nonvoters. This analysis brings us closer than ever before to answering the extreme counterfactual question: “what if everyone voted?”

FOWLER’S STUDY IS MORE PLAUSIBLE BECAUSE IT ASSUMES LESS.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

While the adoption of compulsory voting was not random, the timing of the policy does not appear to be related to changes in political, economic, or demographic factors — a claim that I explicitly test later in this paper. Therefore, compulsory voting provides a rare opportunity to test for the effects of near-universal turnout on election outcomes and public policy. To assess the effects of compulsory voting on partisan election results, I exploit the differential timing of compulsory voting laws across Australian states with a simple difference-in-differences design. Then, in order to assess the policy consequences of compulsory voting, I employ synthetic control methods to compare changes in Australia’s pension spending over time with changes in other comparable nations. Both of these designs require a parallel trends assumption which is extremely plausible, justified with data, and significantly weaker than the assumptions required for previous studies of the effects of near-universal turnout.¹

BEFORE AUSTRALIA'S COMPULSORY VOTING LAWS, PROPERTY-OWNERS WERE OVERREPRESENTED AT THE POLLS – EVIDENCE FROM THE VICTORIA PROVINCE PROVES.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

After his election to the Victoria State Assembly in 1877, Robert Clark, a working-class miner, requested a report of voter turnout by property- ownership. To my knowledge, this is the only Australian electoral return which provides any breakdown of turnout by demographic characteristics. The report presents turnout data for 37 of Victoria's 55 districts. These 37 districts contained 580,000 residents and 170,000 eligible voters. For most of the missing districts, the election for legislative assembly was uncontested, so no votes were cast.

At that time in Victoria, property-owning males were automatically regis- tered to vote. If a non-property-owner wanted to register, he would have to pay 1 shilling. The property requirement was not severe; 59 percent of voting- age males were automatically registered as property-owners. This group included farmers, masons, shepherds, storekeepers, butchers, and “gentle- man.” Non-property owners included strictly working-class citizens such as laborers, servants, cooks, and gardeners. The 1877 report presents for each district the approximate number of eligible voters, the number of registered property-owners, the number of registered non-property-owners, the number of voters who were property-owners, and the number of voters who were non-property-owners. From these data, we can back out the proportions of eligible property-owners and eligible non-property- owners who turned out in the state election. Alarming, only 18 percent of eligible non-property- owners turned out to vote compared to 66 percent of property-owners. Given the burden of registration, only 32 percent of eligible non-property-owners bothered to pay the shilling and get on the roll. Even conditional on register- ing, only 57 percent of those individuals turned out. Surprisingly, property- owners were more likely to vote than even the subset of non-property-owners who had paid to become registered. Put another way, property- owners comprised 84 percent of the electorate even though they only comprised 59 percent of the eligible voters.

THE TRENDS IN VICTORIA CAN REASONABLY BE APPLIED TO AUSTRALIA AS A WHOLE.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

These findings from 1877 and 1899 demonstrate a large degree of turnout inequality in Australia before the adoption of compulsory voting. Due to the lack of available data, these findings cannot be replicated outside of Victoria or Bendigo. However, we have no reason to suspect that turnout inequality was unique to these regions of Australia. Contemporary electoral reports indicate that turnout and registration rates in Bendigo were similar with other municipalities in Victoria and Victoria was comparable with other states in Australia. This analysis constitutes, to my knowledge, the first and only possible analysis of individual-level voting behavior in Australia before compulsory voting. Acknowledging the limitations, I take these results as evidence of a larger phenomenon across Australia.

COMPULSORY VOTING DRAMATICALLY CHANGED ELECTION RESULTS BY RECTIFYING TURNOUT INEQUALITY THAT FAVORED CONSERVATIVE, NON-LABOR PARTIES.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

According to these results, average turnout in the absence of compulsory voting during this period would have been 67 percent, and the Labor Party would have received 44 percent of the votes. However, average turnout with compulsory voting would have been 91 percent, and Labor would have received 53 percent of the votes. This suggests that 78 percent of the new (marginal) voters brought to the polls by compulsory voting supported the Labor Party compared to just 44 percent of older (regular) voters.⁶ This estimate is substantively large but quite plausible, given what we now know about turnout inequality prior to compulsory voting. Among the 91 percent of voters who voted under compulsory voting, only 61 percent of Labor voters turned out to the polls under voluntary voting while 88 percent of non-Labor supporters turned out. These calculations independently confirm the extent of turnout inequality in Australia before compulsory voting. Before compulsory voting, non-Labor supporters were 1.4 times more likely to vote compared to Labor supporters. When compulsory voting caused an exogenous increase in turnout, election results changed dramatically.

COMPULSORY VOTING WAS UNIQUELY RESPONSIBLE FOR PROGRESSIVE ELECTION RESULTS IN AUSTRALIA – OTHER VARIABLES DON'T ACCOUNT FOR THE DIFFERENCE.

Anthony Fowler – 2013 [Department of Government, Harvard University]. “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia.” *Quarterly Journal of Political Science*, 2013, 8: 159–182.

The parallel trends assumption implies that the timing of the adoption of compulsory voting did not coincide with any state-specific changes in demographic or political factors that could have independently influenced voter turnout or election results. Historical analysis of the adoption of compulsory voting lends credence to this assumption. The insensitivity of the results to the inclusion of state-specific trends provides further support. In this section, I search for further evidence that could potentially falsify or bolster the parallel trends assumption. I find that the adoption of compulsory voting across states was not correlated with any changes in economic or demographic variables.

To conduct these tests, I collected data for each state from the Australian censuses in 1911, 1921, 1933, and 1947.⁷ For all six states at each of these four time points, I obtained data on the state's population and the proportion of the state's population that was under 21, married, born in Australia, identifying with the Church of England, and working in the manufacturing sector. Then, treating each variable as an outcome variable, I regress each variable on a dummy variable for compulsory voting, state fixed effects, and year fixed effects. This procedure mimics the difference-in-differences regressions shown previously. The results of each regression are shown in Table 3. For each test, the placebo “effect” of compulsory is statistically and substantively indistinguishable from zero. These results provide further support for the parallel trends assumption and demonstrate that the adoption of compulsory voting across states was not correlated with these demographic or economic changes.

COMPULSORY VOTING INCREASES TURNOUT BY AROUND 30% AND SPECIFICALLY IMPROVES THE REPRESENTATION OF UNSKILLED WORKERS.

Laura Jaitman – 2013. Department of Economics, University College London. “The causal effect of compulsory voting laws on turnout: Does skill matter?” *Journal of Economic Behavior & Organization* 92, 79–93.

Table 2 shows that the effect of the CVL on voter turnout at the age of 70 was around 18 p.p. (28%). This jump is in the narrow range of 17–21 p.p., depending on the specification, which is equal to a 27–33% increase in voting turnout and is statistically different from zero at less than 1% significance level. The preferred specification is the piece-wise linear polynomial in column III, which in the light of Fig. 1 and the high significance of its estimated parameters, provides the best fit to the data. The result from this specification shows that if voting would continue to be compulsory, the probability of voting by those aged 70 would increase by 28%. The increase is close to the upper limit of the range in the literature (mostly cross-sectional) that suggests a positive effect of 7–17 p.p. of CVLs. The results also hold for the quadratic piece-wise model (column IV).

In the first (second) column of Table 2, I report the result of the mean difference estimation considering the cohorts of persons aged 69 and 70 (65–74), or equivalently a kernel regression using rectangular kernel with bandwidth equal to 1 (5). As the turnout of those older than 70 showed a decreasing trend, the estimate for the effect is 33% in the second column, higher than the 28% in the first column. If the downward trend in turnout conditioned by age, were to be purely because of inducement by the law, then this result would suggest that there is an initial jump and then a lag in the effect of the law. Some hypothetical reasons could be that there were some people, who got adapted later to the relief from the sanction (persistence of voting habit), or that other (younger) members of the household still had to vote and hence they joined them in the activity despite being older than 70. The first column can also be interpreted as a check of the third (preferred) model, given that the first one does not present the potential problem of having clustered standard errors with a small number of clusters (10 cohorts).

Table 3 shows the estimates of the effect of the CVL across skill groups. According to the third (preferred) model, the unskilled citizens were affected by the law twice as much as the skilled citizens were affected. Because of the CVL, turnout by the unskilled increased by 22 p.p. (38%), and turnout by the skilled only by 12 p.p. (17%). The increase in turnout in skilled citizens is lower possibly because the CVL was less binding for them as the weight of their “civic duty” component in their voting equation might have been larger than for the unskilled. The estimated difference in the effect across skill groups was statistically different from zero at 1.8% significance level.²⁸

This result suggests that compulsory voting is an institution that attenuates the skill (and usually socioeconomic) bias in political participation. It also offers econometrically supported arguments in favor of the common thought that populist parties prefer this kind of institution. To further investigate the economic implication of the results, I performed a cross-sectional estimation at voting-desk unit, regressing the proportion of votes to the right-wing party per desk on the proportion of voluntary voters and controls (skill level of the desk and neighborhood). I obtained a positive correlation between the proportion of voluntary voters and votes to the right-wing party.²⁹ This suggests that the voluntary voters and non-voters (skilled and unskilled) differ in their political preferences and that the CVL has important implications in the economic policies applied (trade policy, redistribution, unionization of the labor market among others). CVLs shape the electorate and change the winning platform as the composition of the electorate changes with the law.

COMPULSORY VOTING INCREASES TURNOUT BY AROUND 30% AND SPECIFICALLY IMPROVES THE REPRESENTATION OF UNSKILLED WORKERS.

Laura Jaitman – 2013. Department of Economics, University College London. “The causal effect of compulsory voting laws on turnout: Does skill matter?” *Journal of Economic Behavior & Organization* 92, 79–93.

From different specifications of this RDD, the effect of compulsory voting on turnout was estimated to be in the range of 17–21 p.p., which was equivalent to an effect of 27–33% increase over the turnout at the age of 70 and was statistically different from zero at less than 1% significance level. More importantly, the findings conclusively support the hypothesis that the unskilled citizens are more affected by mandatory voting than the skilled citizens. Considering the piece-wise linear probability model, the effect of the CVL for the unskilled was a 22 p.p. (38%) increase, while the CVL was less binding on the skilled, whose turnout increased only by 12 p.p. (17%). The estimated differential effect of the CVL across skill groups was statistically different from zero at conventional levels of significance. The results are found to be robust to a battery of checks comprising changes in time and clustering units, as well as accounting for potential health differentials. In addition to these, the results hold for the female sample and also if the age unit is months instead of years.

The contribution of this paper to the literature in the field is that it employs an internally valid design to assess the effects of compulsory voting on voter turnout. The estimates of this study fall near the upper bound of the range estimated by previous (mainly cross-sectional) studies (effects of 7–17 p.p.). To the best of my knowledge, I am the first to show rigorously that compulsory voting is an institution that attenuates the skill (and usually socio-economic) bias in political participation. The economic implication of this result is highly relevant because the skilled and the unskilled prefer different policies. My results also support the common belief that populist parties are generally in favor of this kind of institution.

REDUCES POLITICAL APATHY

COMPULSORY VOTING REDUCES POLITICAL APATHY

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

Another indirect benefit of compulsory voting is that it might lead to the kinds of changes in American political culture that could increase political awareness and engagement. A compulsory voting regime would change the ways in which candidates, political parties, and other political groups develop campaign strategies. For example, compulsory voting might lead to fewer negative campaigns featuring attack ads because such ads generally succeed by selectively lowering turnout among targeted groups.ⁿ⁴⁰ Once the prospect of significantly lower voter turnout is removed, candidates would presumably reduce or eliminate the use of this tactic and focus on different, perhaps qualitatively superior, tactics.ⁿ⁴¹

More generally, the current political discourse has developed in a system in which relatively few people vote and those who do have relatively homogeneous demographic characteristics. Political organizations have developed campaign messages and strategies that are successful at appealing to those voters. Compulsory voting would bring a new population into play, and would force political actors to make changes in their campaign methods in order to take these new voters into account - whether those changes involve their substantive policy positions or the means of communicating those positions.

Compulsory voting thus has the potential over time to alleviate some of the very causes of the current low levels of voter turnout. By triggering a shift in political discourse, compulsory voting would create a virtuous cycle that would alleviate the underlying causes of voter apathy. First, as already mentioned, compulsory voting will reduce the negative tone of campaigns that discourages some potential voters.ⁿ⁴² Second, compulsory voting can make politics less partisan and divisive, since currently the voting population is much more partisan than the electorate at large.ⁿ⁴³ If the entire population votes, there will be a more balanced representation of the political spectrum. Finally, compulsory voting can lead to increased government relevance. By bringing in groups that are underrepresented among those who are currently likely to vote, compulsory voting will force politicians to shift their focus to different sets of issues. People who are brought into the democratic process will increasingly find that the government agenda addresses their interests, and this recognition could lead to a greater [*598] appreciation of the importance of democratic government. This may increase the utility people get from fulfilling their civic duty to vote, which would in turn lead more people to see their rational choice as voting, rather than staying at home on Election Day.ⁿ⁴⁴

NON-VOTING DOES NOT INHERENTLY MEAN THAT DISADVANTAGED GROUPS ARE SATISFIED WITH PUBLIC POLICY

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

Many would dismiss these concerns about underrepresentation by pointing out that no one is denying the rights of nonwhites or the poor to vote; rather, individuals in those demographic groups are simply choosing not to exercise their rights. If they were sufficiently dissatisfied with the government, then presumably they would change their minds and vote. Given the rational basis for nonvoting discussed above, however, individual dissatisfaction is hardly guaranteed to encourage voting. Even a dissatisfied individual will be unlikely to vote if she realizes that her vote has a negligible chance of affecting the outcome of an election. Thus, even among relatively distinct demographic groups, a majority of whose members may be seriously dissatisfied [*596] with the national political leadership, collective action problems pose a substantial obstacle to any attempts to increase voter turnout.

LEGITIMACY

LOW VOTER TURNOUT HARMS GOVERNMENTAL LEGITIMACY.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", *Acta Politica*, 2007, 42, (23-39).

Political participation is also crucial for guaranteeing the legitimacy of a democratic regime. The more citizens abstain, the more the elected bodies lose their accountability. To illustrate the problem one can refer to elections where only a minority of the electorate determines the electoral result. In elections to the European Parliament, for example, average turnout has declined systematically from 63% of all registered voters in 1979 to a record low of 45.6% in 2004 (EP, 2004). As more than half of the electorate abstains in 18 of the 25 member states, one can hardly speak of popular or majority will (Watson and Tami, 2001). As democracy cannot imply that laws are enacted by legislators representing a minority of eligible voters, one has to conclude that high turnout levels are necessary for any democracy claiming legitimacy.

LOW VOTER TURNOUT HARMS EU LEGITIMACY.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

As far as the EU elections are concerned, there are two basic reasons why turnout matters. First, abstention from the polls notably diminishes the legitimacy of the electoral process, of the European Parliament itself and of the European Union as a whole. In this way, the vision of consolidating the Union as a democratic project that culminated in direct suffrage to the Parliament in 1979 is undermined. Especially so since the EU's internal application of democratic standards is being challenged on another front these days, namely the questionable procedures of adopting the EU Treaty of Lisbon, with referenda being repeated until the results are satisfactory. Even though Europe does not share a common culture of direct democracy and there are different views on the levels of EU representation, this disharmony has affected the sense of political equality in the EU. As a result, an increasing divide opens up between Europe's democratic ideals and its less democratic reality, in which the concepts of representation, majority and equal empowerment are distorted. These ideas lie at the heart of European history and political culture, and have generated stability, trust and social peace.

COMPULSORY VOTING WOULD REDUCE THE INFLUENCE OF UNACCOUNTABLE POLITICAL ORGANIZATIONS AND LIMIT MONEY'S IMPACT ON ELECTIONS OVERALL.

HLR – 2007. "The Case for Compulsory Voting in the United States." Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

In addition to the direct effect of compulsory voting on turnout, there are also several indirect benefits. First, compulsory voting would reduce the role of money in politics.ⁿ³⁵ Political parties would not spend as much money on their get-out-the-vote efforts since high turnout would already be ensured and would be fairly inelastic.ⁿ³⁶ Some of the get-out-the-vote money could be shifted to other forms of campaign spending, but not all of it. A significant amount of spending on getting out the vote comes from groups known as 527s (a reference to the tax code) and nonpartisan groups that are not subject to campaign finance laws.ⁿ³⁷ These groups are limited in their abilities to campaign expressly in favor of candidates.ⁿ³⁸ Presumably, these organizations would shift some funds from getting out the vote to issue ads (which are permissible), but the diminishing marginal effectiveness of those ads would limit this. With this implicit limit on spending, politicians and parties might focus somewhat less on fundraising and be less beholden to donors.ⁿ³⁹

EXPENDITURES

COMPULSORY VOTING REDUCES WASTEFUL GOVERNMENT EXPENDITURES.

Chong and Olivera 08, Alberto Chong [Research Department, Inter-American Development Bank] and Mauricio Olivera, "Does Compulsory Voting Help Equality Incomes?", *Economics & Politics*, Volume 20, November 2008.

Another view is that the existence of compulsory voting reduces the potential for fiscal spillovers between voters and non-voters and consequently reduces the pressure groups' incentive to expend resources on lobbying (Crain and Leonard, 1993). The claim is that there is a negative relationship between the existence of compulsory voting and the scale of government expenditures.⁵ Public policy is driven by the demands of competing pressure groups and government favors are bestowed upon small, well-organized coalitions at the expense of dispersed unorganized taxpayers. According to this argument, the transfers to special interests in per capita terms are large in relation to the per capita costs, which get spread across a broadly dispersed group of taxpayers (O'Toole and Strobl, 1995). The large prorata gains to interest groups relative to the small prorata costs of taxpayers implies that policies produced are not in the collective interest of the majority as aggregate costs exceed benefits per capita. This asymmetry means that interest groups have greater incentive to organize and expend lobbying resources for advocating policies than taxpayers have to organize in opposition to these policies. Unorganized individual voters have little incentive to become informed or participate in the political process, given the costs of voting relative to the small expected benefit. As more voters are coerced into the process, voting by the cost-bearing group will rise more than proportionately, simply because they are larger in size than the benefit-receiving group. Thus, the interest group framework suggests that compulsory voting will reduce government activity and expenditures (Crain and Leonard, 1993). Using data on size of government consumption relative to gross national product for 1980–1987, Crain and Leonard (1993) show support to the idea that compulsory-voting rules are linked with lower government expenditures.

COMPULSORY VOTING ACTUALLY TENDS TO REDUCE GOVERNMENT SPENDING GROWTH MORE THAN VOLUNTARY VOTING.

W. MARK CRAIN AND MARY L. LEONARD [Centre for Study of Public Choice, George Mason University] – 1993. “THE RIGHT VERSUS THE OBLIGATION TO VOTE: EFFECTS ON CROSS-COUNTRY GOVERNMENT GROWTH.” *Economics & Politics*. Vol. 5 No. 1.

The cross-country empirical comparison reveals that government spending growth in CVR countries [with compulsory voting] is slower than in voluntary voting countries. This result will surely surprise some readers. The *ex ante* prejudice that more inclusive democracy will expand the size of government growth is not supported empirically. When voter participation rates approach 100 percent, as it does in CVR countries, the preference of the median voter for government services apparently declines, rather than increases.

This result is consistent with pressure group theories of government, which stress the ability of organized coalitions to secure net wealth transfers from the state. The interest group model derives this result in an institutional environment that treats voting as voluntary or, more accurately, ignores the difference between the right versus the obligation to vote. The main implication of the interest group analysis is driven by the concentrated benefits-diffused costs argument. It is this asymmetry that creates the opportunity for [lets] special interests to exploit the democratic electoral process. Obligatory voting rules appear to be an institutional mechanism to mitigate[s] the asymmetry in incentives facing organized interest groups and atomistic taxpayers.

FREE-RIDING

COMPULSORY VOTING SOLVES THE PROBLEM OF FREE-RIDING ABSTAINERS.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", *Acta Politica*, 2007, 42, (23-39).

One can doubt whether the resistance of opponents who prefer to stay at home is really based on libertarian conscientious objections. Against those who abstain because of pragmatic considerations, one can argue that attending the polling station every two or three years is not too much to ask, especially compared to governmental obligations such as compulsory education and tax duties, which are much more time-consuming (Keaney and Rogers, 2006, 7, 30,35). Given the importance of democracy, I believe a government has every right and reason to demand this much from its citizens. Abstention is a form of free-riding behavior: although there are benefits if everybody votes, the individual abstainer gives in to the incentive to abstain. However, this is not universalizable: if everybody reasons this way, nobody will participate and the democratic system will lose its legitimacy and ultimately disappear. Compelling citizens to participate makes voting more rational for the individual, thereby preventing free-riding and securing the valuable existence of the democratic state. This is true for several other duties, all of which contribute to upholding the three branches of a modern state. Citizens have to pay taxes to preserve the continuity of the state as a whole, including the executive power. They have to respect the law and serve in juries to preserve the continuity of the judicial power. Analogously, they have to participate in elections to preserve the continuity of the legislative power. To avoid the totalitarian tendency of solving all free-rider problems by means of state compulsion, I have emphasized the importance of democracy and its values.

LIBERAL DUTY TO VOTE

LIBERAL PRINCIPLES JUSTIFY COMPULSORY VOTING.

Justine Lacroix 07, [Universite libre de Bruxelles], "A Liberal Defence of Compulsory Voting", *Politics*: 2007 Vol. 27(3), 190-195.

One obviously does not need to adhere to neo-republican theories to consider that such inequalities in electoral participation pose serious problems of legitimacy for a liberal well-ordered society. One might even draw a parallel with the social question as redistribution mechanisms have also been the butt of criticism by libertarians in the name of free enterprise. Conversely, many other liberal thinkers argue that this is an improper interpretation of the word liberty as this restrictive conception actually concerns the liberty of a few and thus implies constraints for the majority. 'A much more attractive ideal would be liberty for all ... in other words, the liberal commitment for liberty has resources that may be opposed to the "libertarianism" of the economic conservatives' (Waldron, 1987, p. 129). That is the reason why the liberal commitment to liberty has been reformulated as a commitment for equal liberty, a principle that justifies solidarity policies which do not infringe on individual rights as they aim at guaranteeing liberty for all and creating the necessary conditions for the full exercise of individual liberty. The same argument can be used to defend compulsory voting. By encouraging all citizens, even the least motivated among them, to be informed and voice their opinions, compulsory voting would partially thwart the strong social determinants and oblige political parties to pay heed to the more marginalised electors. As in John Rawls's model the only acceptable forms of inequalities are those that are beneficial to the least privileged part of the population, it is all the more difficult to contend that the recorded inequalities in electoral participation may serve the interests of this category of individuals. From this approach, the defence of compulsory voting echoes Shklar's observations on democracy. As emphasised by Paul Magnette, 'in Shklar's definition of liberalism ... it is first and foremost the liberty of the weakest that is protected by democracy'. It may not make citizens equal, but 'at least it erodes the submission of the weakest' (Magnette, 2006, p. 93). It is in that sense that the objective of (quasi-)universal participation may be considered as the logical continuation of the extension of the voting franchise that Constant, some two centuries ago, considered a better means of countervailing the powers that be than intermediary bodies or associations bent on particular interests. They are thus two distinctive ways for liberals to defend the duty to vote, each respectively responding to the two dimensions of political participation as defined by Constant and Tocqueville: as an end in itself or as a means of protecting private liberties. In the first approach – which might be called 'maximal' – the duty to vote is the continuation of a vision according to which political participation is one of the necessary conditions for individual and collective autonomy and self-fulfilment. However, even the rejection of such a 'perfectionist' liberalism does not invalidate the other 'minimal' conception which envisions compulsory voting as the best institutional measure to make voting procedures as equal as possible, notably as a counterweight to other forms of political participation – for instance, associations – bound to remain unequal. Put differently, even according to a purely instrumental conception of democracy, the duty to vote can be justified as 'it makes it possible to prevent the risks of arbitrariness and contain the domination of the most powerful' (Magnette, 2006, p. 92).

PARTY STABILITY

COMPULSORY VOTING INCREASES PARTY STABILITY.

Mackerras and McAllister 99, M. Mackerras [Department of Politics, University of NSW], I. McAllister [Research School of Social Sciences, Australian National University], "Compulsory voting, party stability, and electoral advantage in Australia", *Electoral Studies* 18 (1999) 217-233.

A third consequence of compulsory voting is a high level of party stability. This is reflected in the large number of voters who identify with one or other of the major parties, and in the preponderance of representatives of the major parties in the federal and state parliaments. Australia has one of the highest levels of party identification in the world. While partisan dealignment in Britain, the United States and some other countries has seen many voters rejecting the major parties, and either abstaining or changing their party from one election to the next (Wattenberg, 1994; Dalton, 1996), Australia has largely been immune from these changes. Compulsory voting ensures that voters cast a ballot and the act of voting means that they are forced to think, however superficially, about the major parties. The frequency of elections at the state and federal levels further reinforces the high visibility that parties enjoy within the electorate. Although, as noted previously, compulsory voting also favours support for minor and protest parties, the advantage they gain is small compared to the overall impact on major party support.

POLARIZATION

COMPULSORY VOTING WOULD DECREASE POLITICAL POLARIZATION.

William A. Galson 11, [senior fellow at the Brookings Institution], "Telling Americans to Vote, or Else", New York Times Sunday Review, November 5, 2011.

The third argument for mandatory voting goes to the heart of our current ills. Our low turnout rate pushes American politics toward increased polarization. The reason is that hard-core partisans are more likely to dominate lower-turnout elections, while those who are less fervent about specific issues and less attached to political organizations tend not to participate at levels proportional to their share of the electorate. A distinctive feature of our constitutional system — elections that are quadrennial for president but biennial for the House of Representatives — magnifies these effects. It's bad enough that only three-fifths of the electorate turns out to determine the next president, but much worse that only two-fifths of our citizens vote in House elections two years later. If events combine to energize one part of the political spectrum and dishearten the other, a relatively small portion of the electorate can shift the system out of all proportion to its numbers. Some observers are comfortable with this asymmetry. But if you think that today's intensely polarized politics impedes governance and exacerbates mistrust — and that is what most Americans firmly (and in my view rightly) believe — then you should be willing to consider reforms that would strengthen the forces of conciliation. Imagine our politics with laws and civic norms that yield near-universal voting. Campaigns could devote far less money to costly, labor-intensive get-out-the-vote efforts. Media gurus wouldn't have the same incentive to drive down turnout with negative advertising. Candidates would know that they must do more than mobilize their bases with red-meat rhetoric on hot-button issues. Such a system would improve not only electoral politics but also the legislative process. Rather than focusing on symbolic gestures whose major purpose is to agitate partisans, Congress might actually roll up its sleeves and tackle the serious, complex issues it ignores.

POLITICAL INTEGRATION

COMPULSORY VOTING PROMOTES POLITICAL INTEGRATION.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European

Policy Studies Working Document No. 317/July 2009.

The main rationale behind the system in Belgium was to complement and enforce universal suffrage, which was introduced in the same constitutional reform of 1893. Compulsory voting was a way to fulfil the principle of political integration, in other words it was a method to politically unite a socially disparate people. In this sense, if the principle of universality is a central aspect of voting rights, its progressive realisation requires respect from the state and protection from third-party interference. As with all human rights, the third and most advanced step is fulfilling such rights, in other words providing guarantees that they will be exercised. So, full political integration is perhaps the strongest argument for compulsory voting. Indeed, the most important implication of universal participation is political equality. In his milestone article in 1997, Arend Lijphart argued that low turnout is biased against citizens with a lower education, income and social class. According to him, citizens with lower education or modest social status, as well as those belonging to ethnic, linguistic or religious minorities, are more prone to abstention than others. Conversely, voluntary voting perpetuates political inequalities and misrepresentation. Paradoxically, the claim of abstainers that the European Parliament is an elitist establishment is reinforced by abstention itself.

PUBLIC OPINION

COMPULSORY VOTING IS POPULAR IN AUSTRALIA.

Mackerras and McAllister 99, M. Mackerras [Department of Politics, University of NSW], I. McAllister [Research School of Social Sciences, Australian National University], "Compulsory voting, party stability, and electoral advantage in Australia", *Electoral Studies* 18 (1999) 217-233.

By any standards, compulsory voting is popular among voters. Going back to the earliest opinion poll which asked voters' views on the topic, conducted in 1943, never less than six out of every 10 voters have supported compulsory voting (Fig.1). Support for the system increased gradually during the 1940s, 1950s and 1960s, peaking at 76 per cent in a survey conducted in 1969. This gradual increase is probably a reflection of the large number of voters who have grown up under the system, together with the absence of any political debate concerning its advantages or disadvantages. Support declined slightly in the 1970s and early 1980s, but in recent years has strengthened. Surveys which permit the respondents to register the strength of their opinion for or against the system indicate that voters who favour compulsory voting have stronger views than those who oppose it (McAllister and Makkai, 1993, 28–29). As Aitkin (1982, 31) notes, compulsory voting "is in no sense seen as an imposition on the electorate and resented by it".⁸⁷

RIGHTS

VOTING PROTECTS RIGHTS.

Lisa Hill 10, [Professor of Politics, University of Adelaide], "On the Justifiability of Compulsory Voting: Reply to Lever", *British Journal of Political Science*, Cambridge University Press, 2010.

Voting not only protects our material interests; it also protects our rights. J.S. Mill regarded the vote as a kind of insurance policy against state and domestic abuses of power and many have agreed with him. The United States Supreme Court has asserted that the right to vote is fundamental because it is the 'preservative of all rights'.¹¹ It has also affirmed the right to vote 'as the citizen's link to his laws and government' and that it 'is protective of all fundamental rights and privileges'.¹² Were people to fail persistently and ubiquitously to express this right there would be no check against the potential tyranny of those in power. Democratic participation preserves rights; failure to exercise our voting rights imperils all of our rights including the right to vote itself. In principle, one should not have to exercise a right in order to remain entitled to it; in practice, things may be different, particularly where this right is concerned.

DEMOCRACY PROMOTION

LOW VOTER TURNOUT HARMS THE EU'S ABILITY TO PROMOTE DEMOCRACY.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

Secondly, the EU needs credibility for its democracy promotion projects. In the eyes of the world, the EU is indeed the largest humanitarian aid provider. With respect to other donors, it adopts a distinct aid strategy that strictly applies the principles of democracy and human rights. These principles, having their origin in the historical experience of war and military regimes in Europe during the last century, provide an uncontested common ground of conceptual understanding between Europeans. They produce a convergence of political attitudes that unites all member states and crafts a supra-national identity, an image that is projected to the rest of the world. Human rights and democracy appear not only as general thematic priorities that mainstream development projects, but also as specific legal clauses that determine the conclusion of aid contracts. Therefore, the EU simply cannot afford to be criticised for the quality of its own democratic record. Participation and political inclusion are part and parcel of the democratic package and if the EU wants to support that package worldwide, it must adhere to these values itself.

A2 UNINFORMED VOTERS

EMPIRICAL LITERATURE THAT CONCLUDES MANDATORY VOTING PROMOTES AN UNINFORMED ELECTORATE SUFFERS FROM SEVERE METHODOLOGICAL FLAWS. OBSERVATIONAL STUDIES ARE ESPECIALLY TROUBLING.

Victoria Anne Shineman [Visiting Scholar, Center for the Study of Democratic Politics Princeton University] – 2010. “Compulsory Voting as Compulsory Balloting: How Mandatory Balloting Laws Increase Informed Voting Without Increasing Uninformed Voting.” Working Paper, Princeton University.

Overall, the empirical literature suggests that mandatory voting increases the average information level in the population, but decreases the average information level in the electorate. If true, this would introduce a conflict of interest for scholars who value both an informed population and an informed electorate. However, all of these findings are based on observational data or hypothetical behavior. Observational studies have difficulty in properly identifying a causal effect. It is difficult to make meaningful comparisons of political information across political systems. Furthermore, mandatory balloting rules are not randomly assigned in real- world elections, introducing significant concerns regarding baseline bias. The hypothetical studies are also limited with regard to causal inference. Respondents notoriously misreport their *actual* voting behavior, so reports of hypothetical voting behavior should be analyzed with great caution (see Jackman 1999). Even if respondents try to be sincere, reporting hypothetical behavior is not the same thing as making a real choice. For example, Morton and Williams (2010, p. 359) cite several studies demonstrating that hypothetical choices differ significantly from choices made in settings where actions are incentivized with real consequences. Additionally, this method of measurement cannot account for the possibility that CV might be increasing information. If information is endogenous to the voting system, one’s level of information under one voting system cannot be a reliable estimate for that person’s counterfactual level of information under the other system.

COMPULSORY VOTING LAWS ACTUALLY INCREASE INFORMED VOTING.

Victoria Anne Shineman [Visiting Scholar, Center for the Study of Democratic Politics Princeton University] – 2010. “Compulsory Voting as Compulsory Balloting: How Mandatory Balloting Laws Increase Informed Voting Without Increasing Uninformed Voting.” Working Paper, Princeton University.

Results – Hypothesis 1: Moving from voluntary balloting to compulsory balloting does not increase uninformed voting. The first hypothesis argues that compulsory balloting will not increase uninformed voting. Specifically, the CB Model predicts that uninformed voting will never happen under either system. To test this prediction, I compare uninformed voting across the VB and CB treatments. Table 2 presents the frequency of uninformed voting, sorted by treatment type. The exact point predictions of the model are not realized. Across all treatments, subjects cast uninformed votes 1.55% of the time. This occurred 2.50% of the time in VB treatments and 1.34% of the time in CB treatments. The frequency of uninformed voting was significantly larger than zero in all three treatment categories ($p < 0.0014$). However, in response to concerns that CB penalties might increase uninformed voting, the data indicates this is not the case. Uninformed voting actually occurred 1.16% *more often* under VB than it did under CB, and the difference is marginally significant ($p = 0.054$).

ARGUMENTS ABOUT UNINFORMED VOTERS ARE IMPLAUSIBLE.

HLR – 2007. "The Case for Compulsory Voting in the United States." Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

The assumption that nonvoters are politically ignorant is also questionable. First, it is perfectly understandable for even the most politically informed citizens to refrain from voting due to the negligible probability that their vote will influence the outcome and to the nonnegligible private costs they incur by voting.ⁿ¹⁰⁶ Second, as an empirical matter, the assumption that most nonvoters are politically ignorant is inaccurate. For example, a study of the 1990 election for the U.S. Senate found that only 18% of nonvoters fit the stereotype of individuals who are "oblivious to the campaign and ... better off staying away from the polls."ⁿ¹⁰⁷

Even if current nonvoters are less informed than current voters, their votes might still improve electoral outcomes. This is simply an application of the Condorcet Jury Theoremⁿ¹⁰⁸ (CJT). Assuming that there is a "correct" outcome to an election,ⁿ¹⁰⁹ then as long as the population of nonvoters will choose that correct outcome with an average probability greater than 50%,ⁿ¹¹⁰ their participation in the election will improve the expected outcome. The limited information each individual voter possesses is more than balanced by the sheer quantity of voters. This is one reason why democratic government is better than government by some benevolent group of philosopher kings. It also supports the notion that high voter turnout is a good thing, because a large electorate will do better than a small one.

The concern with underinformed voters also assumes that current nonvoters' levels of political engagement and awareness are static. As noted in Part II, one of the potential benefits of compulsory voting is [*609] that it can make government more relevant to the lives of current nonvoters and can thus increase their levels of political engagement.ⁿ¹¹¹ Compulsory voting can also force political candidates to change the way that they communicate their messages and reach out to the electorate. Thus, over time, compulsory voting may cause current nonvoters to become more politically informed.

AT DONKEY VOTES

INVALID VOTES WOULDN'T MAKE A DIFFERENCE.

Peter Orszag 12, [Bloomberg View columnist, Vice chairman of corporate and investment banking and chairman of the financial strategy and solutions group at Citigroup, former director of the Office of Management and Budget], "Make Voting Mandatory", Bloomberg.com, June 19, 2012.

One concern -- voiced primarily by Republicans -- is that compulsory voting would raise participation rates among Democrats, because minority and low-income voters are among those least likely to go to the polls. Another, broader fear is apparent from Australia's experience: so-called donkey votes in which people vote for candidates based on the order they appear on the ballot or protest the whole process by checking "none of the above." The donkey votes, though, amount to well under 5 percent of the total. So the noise added to the voting process from compulsory voting appears to be minimal.

RANDOM VOTING IS UNLIKELY TO BE A MAJOR PROBLEM.

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

A compulsory voting regime will result in some degree of "random voting," as is apparent from the experiences of other countries with compulsory voting.ⁿ¹¹² This does not mean, however, that compulsory voting would simply introduce randomness into the electoral process and yield illegitimate outcomes. Rather, [First] random voting would likely be unproblematic because truly random votes would cancel each other out.ⁿ¹¹³ It is true that if everyone who voted only because of compulsion voted randomly, then the benefits discussed in Part II would be unlikely to materialize. This outcome seems unrealistic, however. [Second] There are many Americans who have clear political preferences but do not vote.ⁿ¹¹⁴ According to U.S. Census Bureau data, uncertainty about whom to vote for is not a major reason people do not vote.ⁿ¹¹⁵ Instead, most people do not vote because of [compared to] inconvenience, illness, transportation problems, registration problems, forgetfulness, or similar, nonpolitical reasons.ⁿ¹¹⁶ Randomness is thus unlikely to be a major problem with compulsory voting in the United States.

AT PATERNALISM

COMPULSORY VOTING IS NOT PATERNALISTIC, BUT RATHER ENSURES AUTONOMY.

Lisa Hill 10, [Professor of Politics, University of Adelaide], "On the Justifiability of Compulsory

Voting: Reply to Lever", *British Journal of Political Science*, Cambridge University Press, 2010. But there are still 'harm' grounds for resorting to compulsory voting. The harm of government policies that distribute costs and benefits unequally may not give grounds for a duty to vote (though I'm not even sure about this); it does, however, create objective grounds or reasons for why I will want to vote in order to prevent further harm. There is a problem though: I am inhibited by the fact that I know that others like me will probably not vote and therefore my vote will have little effect. Therefore, to regard compulsory voting as a paternalistic imposition on people may be the wrong way of looking at it. Instead, it may be better understood as a co-ordinating mechanism for reversing the norm of non-voting that exists among certain (usually low-status) social groups and which is perpetuated by the irrationality of their voting under a voluntary regime. In this light, rather than representing an unjustifiable burden imposed by a paternalistic state, compulsory voting is more of a benign co-ordinating mechanism for the joint enterprise of political community and democratic equality; in other words, it is a legitimate response to a collective action problem caused by informational uncertainty and maladaptive norms. For this reason, compulsory voting might be best understood as a form of selfpaternalism. Self-paternalism is not true paternalism (in fact, it's a form of autonomy). There are certain transactions or decisions that are usually regretted, for example, selling oneself into slavery or failing to wear a seatbelt which leads to injury. These are decisions that a rational citizen might retrospectively wish she had not been in a position to make; accordingly people will generally agree to laws that will prevent them from yielding to actions 'which they deem harmful to themselves'.¹⁶ In contrast to the standard liberal model of individuals being at all times the sole and best judge of their own interests, this model of 'retrospective rationality' anticipates 'many occasions on which the individual concerned might mistake [her] future interests and, hence, on which legal compulsion could help protect a person from [her]self.' Individuals cannot always 'adequately anticipate their future preferences....Retrospective rationality saves them from this fate'.¹⁷ The case of Ulysses and the Sirens offers a useful analogy, an example that also underlines the important distinction between our imperfectly informed (and often irrational) desires and preferences, on the one hand, and reasons informed by objective interests on the other. Compulsory voting serves reasons rather than desires and preferences.

AT RIGHT NOT TO VOTE

THE RIGHT NOT TO VOTE DOES NOT AND SHOULD NOT EXIST.

Lisa Hill 10, [Professor of Politics, University of Adelaide], "On the Justifiability of Compulsory Voting: Reply to Lever", *British Journal of Political Science*, Cambridge University Press, 2010.

Lever seems to assume the existence of a 'right' to abstain from democratic participation (she refers a number of times to '[r]ights to abstain, to withhold assent, to refrain from making a statement or from participating'). As I've conceded above, many forms of political association should be voluntary in a democracy. But the existence of a right not to vote seems doubtful and, as far as I can tell, has yet to be recognised in any liberal-democratic court. Many voting libertarians assume that the right to vote can be inverted or waived but the fact that this assumption is problematic has been shown repeatedly in landmark American legal cases. U.S. courts have found, for example, that there is no right to waive such rights the right to workplace safety, a minimum wage and equal employment opportunities. Some cases have also confirmed that an individual's ability to waive constitutional rights in exchange for government benefits is limited. Some rights (such as the right to bear arms or the right to a state-funded education) can be waived but this does not mean that all rights can be waived; neither does it prove the 'general existence of inverse rights'.¹⁸ Some rights exist not just to protect individual choice, but to serve other ends. If a particular right defines the structure of government or even the structure of a decent society then any individual's desire to waive is irrelevant.¹⁹ A good example is the right to be free from slavery and involuntary servitude. The Thirteenth Amendment of the United States Constitution was designed not just to protect individual liberty, but to eradicate a practice that violently conflicted with the ideal of a free society. If, hypothetically, an Afro-American citizen assented to a life of slavery, the state would not recognise her attempt to waive her right to equal protection since that state has an interest in maintaining a society free from slavery.²⁰ The same would be true of many other rights such as a right to education and the right to vote. The right to vote is not just an individual right; it also exists for the purpose of constituting and perpetuating representative democracy, a collective benefit.²¹ The right not to vote cannot be universalized because it could potentially destroy the form of government for which the right to vote exists, that is, democracy.

AT UNCERTAINTY

THE UNCERTAINTY OF A VOTE'S IMPACT IS NOT A REASON THAT COUNTS AGAINST THE OBLIGATION TO VOTE.

Lisa Hill 10, [Professor of Politics, University of Adelaide], "On the Justifiability of Compulsory Voting: Reply to Lever", *British Journal of Political Science*, Cambridge University Press, 2010.

I am perplexed by the argument that 'the consequences of voting are too uncertain for voting to be a necessary implication of our duties'. Why should certainty of outcomes be a criterion here? The outcomes of wars and court cases are always uncertain but that does not diminish or negate our duties to defend our country against invasion or to serve on juries. The state certainly has a responsibility to ensure that court cases are as fair as possible or that wars are conducted rationally and efficiently so that the sacrifices of citizens are not wasted, but surely this is a separate issue? In a similar way, the state should do its best to remove biases like malapportionment and vote-buying from an electoral system but this is a separate issue from whether or not citizens should be required to vote. Rational behaviour is no more than maximising probable utility; certainty of outcomes is not a necessary – let alone possible – condition for acting.

AT VIOLATES FREEDOM

COMPULSORY VOTING IS NOT AN INFRINGEMENT ON AUTONOMY.

Bart Engelen 07, [Research Assistant of the Fund for Scientific Research]"Why Compulsory Voting Can Enhance Democracy", *Acta Politica*, 2007, 42, (23-39).

Most opponents of compulsory voting argue that it is principally illegitimate and undemocratic, because 'freedom of choice in a democracy must include the freedom not to choose' (Sear and Strickland, 2003, 8). This libertarian argument holds that compulsory voting infringes on individual freedom, something all proponents of democracy (should) value highly. The fact that it enhances participation, equality and representativeness does not justify the implied violation of liberty (Lijphart, 1998, 10). The argument basically boils down to the claim that a government should not compel its citizens to do something they do not freely want to do. A first way of countering this is to show that absolute freedom of choice is in fact illusory. The fact that less educated citizens abstain systematically more than others reveals that they encounter greater obstacles, preventing them from participating. As someone's knowledge of and interest in politics is influenced by structural factors such as his received education, his decision whether or not to vote cannot be wholly ascribed to 'freedom of choice', which can therefore not be used to justify freedom of participation through voluntary voting. Second, there is nothing inherently undemocratic about compelling citizens to do something, which not all of them want to do voluntarily. Any democratic regime can legitimately enforce laws, even if these are not agreed upon by all of its subjects. Indeed, no democracy can or should be expected to completely free its citizens from obligations and duties. Also, according to the European Commission for Human Rights and contrary to what opponents often claim, compulsory voting does not violate any human right (Vanmaercke, 1993, 73). Third, it is not voting that is compulsory, but attendance at the polling station. As shown above, the secrecy of the ballot guarantees that citizens always have the possibility of leaving their ballots blank or spoiling them (Keaney and Rogers, 2006, 30). This forms an institutional answer to so-called 'conscientious objectors' and to those who are and want to remain indifferent.¹² However, opponents of compulsory voting are not so easily fobbed off and claim that no government may oblige its citizens to attend elections. This argument functions as some kind of rock-bottom: I oppose compulsory voting because it infringes on my freedom by which I may well prefer to stay at home.

THE FREE CHOICE ARGUMENT IS IMPLAUSIBLE FOR SEVERAL REASONS.

Bart Engelen – 2007. [Research Assistant of the Fund for Scientific Research – Flanders (Belgium), Centre for Economics and Ethics]. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica*, 2007, 42, (23–39).

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One can doubt whether the resistance of opponents who prefer to stay at home is really based on libertarian conscientious objections. Against those who abstain because of pragmatic considerations, one can argue that attending the polling station every two or three years is not too much to ask, especially compared to governmental obligations such as compulsory education and tax duties, which are much more time-consuming (Keaney and Rogers, 2006, 7, 30, 35). Given the importance of democracy, I believe a government has every right and reason to demand this much from its citizens.

LIBERTARIAN VIEWS OF DEMOCRACY PREVENT ARE INCOHERENT BECAUSE THEY DENY THE ABILITY TO ENGAGE IN ACTUAL DECISION-MAKING.

Bart Engelen – 2007. [Research Assistant of the Fund for Scientific Research – Flanders (Belgium), Centre for Economics and Ethics]. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica*, 2007, 42, (23–39).

However, the idea that every citizen has an absolute freedom of choice amounts to a strange notion of democracy, because it assumes that only unanimous decisions can be democratic. In contrast, it is widely held to be an advantage of democratic decision-making procedures ‘that they can settle matters despite disagreement. Hence, it is hard to see how any political decision-making method can respect everyone’s liberty’ (Christiano, 2001, 3415). Such libertarian views on man, society and state are highly problematic, because they tend to consider almost every government intervention as an illegitimate demand on its citizens. Allowing citizens to freely choose to exercise their rights, no strings attached, makes political decision-making practically impossible.

THERE IS NO MORALLY RELEVANT DISTINCTION IN TERMS OF AUTONOMY BETWEEN COMPULSORY VOTING AND TAXES, JURY DUTY, OR MILITARY SERVICE.

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

A powerful objection to compulsory voting, more philosophical than doctrinal, is that it is an interference with individual liberty.ⁿ⁵⁸ The United States is not, however, a society of purely libertarian ideals. There are numerous instances when the government can legitimately compel individuals to fulfill some kind of duty, generally when there is a market imperfection that would result in too much shirking in the absence of compulsion. For example, because of the importance of having a criminal jury that represents a fair cross-section of the community,ⁿ⁵⁹ the government may compel jury service.ⁿ⁶⁰ Similarly, if paying income taxes were voluntary, many Americans would simply choose not to pay and become free riders instead. To overcome this [*601] problem, paying income taxes is required by law. Selective service is another example. The government has the power to require military service,ⁿ⁶¹ because in times of war relying on voluntary service may not be sufficient.ⁿ⁶² In all of these examples, it is obvious that compulsion is necessary to avoid some kind of market failure. Jury service, taxpaying, and military service during times of war would fall far below the socially optimal levels without some kind of government action. Voting neatly fits into the mold of these examples. Voting is subject to a market failure due to the existence of a serious collective action problem. If left to individual choice, the level of voting theoretically will be below the socially optimal level. Like jury service, taxes, and the draft, compulsory voting is a legitimate way to solve such a market failure.

TO SOLVE THIS PROBLEM, WE COULD JUST ALLOW PEOPLE TO BE CONSCIENTIOUS OBJECTORS – JUST LIKE FOR OTHER POLICIES THAT ATTEMPT TO SOLVE COLLECTIVE ACTION PROBLEMS.

HLR – 2007. "The Case for Compulsory Voting in the United States." Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

A compulsory voting regime could be narrowly tailored by allowing people to abstain (submitting a ballot without registering a vote), or perhaps to obtain a "conscientious objector" exemption from even submitting a ballot.ⁿ⁷⁴ This exemption would satisfy the requirement of narrow tailoring because it would leave open the same opportunities for expression that exist under the current system of voluntary voting.ⁿ⁷⁵ Such an exemption could be made available to anyone who fills out a simple form and is willing to sign a statement indicating that he or she chooses not to vote for political or religious reasons. This requirement would at least ensure that those who are not voting are doing so as a matter of political expression or religious belief and not because of the collective action problem inherent in voting.ⁿ⁷⁶

A CITIZEN'S CHOICE TO NOT VOTE ISN'T UNIVERSALIZABLE AND FREE RIDES ON THE BENEFITS THAT VOTERS GIVE TO SOCIETY.

Bart Engelen – 2007. [Research Assistant of the Fund for Scientific Research – Flanders (Belgium), Centre for Economics and Ethics]. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica*, 2007, 42, (23–39).

Abstention is a form of free-riding behavior: although there are benefits if everybody votes, the individual abstainer gives in to the incentive to abstain. However, this is not universalizable: if everybody reasons this way, nobody will participate and the democratic system will lose its legitimacy and ultimately disappear. Compelling citizens to participate makes voting more rational for the individual, thereby preventing free-riding and securing the valuable existence of the democratic state. This is true for several other duties, all of which contribute to upholding the three branches of a modern state. Citizens have to pay taxes to preserve the continuity of the state as a whole, including the executive power. They have to respect the law and serve in juries to preserve the continuity of the judicial power. Analogously, they have to participate in elections to preserve the continuity of the legislative power. To avoid the totalitarian tendency of solving all free-rider problems by means of state compulsion, I have emphasized the importance of democracy and its values.

A2 CONSTITUTIONALITY

**CONGRESS IS AUTHORIZED TO ENFORCE THE 15TH AMENDMENT – JUSTIFIES
COMPULSORY VOTING.**

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

Congress's Power To Enforce the Reconstruction Amendments. - For presidential and state elections, a plausible candidate for congressional authority to compel voting is Congress's power to enforce the Reconstruction Amendments, and specifically the Fifteenth Amendment's guarantee that "the right of citizens of the United States to vote shall not be denied or abridged ... on account of race, color, or previous condition of servitude." ⁿ⁹¹

[*606] In *City of Boerne v. Flores*, ⁿ⁹² the Supreme Court cut back substantially on Congress's formerly broad power to enforce the Reconstruction Amendments. Although the Court maintained that Congress has the power to impose prophylactic remedies, it held that Congress may do so only if there is "congruence and proportionality" between the injury to be remedied and the means adopted to do so. ⁿ⁹³ There is no doubt that the current voting system in the United States results in the underrepresentation of racial minorities. But the Reconstruction Amendments prohibit only intentional discrimination. ⁿ⁹⁴ It would be difficult to link all or even most of the underrepresentation of racial minorities among voters to intentional efforts to disenfranchise them on account of their race. ⁿ⁹⁵ Without a concrete and well-documented problem of intentional discrimination by government officials against racial minorities in the voting context, it is unlikely that compulsory voting laws would meet *Boerne's* "congruence and proportionality" test.

**EVEN IF CONGRESS COULDN'T MANDATE VOTING IN PRESIDENTIAL ELECTIONS, IT
COULD DO SO FOR CONGRESSIONAL ELECTIONS UNDER ARTICLE I WITH
ESSENTIALLY THE SAME RESULT.**

HLR – 2007. “The Case for Compulsory Voting in the United States.” Harvard Law Review, Vol. 121, No. 2 (Dec., 2007), pp. 591-612.

Congress's Article II powers are thus not a clear source of authority for enacting compulsory voting laws in presidential elections, although Article I would allow Congress to compel voting in congressional elections. As a practical matter, it may not be important whether Congress has the power to directly compel voting in presidential elections since it may do so indirectly. This is because Americans vote for presidential electors at the same time that they vote for their congressional representatives on Election Day. If Congress forces people to show up at the polls for congressional elections, most people presumably would cast a vote for a presidential candidate while they were there.ⁿ⁹⁰

A2 SUPERFICIAL CHANGE/DOESN'T SOLVE PROBLEM

COMPULSORY VOTING IS STILL COMPARATIVELY BETTER THAN VOLUNTARY VOTING FOR VOTER APATHY AND ALIENATION.

Bart Engelen – 2007. [Research Assistant of the Fund for Scientific Research – Flanders (Belgium), Centre for Economics and Ethics]. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica*, 2007, 42, (23–39).

Although these are serious problems, they are not necessarily related to compulsory voting. The current decline of turnout in voluntary voting countries suggests that the gap is widening there too. The reproach that compulsory voting is only a superficial solution can be applied to its abolition as well. This too is nothing more than a change in the electoral rules, which will not suffice to do the job. Additionally, certain groups will abstain in large numbers, decreasing their political influence and further alienating them from politics. They will tend to perceive the government as unresponsive and get trapped in a downward and self-fulfilling spiral of acquiescence, isolation and political apathy (Hill, 2002b, 85). It is thus voluntary voting which is likely to widen the gap between (certain groups of) citizens and politics. In addition, proponents of compulsory voting argue that it may have positive effects. Having to vote anyway, citizens might well want to know what the vote is about and what the alternatives are. In this respect, compulsory voting can be said to provide incentives for politically alienated citizens to become more informed about and engaged in politics. However, even if it does not succeed in reducing political apathy, compulsory voting has the advantage of making this problem more visible and easier to interpret.

NEGATIVE EVIDENCE

DEFINITION- COMPULSORY VOTING

COMPULSORY VOTING IS MISLEADING.

Annabelle Lever 08, [Department of Philosophy, Logic and Scientific method, London School of Economics and Political Science], "Compulsory voting: a critical perspective", British Journal of Political Science, 2008.

The term 'compulsory voting' can be a bit misleading, at least in democracies, where the secret ballot obtains. Because of secrecy, it is impossible to verify whether or not anyone has cast a legally valid ballot. Consequently, compulsory voting generally means compulsory turnout or, as some call it, compulsory participation.² However, because the purpose of compulsion is to get people to vote, rather than just to turn out or to participate in some generic way, talk of compulsory voting strikes me as less misleading than these other terms, and is the term that I will be using here

THERE IS NO SUCH THING AS COMPULSORY VOTING- THERE IS ONLY COMPULSORY ATTENDANCE.

Senator Mac Harb O5, [Member of the House of Commons from 1988 to 2003], "The Case for Mandatory Voting in Canada", speech to the Senate on February 9, 2005.

In fact, mandatory voting is not very well-named, since the only mandatory provision in the bill is the obligation to go to a polling place. Once the voter has received the ballot, he or she may mark the circle corresponding to the name of a candidate or to the words "none of the above", or simply place an unmarked ballot in the ballot box. Those who want to express their dissatisfaction with politicians or with the system by not voting will do so much more clearly by cancelling their ballot or putting an X beside "none of the candidates." Protesting by staying home can be mistakenly interpreted as being in favour of the status quo. A small fine is proposed for those electors who do not go to vote. It will simply be used to recover some of the expenses for the acquisition of supplies and facilities needed to hold an election. Obviously, no fine would be levied against those with a valid reason not to go to vote.

ABSTENTION

COMPULSORY VOTING ARTIFICIALLY RAISES TURNOUT RATES WHILE STRIPPING THE POSSIBILITY OF ABSTENTION.

Armin Schafer 11, [Fellow at the Hanse Institute for Advanced Studies in Delmenhorst], "Republican liberty and compulsory voting, Max Planck Institute for the Study of Societies discussion paper, No. 11/17, 2011.

The second normative argument against compulsory voting sees abstention as a valuable political act in itself. If one dislikes the party platforms or the political personnel on offer, there might be political reasons to abstain. In fact, if participation in an election perpetuated injustice – unfair electoral rules or a corrupt regime – it would be morally appropriate to abstain (Hanna 2009). Not to vote under these circumstances can convey a stronger political message than voting for the lesser evil does. Stripping citizens of the possibility to send this message impoverishes democracy. Creating an artificially high turnout rate could cover up a lack of interest and the level of political dissatisfaction among the citizens (Franklin 1999: 206). If, in particular, the marginalized do not vote because they feel generally sidelined from society, unable to obtain access to education, decent housing, or jobs, it seems difficult to see how compulsory voting will address, rather than exacerbate, the alienation of these non-voters, who are typically the objects, not the subjects, of political debate and policy, and who typically constitute the 'problems' that politicians are competing to solve. (Lever 2008: 62) From this perspective, making people vote appears to be a palliative move rather than an appropriate cure for the disease.

ONE MUST ADVOCATE COMPULSORY PARTICIPATION, NOT SIMPLY COMPULSORY ATTENDANCE, TO ACCESS DEMOCRACY ADVANTAGES

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?" *Politics*: 2010 Vol. 30(1), 70–77

Anyway, it is disingenuous of supporters of compulsory turnout to rely on the contingent practice of secret ballots to protect freedom of conscience (e.g. Birch, 2009, p. 22 fn.1). While it is true that voting is private in most national democracies, it is not impossible for it to be public – as in the show of hands at a town meeting – and some, such as J.S. Mill, have advocated such practices (see Lever, 2007). I suspect that those who currently favour compulsory turnout, under conditions of the secret ballot, would be divided if asked to choose between compelling actual voting and mere attendance at the polls. The Australian Electoral Commission certainly holds that it is in principle the citizen's legal duty to cast a valid vote, albeit that this cannot be strictly enforced because of the secret ballot, and this has been confirmed in a number of court decisions (Evans, 2006, p. 4). Therefore, were the secret ballot repealed (without changing existing compulsion laws), it would be willing to enforce what even many advocates of compulsory turnout acknowledge to be a violation of individual freedom of conscience.

Many who defend compulsion in the literature refuse to say explicitly whether they share the Australian Electoral Commission's view that, ideally, voting ought to be compulsory, but enforcing turnout is the best we can do given the secret ballot (in which case perhaps we should question that institution), or hold that only turnout ought to be mandatory, even if we were able to enforce voting. As has been noted, the former seems to countenance possible violations of individual freedom of conscience; yet the latter position is puzzling, because it is unclear why we ought to force someone to attend the polls only to abstain. Mere turnout does nothing for the democratic values lauded by advocates of compulsion.

COERCION

EVEN IF VOTING IS GOOD, IT DOES NOT JUSTIFY COERCION.

Armin Schafer 11, [Fellow at the Hanse Institute for Advanced Studies in Delmenhorst], "Republican liberty and compulsory voting, Max Planck Institute for the Study of Societies discussion paper, No. 11/17, 2011.

Third, while some authors accept that mandatory voting is an effective way to increase turnout and equalize participation, they nonetheless insist that these benefits do not carry enough weight to justify coercion. Even if abstention meant that non-voters acted against their interest, it would still not be legitimate to force them to behave differently. In a liberal democracy, citizens have guaranteed political rights, and the right to vote is a crucial one. However, if someone who holds this right chooses under no duress not to make use of it, there is little to worry about. The right to vote entails the inverse right not to vote (Katz 1997: 244). Just as the right of free speech does not mean that everyone has to queue at Speaker's Corner in Hyde Park to debate an issue and just as religious liberty entails the right not to believe, the right to vote leaves it up to the holder of this right what to do with it.¹² Rights do not come as duties, and it is paternalistic to judge on behalf of others the type of behavior that would promote their own interests best.

**IF CITIZENS AREN'T INTERESTED IN VOTING, THEY SHOULDN'T BE FORCED TO BE—
COMPULSORY VOTING VIOLATES THE BASIC TENETS OF DEMOCRACY.**

Armin Schafer 11, [Fellow at the Hanse Institute for Advanced Studies in Delmenhorst],
"Republican liberty and compulsory voting, Max Planck Institute for the Study of Societies
discussion paper, No. 11/17, 2011.

Normative arguments against compulsory voting revolve around four themes: the value of political participation, the reasons for abstention, the right not to vote, and the justifiability of sanctions. The first and most common argument against legally forcing people to vote is that interest in politics is unevenly distributed across society. Citizens are not primarily "political animals" but cherish a wide variety of activities. Even if we thought that everyone would benefit from listening to classical music, we would not force anyone to do so. The same should hold true for political participation: Instead, therefore, of preaching the duty to act as a political animal to those who have no inclination that way and would do it badly if compelled, it may well be wiser to leave them to cultivate their private gardens, and to rely merely upon the experience of democracies that there is always in fact a wide enough interest in politics and voting to work the political machinery. (Mayo 1959: 321) If democracy is, above all, about the selection of competent leaders, then the level of turnout is of secondary importance. And if voting and political participation in general are no more valuable activities than other leisure time pursuits, there is no point in forcing people to become involved in politics (Lomasky/Brennan 2000: 63). Citizens are free to spend time as they deem fit and the state should not interfere with their choices as long as they are not harmful to others.

THE RIGHT TO NOT VOTE IS A FUNDAMENTAL DEMOCRATIC RIGHT PROTECTED BY THE CONSTITUTION.

Jeffrey A. Bloomberg 95, "Protecting the Right Not to Vote from Voter Purge Statutes", Fordham Law Review, Volume 64, Issue 3, 1995.

As the process presently operates, a voter has the option to abstain if he supports no candidate.⁹ A voter may view abstention as a vehicle for expressing dissatisfaction.¹⁰ Protest nonvoting is consistent with the basic tenets of political behaviorist theory.¹¹ Most states, however, do not permit voters to exercise a right not to vote without penalty.¹² While no law deliberately intends to punish a voter for choosing not to vote in a given election, many states attempt to maintain accurate voter registration rolls and prevent election fraud by using voter purge statutes that remove voters from the registry who fail to vote in a certain number of elections.¹³ This practice infringes upon a voter's right not to vote and further discourages those already disenchanted with the political process.¹⁴ Citizens should not be forced to reregister to vote unless they move out of the voting jurisdiction. Voting is a fundamental right that an individual should enjoy free from unnecessary governmental intervention.¹⁵ The threat of being purged for failure to vote forces an individual either to go to the polls and vote for a candidate not of his or her choice or to reregister. Moreover, exercising the right not to vote may also deserve high tier constitutional protection because abstention involves a form of political expression protected under the First Amendment.¹⁶ Not only do voter purge statutes violate the right not to vote, they are also an inefficient means of preventing election fraud. Voter purge statutes fail to identify ineligible voters and wrongfully purge those who are still eligible.¹⁷

EVEN COMPULSORY ATTENDANCE VIOLATES FREEDOM OF CONSCIENCE

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

So, too, people might have compelling reasons to prefer abstention to ticking their names off a list, and then going home. There is something unpleasant and disrespectful about forcing people to turn up simply to tick their names off a list, rather than letting them abstain. Putting that aside, though, the different ways in which such an act might be interpreted are hardly a matter of indifference to voters who take seriously the strategic and moral aspects of voting.⁴⁵ So it is far from clear that people have duties to vote as long as they have no conscientious objections, and are not forced to register a political preference.

The idea that compulsory voting violates no significant rights or liberties, then, is mistaken and at odds with democratic ideas about the justification of rights, duties and power amongst citizens. Rights to abstain, to withhold assent, to refrain from making a statement or from participating may not be very glamorous, but can be nonetheless important for all that. Rights to abstain, no less than rights of anonymous participation, enable the weak, timid and unpopular to protest in ways that feel safe, and that require little coordination and few resources. These rights are necessary if politics is to protect people's freedom and equality, and therefore to reflect their duties as well as their interests.⁴⁶

EVEN IF PEOPLE HAVE A PRIMA FACIE DUTY TO VOTE, OTHER MORAL DUTIES MAY TRUMP THIS OBLIGATION, MAKING COMPULSORY VOTING INAPPROPRIATE

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

Some people believe that democratic citizenship entails a prima facie duty to vote.⁴⁹ I do not share this view, but see no reason why it should be incompatible with the arguments I have presented here. People who think citizens have a prima facie duty to vote may believe that conscientious objections, as well as maltreatment by the state, can release one from this duty. They can also hold that, even where the duty has force, it can be over-ridden by more pressing concerns. Hence, it would be morally wrong to force people to vote. So, the idea of a prima-facie duty to vote is consistent with my arguments against legal compulsion, and with my claim that it is an open question when, if ever, our duties as citizens actually require us to vote. However, once we accept that moral duties, like moral rights, can conflict, I am not sure what is gained conceptually, or in moral and political judgement, by referring to prima facie rights and duties.⁵⁰ I therefore prefer to say that people do not generally have a duty to vote simply because they are citizens, rather than to say that citizens have a prima facie duty to vote, whose consequences for voting are, simply, indeterminate.

REDUCES OTHER CIVIC PARTICIPATION

COMPULSORY VOTING REDUCES OTHER FORMS OF SOCIETAL ENGAGEMENT.

Krister Lundell – 2012. “CIVIC PARTICIPATION AND POLITICAL TRUST: THE IMPACT OF COMPULSORY VOTING.” *Representation*, 48:2, 221-234.

We can, hence, conclude that there is no ‘spill-over’ effect from electoral participation to civic engagement. On the contrary, the analysis suggests that the legal obligation to participate in elections negatively affects other forms of societal engagement. Presumably, to some extent the positive and negative effects of compulsory voting cancel each other out. There are certainly those who get inspired and take interest in political and societal activities because of the citizen duty to participate in elections. To a greater extent, however, compulsory voting seems to generate societal disillusion and an antipathetic attitude towards other forms of societal participation.⁸ Thus, good things do not go together here—a high level of electoral participation through the institution of compulsory voting is not accompanied by a high level of civic participation.

THERE IS NO SPILL-OVER FROM VOTING TO OTHER FORMS OF POLITICAL ENGAGEMENT.

Krister Lundell – 2012. “CIVIC PARTICIPATION AND POLITICAL TRUST: THE IMPACT OF COMPULSORY VOTING.” *Representation*, 48:2, 221-234.

How should these results be interpreted with regard to the ongoing debate on compulsory voting? The analysis indicates that compulsory voting has a positive effect on political trust but there is no ‘spill-over’ effect from higher levels of electoral participation to civic participation. Beginning with the latter, we may turn to Annabelle Lever’s (2010) critique of obliging citizens to participate in elections. She argues that there are good reasons to treat mandatory voting with scepticism, and while people may sometimes be morally obliged to vote, democratic duties do not generally include a duty to vote—it is unjustified and inconsistent with democratic governing. The act of voting as well as the propensity to vote does not require any special virtue, insight or knowledge. There is research suggesting that compulsory voting has no noticeable impact on political knowledge or interest (Ballinger 2007; Engelen and Hooghe 2007). Also, in a compulsory voting system, it is unclear how we should interpret and what meaning we should give to those who only turn out to tick their names off an electoral register and leave the polling station without voting. The same applies to those who tick the first box on the ballot without reflecting over the alternatives (the dangers of such ‘donkey voting’ has been discussed by e.g. Jakee and Sun 2006: 67–70). What is more, compulsory voting is incompatible with the idea that voluntary political participation is a distinctive human good (Lever 2010: 910). In the light of this, the assumed spill-over effect from compulsory electoral participation to participation in voluntary organisations seems rather far-fetched.

MANDATORY VOTING CAN ENCOURAGE PEOPLE TO NEGLECT THEIR DUTIES

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?"
Politics: 2010 Vol. 30(1), 70–77

It may be objected that most of the above argument concerns whether or not individuals should vote. It is not, as such, an objection to proposals that require mere attendance at the polls, provided that individuals retain the right either to spoil their ballot and/or are provided with a 'none of the above' option. Advocates of compulsory voting have generally endorsed such measures, in order to protect freedom of conscience (e.g. Birch, 2009, p. 22; Engelen, 2009; Hill, 2002, pp. 82–83; Lacroix, 2007, pp. 192–193; Lijphart, 1997, p. 2). Nonetheless, this manoeuvre seems unsatisfactory.

Firstly, if we think that individuals have reason to exercise these options – that is, not to cast valid votes – then it seems puzzling why we should expect them to attend the polls at all. As Annabelle Lever has remarked, there surely is no duty to turn out as such; the only reason to make it compulsory is to encourage voting (Lever, 2009, p. 224). Even if some individuals do have a duty to vote, at least on some occasions, others may have a duty not to vote, for instance because they are unaffected or uninformed about the decision (Brennan, 2009; Hanna, forthcoming). If anything, forcing the latter group to attend the polls is more likely to cause them to violate their duties by voting anyway. Since casting a vote is not always more democratic, it is hard to see what democratic value can be gained from requiring people to attend the polls, even if we grant that it is not a serious violation of individual liberty. Requiring everyone to turn out, merely so that some vote, seems like forcing everyone to attend church in the hope that some will pray (Lever, 2008, p. 64).

ALTERNATIVES

INSTEAD OF COMPULSORY VOTING, WE SHOULD CREATE A HOLIDAY TO ALLOW PEOPLE TO VOTE.

Martin P. Wattenberg 98, [political scientist at the University of California, Irvine], "Should Election Day Be a Holiday?" *The Atlantic Monthly*, 1998.

A simple but effective change, however, could be made in election timing. An ordinary act of Congress could move Election Day to a Saturday or make it a holiday, thereby giving more people more time to vote. An 1872 law established the first Tuesday after the first Monday in November as Election Day. At that point in history it made little difference whether elections were on Saturday or Tuesday, because most people worked on Saturday. Only Sunday would have been a day free of work, but with elections in the late nineteenth century being occasions for drinking and gambling, that option was out of the question in such a religious country. Americans have become quite accustomed to Tuesday elections, just as they have to the nonmetric system for weights and measures and other artifacts of another time. State after state has set primary-election dates on Tuesdays -- all twentieth-century decisions, some of them quite recent. It would be difficult to change this custom. Furthermore, there would probably be some resistance from religious minorities that observe the sabbath on Saturday. An alternative would be to declare Election Day a national holiday. This would probably be resisted on the basis of cost. A solution would be to move Election Day to the second Tuesday of November and combine it with Veterans' Day, traditionally celebrated on November 11. This would send a strong signal about the importance our country attaches to voting. And what better way could there be to honor those who fought for democratic rights than for Americans to vote on what could become known as Veterans' Democracy Day?

WE JUST NEED TO MAKE VOTING MORE CONVENIENT TO BOOST TURNOUT.

Tia Ghose 12, [LiveScience Staff Writer], "Why 40% of Americans Won't Vote for the President", LiveScience, November 5, 2012.

When lines keep voters waiting several hours, it's easy to see why many people skip the whole ordeal. But states are increasingly adopting more convenient methods for voting, such as mail-in ballots, same-day voter registration and early voting, McDonald said. Most of these efforts improve turnout by a few percentage points, he said. The best hope for changing turnout long-term is to get young people voting, Scruggs said. If teenagers get used to casting ballots from the get-go, they are likelier to become lifelong voters, he said. "Voting is sort of a habit," he said. "We should be out in the high schools trying to convince people that it's a really great habit to vote."

INCENTIVIZING VOTING IS AN ALTERNATIVE TO COMPULSORY VOTING

Ben Saunders – 2009 [University of Oxford], “Making Voting Pay.” *Politics*. Vol. 29(2), 130–136.

Our situation can be compared to that facing Richard Titmuss, who wanted simultaneously to realise three desiderata: (1) sufficient availability of blood; (2) no payment for donors; (3) freedom of choice (no compulsion) (Titmuss, 1970).¹ These three conditions are, in fact, logically compossible if donors can be motivated by altruism to give freely without payment, and this is what happens in the UK – people are encouraged to give by what may be termed mild moral pressure, including government advertising. It should be noted, however, that we can easily satisfy any two of these desiderata by sacrificing the third. There would be no problem, for instance, with freedom of choice and lack of payment if we did not care about blood stocks. Alternatively, we could guarantee enough blood without payment by making donation compulsory or we could avoid compulsion by paying donors incentives until people freely choose to give (or, rather, sell) – which is the general practice in the US.

The present electoral situation in many democracies can be regarded as like that of UK blood donations. We want to ensure sufficient turnout, without either payment or compulsion, which we generally try to achieve through social pressure or telling people that they have a moral duty. Since this method appears to be failing, advocates of compulsory voting suggest that we abandon the injunction against compulsion – that is, that we ensure turnout by forcing people to attend the polls. The US solution to Titmuss’s trilemma, however, illustrates another possibility: rather than forcing people to vote, we could incentivise them to – that is, pay people for attending the polls.

This solution in fact has historical precedents. Aristotle recommended that democracies should pay people for their participation in the assembly and this was important to Athenian democracy, since the poor would otherwise not have been able to afford to attend (Aristotle, 1992, pp. 363–4 (1317b17 ff.)). The only mention of such a possibility that I have found in the theoretical literature on compulsory voting swiftly rejects it (Feely, 1974, p. 241), although in fact non-financial incentives have been tried in practice (Keaney and Rogers, 2006, p. 24). A financial inducement seems an obvious way of encouraging people to vote without coercion. Such selective incentives are often necessary for collective action (Olson, 1965) and can be regarded as a more direct way of offsetting the costs of voting. Finally, not only is this solution compatible with individual freedom but it may address the problem of disproportionality, because a given financial incentive is likely to be more attractive to the young and poor, thus doing more to stimulate turnout from groups currently underrepresented.”

NON-COERCIVE METHODS ARE THE BEST WAY OF INCREASING THE REPRESENTATION OF MARGINALIZED GROUPS

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?"
Politics: 2010 Vol. 30(1), 70–77

The problem, if there is one, seems to be that particular disadvantaged groups are underrepresented, but this can be solved without coercing everyone. Indeed, if we think that certain groups are simply alienated, then coercion is not a promising solution, since firstly it is unlikely to correct this feeling and secondly members of these groups are unlikely to use their votes wisely (or perhaps at all, since they may abstain even when forced to turn out). If we are worried about particular marginalised groups, then the more appropriate remedy seems to be some form of public education or dialogue aimed at engaging them. Other possible non-coercive solutions include electoral reform (Karp and Banducci, 1999), providing selective incentives for voters (Saunders, 2009a) or striving to increase social capital (Krishna, 2002). In the meantime, we simply have to rely on those who do vote to do their best to consider the interests of those who do not (Goodin, 2003, pp. 194–225).

INDIVIDUAL VOTES

A RATIONAL INDIVIDUAL WOULD ABSTAIN FROM VOTING—INDIVIDUAL VOTES MAKE LITTLE DIFFERENCE.

Dubner and Levitt 05, Stephen J. Dubner [Journalist] and Steven D. Levitt [American economist, William B. Ogden Distinguished Service Professor of Economics at the University of Chicago], "Why Vote?", New York Times, 2005.

Why would an economist be embarrassed to be seen at the voting booth? Because voting exacts a cost - in time, effort, lost productivity - with no discernible payoff except perhaps some vague sense of having done your "civic duty." As the economist Patricia Funk wrote in a recent paper, "A rational individual should abstain from voting." The odds that your vote will actually affect the outcome of a given election are very, very, very slim. This was documented by the economists Casey Mulligan and Charles Hunter, who analyzed more than 56,000 Congressional and state-legislative elections since 1898. For all the attention paid in the media to close elections, it turns out that they are exceedingly rare. The median margin of victory in the Congressional elections was 22 percent; in the state-legislature elections, it was 25 percent. Even in the closest elections, it is almost never the case that a single vote is pivotal. Of the more than 40,000 elections for state legislator that Mulligan and Hunter analyzed, comprising nearly 1 billion votes, only 7 elections were decided by a single vote, with 2 others tied. Of the more than 16,000 Congressional elections, in which many more people vote, only one election in the past 100 years - a 1910 race in Buffalo - was decided by a single vote. But there is a more important point: the closer an election is, the more likely that its outcome will be taken out of the voters' hands - most vividly exemplified, of course, by the 2000 presidential race. It is true that the outcome of that election came down to a handful of voters; but their names were Kennedy, O'Connor, Rehnquist, Scalia and Thomas. And it was only the votes they cast while wearing their robes that mattered, not the ones they may have cast in their home precincts.

INDIVIDUALS ARE UNLIKELY TO GIVE MUCH THOUGHT TO THEIR VOTES BECAUSE THEY DON'T BELIEVE IT COUNTS.

Tia Ghose 12, [LiveScience Staff Writer], "Why 40% of Americans Won't Vote for the President", LiveScience, November 5, 2012.

But beyond the inconveniences, there's another reason many people in the U.S. may skip the polls: an individual's vote doesn't count for much, because the opposing party can stymie the president's political party, said Lyle Scruggs, a political scientist at the University of Connecticut. "The chance that your vote determines the outcome one way or another is very, very small," Scruggs told LiveScience. While that's true in any large democracy, it's even more characteristic of the United States, he said. Only a fraction of candidates are up for re-election every cycle, and a Democratic president's agenda may be sidelined by a Republican Congress, or vice versa. In a parliamentary system, by contrast, the person who wins the prime minister position is part of the majority party and consequently has more power to enact a political agenda. That means a winning vote has more political impact, he said. Choosing the president through the Electoral College, rather than via popular vote, may also reduce turnout, he said. Because only a few states are competitive, most presidential campaigns dump money into 10 swing states and spend almost no time campaigning in the other 40, Scruggs said. "If we had a popular-vote election of the president, where which state you lived in didn't matter, you would likely see many more national campaigns trying to mobilize a much more national constituency," he said.

INVALID VOTES

THERE ARE HIGH RATES OF INVALID VOTES IN COUNTRIES SUCH AS BRAZIL THAT HAVE COMPULSORY VOTING.

Power and Roberts 95, Timothy J. Power [Louisiana State University] and J. Timmons Roberts [Tulane University], "Compulsory Voting, Invalid Ballots, and Absention in Brazil", *Political Research Quarterly*, Vol. 48, No. 4 (Dec., 1995), pp. 795-826.

Low voter turnout and the desire to strengthen democratic institutions have inspired many to propose that voting be made mandatory by law. In Brazil, as in Australia, Belgium, Italy, and a number of other countries, voting has in fact been compulsory for decades.¹ However, the case of Brazil alerts us that compelling voters to go to the polls does not guarantee that they will complete a ballot.² While invalid votes in wealthy democracies such as Australia and The Netherlands have usually comprised about 2 to 3 percent of all ballots cast, in Brazil the equivalent rates are from five to twenty times higher.³

POLITICS

ANY PUSH TO INSTITUTE COMPULSORY VOTING WOULD BE AN UPHILL POLITICAL BATTLE.

Peter Orszag 12, [Bloomberg View columnist, Vice chairman of corporate and investment banking and chairman of the financial strategy and solutions group at Citigroup, former director of the Office of Management and Budget], "Make Voting Mandatory", Bloomberg.com, June 19, 2012.

Politicians don't seem to believe the dominant political science view suggesting mandatory voting would have little effect on elections, perhaps with good reason given some research suggesting a larger impact. Moving to compulsory voting would probably require a constitutional change and almost certainly would require the participation of both parties. It could be instituted only when it would not be of obvious benefit to one political party over another.

RATIONAL CHOICE

ACCORDING TO RATIONAL CHOICE THEORY, VOLUNTARY VOTING IS PREFERABLE TO COMPULSORY VOTING.

Krishna and Morgan 12, Vijay Krishna [Department of Economics, Penn State University] and John Morgan [Haas School of Business, University of California, Berkeley], "Voluntary Voting: Costs and Benefits", *Journal of Economic Theory*, May 21, 2012.

In situations where informed voters have a common interest in making the right decision, we have shown that mandatory voting requirements and the elimination or suppression of the option to abstain are positively harmful. On informational grounds, voting should be a right rather than a duty. Many situations involve common interests: In committee-like settings there are votes by corporate boards of directors with a shared interest in the profitability of the company, votes for hiring and promotion in university settings, and votes taken in judiciary bodies such as state or federal supreme courts. In election settings, there are votes to retain or select judges, votes for administrative functions such as comptroller or solicitor, and votes on various ballot initiatives such as bond measures. Of course, there are other situations in which the common interests assumption may not hold. In most elections for legislative office, the ideology of the candidates is an important consideration over which voters are unlikely to hold common interests. When ideology plays only a modest role in payoffs, our results are still valid. Even when ideology plays a large role, voluntary voting continues to be best ([14]). In particular, the key intuition that differential participation provides an important channel facilitating information aggregation holds quite generally. Another important consideration outside the scope of the model is the decision by voters to become informed in the first place. It is sometimes argued that compulsory voting provides greater incentives in this regard though we know of no formal model showing this. Whether this is, in fact, the case, is far from clear. Specifically, because of the greater turnout under compulsory voting, the chances that an individual voter is decisive are lower than under voluntary voting. Since the investment in information is only valuable in these situations, it might well be the case that voluntary voting offers better incentives in this regard. Endogenizing the information acquisition decision is clearly an important next step, but beyond the scope of the present analysis. Rational choice models of voting behavior have long been criticized on behavioral grounds. They require voters to employ mixed strategies, they imply that swing voters would prefer not to come to the polls, and when voting is costly, they beg the question as to why anyone should bother to vote at all. Many of these problems disappear if one amends the standard model to allow for realistic features such as the possibility of abstention and heterogeneous costs of going to the polls. With these additions, there is no longer a conflict between sincere and strategic voting and swing voters willingly participate. The model can rationalize realistic voter turnout in elections of a given size by adjusting the distribution of voting costs. Whether the resulting cost distribution is plausible is an empirical matter. Finally, in large elections, voluntary voting almost always produces the right outcome.

RESOURCES

COMPULSORY VOTING IS TOO MUCH OF A DRAIN ON RESOURCES.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

Other opponents claim that compulsory voting is difficult and expensive to enforce. They draw on the existing state of the art, where half of the states with compulsory voting laws today do not have serious enforcement mechanisms. This happens because the judicial resources are not sufficient to deal with the thousands of cases (e.g. Argentina and elsewhere), or because the costs incurred by the administration for sanctioning non-voters is too high. A law that exists only in name but not in reality discredits the legal system.

RESULT SKEW

STUDIES SHOW THAT COMPULSORY VOTING ACTUALLY MAKES IT MORE LIKELY FOR THE LESS POPULAR CANDIDATE TO WIN.

Jakee and Sun 06, Keith Jakee [Wilkes Honors College, Florida Atlantic University] and Guang-Zhen Sun [Department of Economics, Monash University], "Is Compulsory voting more democratic?", *Public Choice*, Volume 129 Issue 1-2, pp 61-75, 2006.

Lijphart (1997) endorses compulsory voting as a means to increase voter turnout. Considering the likely effects of the role of information (including its costs) on the decision to vote and taking an expressive view of voting, however, compels us to investigate two unexamined claims by such advocates: (i) that individuals are transformed by forcing them to vote, and (ii) that a compulsory electoral outcome is a more accurate reflection of community preferences. We argue that compelling those who are not particularly interested in, or informed about, the political process to vote increases the proportion of random votes and we show that under simple majority rule, compulsory voting may violate the Pareto principle; the less popular candidate is more likely to be elected. Our results cast doubt on the "miracle of aggregation" argument, which optimistically concludes that as long as uninformed votes are not systematically biased, they will have no effect on voting outcomes. We also briefly consider how information cascades can exacerbate this problem.

COMPULSORY VOTING DOES NOT GIVE ANY PARTY AN ELECTORAL ADVANTAGE.

Sarah Birch [Reader in Politics at the University of Essex], "The case for compulsory voting," *Public Policy Research*, March-May (2009), pp. 21-27.

One of the beauties of this solution is that it affects all political parties equally. Though compulsory turnout has been touted most frequently by voices in the Labour party, there is little reason to believe that Labour would benefit significantly from an increase in electoral participation (Bernhagen and Marsh 2007, Fisher 2007). Comparative data also suggests that there is no particular partisan advantage associated with making electoral participation mandatory; nor does this institution tend to favour minor extremist parties, as is sometimes alleged (Birch 2009).

VOTING BADLY

WE HAVE A MORAL OBLIGATION NOT TO CAST AN UNEDUCATED VOTE, EVEN IF ONE VOTE DOESN'T MAKE A DIFFERENCE.

Jason Brennan 09, [Brown University], "Polluting the Polls: When Citizens Should Not Vote", *Australasian Journal of Philosophy*, Vol. 87, No. 4, pp. 535-549, December 2009.

The duty to refrain from voting badly is not generally grounded in the harmfulness of individual votes. In most elections, individual bad votes are unlikely to have significant expected disutility. Suppose electing candidate P over candidate Q will cost the economy 33 billion dollars next year, and this comparative loss will not be offset by any other value P provides. At the time of the election, P commands an anticipated proportional majority of 50.5% of the voters (i.e., there is a 50.5% chance a random voter will vote for P), and there is a turnout of 122,293,332 voters (the number of voters in the 2004 U.S. presidential election). In this case, if I also vote for P, the objectively worse candidate, my individual vote has an expected disutility of a mere \$4.7761072650, thousands of orders of magnitude below a penny.⁸ Bad voting is collectively, not individually, harmful. The harm is not caused by individual voters, but by voters together. (In this respect, voting is unlike surgery or driving.) When I refrain from voting badly, this does not fix the problem. Still, it is plausible that I am obligated to refrain from collectively harmful activities, even when my contribution has negligible expected cost, provided I do not incur significant personal costs from my restraint. I will argue that this is the reason I ought not to vote badly.

VOTING BADLY HARMS SOCIETY.

Jason Brennan 09, [Brown University], "Polluting the Polls: When Citizens Should Not Vote", *Australasian Journal of Philosophy*, Vol. 87, No. 4, pp. 535-549, December 2009.

Instead, voters can be said to have voted well, despite having voted for what turned out to be bad policies, provided they have a sufficient moral or epistemic justification for their votes. Otherwise, they vote badly when they vote without sufficient reason for harmful policies or candidates that are likely to enact harmful policies. However, I won't try to settle the standards for justified belief here. Instead, I leave that to be determined by the best epistemological theories. My argument then rests upon there being such a thing as unjustified political beliefs, but it need not be committed to any particular epistemology. On any reasonable epistemological view, there will be such a thing as unjustified beliefs about political matters.⁵ In some elections, it will be difficult even for highly educated experts to judge the expected consequences of electing one candidate over another. Judging candidates' comparative merits is often, but not always, difficult even for experts. Provided that the evidence shows that each candidate is likely to be on the whole good rather than harmful, then well-informed, adequately rational, just voters can be said to vote well regardless of which candidate they select. The claim that voters ought not to vote badly does not imply the stronger claim that they must vote only for the most optimal candidate. The most common forms of bad voting are voting 1) from immoral beliefs, 2) from ignorance, or 3) from epistemic irrationality and bias. This is not to give a new formula for bad voting. Sometimes, as per the characterization of bad voting above, voting on the basis of 1 – 3 won't count as bad voting. For an instance of 1: Suppose Alex believes that blacks are inferior and should be treated as second-class citizens. This is an immoral belief. If Alex votes for policies because he wishes to see blacks treated as inferiors, he votes badly. As an instance of 2: Suppose Bob is completely ignorant about a series of propositions on a ballot. While he desires to promote the common good, he has no idea which policy would in fact promote the common good. In this case, if he votes either way, he votes badly. As an instance of 3: Candice might vote with the goal of increasing the nation's material prosperity. However, she might have formed her beliefs about what stimulates economic growth via an unreliable, biased process. She might find a candidate espousing a regressive neo-mercantilist (i.e., imperialist, protectionist) platform emotionally appealing, and vote for that candidate despite the evidence showing that the candidate's platform is inimical to the goal of creating prosperity. In this case, Candice has false means-ends beliefs on the basis of irrational belief formation processes.⁷ If she votes on these beliefs, she votes badly.

COMPULSORY VOTING DISTORTS THE TRUE WILL OF THE MAJORITY BY CAUSING INDIFFERENT VOTERS TO ENGAGE IN HERD BEHAVIOR.

KEITH JAKEE and GUANG-ZHEN SUN – 2006. “Is compulsory voting more democratic? Public Choice (2006) 129: 61–75.

A potentially serious complication can arise when an individual does not have sufficient interest or information to decide on the alternative candidates. Such a setting can give rise to what have been called “information cascades”, phenomena that seem to present themselves widely in economic, political and social situations.¹⁴ “An informational cascade occurs when it is *optimal for an individual*, having observed the actions of those ahead of him, to follow the behavior of the preceding individual without regard to his own information” (Bikhchandani et al., 1992, p. 994, our italics). In our model, the random voter’s information is assumed to be virtually zero. However, what is optimal for the individual is not, of course, necessarily optimal for society. Some uninformed voters may well attempt to determine which candidate to vote for by observing what other voters do, just as consumers do in choosing restaurants and, say, other fashion goods. If so, “herd behavior” is the result.

In other words, the distortion effect caused by random voting under a mandatory voting system will be even more remarkable if information cascades are present. Consider a hypothetical scenario in which there are 99 voters and two candidates, *A* and *B*. There are 49 interested voters, all favoring *A*, and 50 random voters. Suppose that the random voters all go to one polling booth, one by one, and each voter simply follows the preceding voter in choosing *A* or *B*, while all informed voters go to another polling booth. By definition, each of our random voters has no preference concerning the candidate, *ex ante*, and consequently the voting decision becomes one of following the “signals” of other voters, particularly the immediately preceding one.

RANDOM VOTING DOES NOT SOLVE DISPROPORTIONATE POLITICAL INFLUENCE

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?"
Politics: 2010 Vol. 30(1), 70–77

While it is probably true that all members of the polity are somewhat affected by its decisions, if only because they bear collective responsibility for them, it is plain that some are more affected than others. Many of those who abstain do so, either out of apathy or principled deference, because the issues involved do not concern them greatly. Of course, it might be that this is short-sighted on their part, if they simply do not recognise that their interests are affected. It is unclear, however, whether forced participation will lead them to engage with the issues or whether they will be able adequately to protect their interests via the vote without a proper understanding of how decisions affect them. If these people were forced – or incentivised – to vote, there is a danger that they would do so randomly, potentially distorting electoral outcomes (Jakee and Sun, 2006, pp. 67–69).

OVERINCLUSIVENESS

OVERINCLUSIVENESS IS A PROBLEM FOR DEMOCRATIC LEGITIMACY

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?" *Politics*: 2010 Vol. 30(1), 70–77

Appeal to the notion of a 'relevant constituency' raises the much neglected question of who should constitute the demos of a democratic decision. In a seminal article, arguing for more universal enfranchisement, Robert Goodin (2007, p. 58) suggests that over-inclusiveness is a less serious problem than under-inclusiveness. His reasoning is that unaffected voters are likely to vote randomly and thus be spread equally across all options, cancelling each other out. This is not obviously true. It may be that voters are influenced by objectionable motives, 'external preferences' or political advertising. It may also be that their 'random' voting is not truly random – for instance, that there is a tendency simply to check the first box on the ballot paper – or that, particularly when the number of random voters is high relative to those actually affected, this 'random noise' will change the overall outcome (Jakee and Sun, 2006, pp. 67–69). Moreover, it seems inherently objectionable to have many others – with nothing at stake in the decision – have some potential say over it, even if it is true that the outcomes are unaltered. This would suggest that the whole world should have a vote on British health and education policies – which seems undesirable, even if the results are unchanged.⁴

While I cannot, here, settle the question of who should have a say in the making of a given decision, it is worth pointing out that the potential problems of overinclusiveness are greatly exacerbated by compulsory voting. Suppose that we do give everyone a vote, and then force them to vote, on some particular issue that only affects a subset of the electorate. This seems to wrong both those who are affected, because the decision is now potentially influenced by many others with no real interest in it, and those who are unaffected, because they are forced to turn out on an issue that does not affect them and on which, it is possible to argue, they actually have a duty not to vote (Brennan, 2009).

AT AUSTRALIA

THE AUSTRALIAN SYSTEM IS INEFFICIENT.

Anthoula Malkopoulou 09,[postdoctoral researcher at the Finnish Academy Project], "Lost Voters: Participation in EU elections and the case for compulsory voting", Centre for European Policy Studies Working Document No. 317/July 2009.

The most notable example of a country that effectively enforces compulsory voting today is Australia. The enforcement is rather lenient, as non-voters are first invited to provide a "valid and sufficient" explanation for their absence. This may be "physical obstruction, whether of sickness or outside prevention, or of natural events, or accident of any kind" (Election Commission, 2007). Only when this request is not satisfied are non-voters fined. The price to pay is AUD20 (approx. €10) and, in case of non-compliance, it rises to AUD50 (approx. €25). This can either be replaced by court attendance or further transformed into criminal sanctions (Commonwealth Electoral Act, 1918). Only those who are abroad on election-day are exempted. Even with such small fines, the Australian turnout from 1946 until 2007 has been mostly around 95% (IDEA). The main objections raised against the system are that the implementation entails high costs and too many administrative resources.

AT AUTONOMY

ABSTAINING FROM VOTING DOES NOT VIOLATE ONE'S AUTONOMY.

Jason Brennan 09, [Brown University], "Polluting the Polls: When Citizens Should Not Vote", *Australasian Journal of Philosophy*, Vol. 87, No. 4, pp. 535-549, December 2009.

Abstention is not like relinquishing one's right to rule. A fortiori, abstention can be a way of voting indirectly. Suppose we are deciding on a restaurant. I am not indifferent to the outcome; I prefer that we eat at the best place. However, I know that you know more than I about which restaurants are good. Despite your greater knowledge, a concern for fair procedure entails that we should each get an equal vote. You do not have the right to tell me where to eat. You know better, but no one made you boss. Yet, since I want to pick the best restaurant, I can choose to abstain. I could vote directly for a specific restaurant. But, since I don't know which is best, I could also say, 'I vote for the best restaurant, but I do not know which one that is. Since the rest of you know better, I vote that my vote reflects your collective wisdom.' I then abstain, but in effect vote indirectly. Some might see abstention as a violation of autonomy, perhaps even slave-like, but this seems mistaken. So long as I have an equal right to vote, choosing not to vote can be an autonomous act, a way of expressing my will that the best outcome be achieved. Since I retain a right to vote, I am an equal citizen and the democratic decision-making procedure remains generally acceptable.

AT CHARACTER VOTING

EVEN IF PEOPLE CAN INTUITIVELY VOTE BASED ON CHARACTER, THAT IS STILL BAD VOTING.

Jason Brennan 09, [Brown University], "Polluting the Polls: When Citizens Should Not Vote", *Australasian Journal of Philosophy*, Vol. 87, No. 4, pp. 535-549, December 2009.

However, character-based voting might actually be the most common form of bad voting, because (to a significant degree) voting for character is voting for the wrong reasons. Politicians tend to take votes as mandates even when they shouldn't. They tend to try to enact the policies they favour. Except at the extremes, character is not a reliable guide to political leadership. A virtuous politician with a powerful sense of justice might still be deeply misguided and committed to all sorts of counterproductive, harmful policies. Having the right values is not sufficient for making good policy, because it requires social scientific knowledge to know whether any given set of policies is likely to achieve those values. Just as an incompetent surgeon can be still be a virtuous person, so an incompetent politician can be a virtuous person. If there is good evidence that a politician is likely to enact harmful policies, one should not vote for her (without sufficient reason) even if she is a good person. Voting on the moral virtue of a candidate counts as good voting only when the candidate's moral virtue is evidence that she will not enact harmful policies

AT CIVIC AWARENESS

COMPULSORY VOTING DOESN'T ACTUALLY PROMOTE CIVIC AWARENESS- IN FACT, IT ENCOURAGES MORE UNINFORMED VOTES.

Simon Jackman 01, [Assistant Professor and Victoria Schuck Faculty Scholar, Department of Political Science, Stanford University], "Compulsory Voting", Internet Encyclopedia of the Social and Behavioral Sciences, 2001. <http://jackman.stanford.edu/papers/cv.pdf>

One criticism of CV is that it compels the participation of disinterested and hence poorly informed citizens who would otherwise abstain. A higher rate of invalid ballots (e.g., Tingsten 1937) and "donkey ballots" (where voters simply select the candidate at the top of the ballot) are some of the few consequences attributable to the mobilization of citizens with low levels of political interest or sophistication. Moreover, some instances of these phenomena are protests against CV itself. Lijphart's (1997, 10) takes a contrary position, suggesting that CV "may serve as an incentive [for voters] to become better informed." A crossnational study by Gordon and Segura (1997) finds a small though statistically significant increase in political sophistication in countries with CV, but otherwise, the evidence for CV promoting greater civic awareness is scant.

AT CIVIC DUTY

CITIZENS SHOULDN'T BE REQUIRED TO VOTE TO PLAY THEIR PART IN DEMOCRACY.

Jason Brennan 09, [Brown University], "Polluting the Polls: When Citizens Should Not Vote", *Australasian Journal of Philosophy*, Vol. 87, No. 4, pp. 535-549, December 2009.

Citizens of modern democracies are not obligated to vote, but if they do vote, they are obligated not to vote badly. They should abstain rather than impose bad governance on everyone. Since I describe good governance as a public good (like roads or police protection), one might object that instead of there being a duty not to vote badly (a duty that can be performed by abstaining), there is instead a duty for all to vote well. If good governance is valuable, shouldn't people do their part to help produce it, rather than simply refraining from producing bad governance? I agree that we have an obligation not to free ride on the provision of good governance, so doesn't that commit me to holding that everyone ought to vote well? While I don't intend to refute all possible arguments that there is a duty to vote well, I will explain here why the reasons I've articulated not to vote badly are not also sufficient reasons to vote well. Consider how difficult it is to have justified beliefs, e.g., about good economic policy. As anyone who has taught basic economics knows, overcoming basic economic fallacies takes significant effort. Most people find it painful to contemplate how their (emotionally-charged ideological) beliefs could be false. Our biases make economics counterintuitive. Thus, understanding basic economics is difficult. Consider what else is needed to form good policy preferences. One might need some political philosophy to assist one in developing a well-grounded conception of justice. Even if we agree that government ought to provide for the equal welfare of citizens, it is an empirical, social scientific question what type of institutional response best achieves that goal. What strategies actually can be expected to succeed is an empirical question and cannot be determined by looking at the intentions or values of people advocating different policies. One will need some knowledge of statistics, political science, sociology, international relations, and the other social sciences to grasp the expected effectiveness of various policies. While political science, economics, and philosophy are all worthwhile endeavours, studying them to develop even a basic level of comprehension requires serious investment. This investment has major opportunity costs. Time is scarce. Time spent overcoming economic bias is not spent learning the violin, becoming a medical doctor, playing football, or watching grass grow. There are myriad worthwhile life goals, which, owing to time scarcity, are incompatible with becoming a level-headed amateur social scientist. One might say that people should vote well so that they can contribute to social welfare. However, besides voting, debating, rallying, supporting causes, writing to senators, writing letters to editors, and so on, there are countless other ways of contributing to society and the common good. One contributes one's share of the social surplus just by working at a productive job that provides goods and services others want. One makes the world a better place to live in by participating in culture and counterculture. One makes the world safer by fighting in just wars. Though good governance is a public good, it doesn't follow that every member of society that benefits from that good must directly contribute to it. Instead, even if people have debts to pay to society for the goods they receive, there are many ways of paying those debts. Some people will pay by providing good governance, others by providing good culture, and others by providing good economic opportunity. One reason to favour this model of paying debts—where the debts can be paid with multiple currencies—is that it's more compatible with the pluralism liberals want to protect. To live in a well-functioning liberal democracy is a great gift and something citizens should be thankful for. Yet one reason liberal democracy is such a great gift is that it does not require us to be political animals. It makes space for many ways of life, including a vowedly non-political lives. In parallel, we might say that a good feature of well-functioning markets is that they make people rich enough to afford to engage in non-market activities and even in some cases to avoid the market altogether. A good liberal democracy would make people safe enough in their status as free and equal citizens that they could freely choose to avoid politics.

EVEN IF POLITICAL PARTICIPATION IS INTRINSICALLY VALUABLE, IT DOES NOT FOLLOW THAT ALL ELECTORAL PARTICIPATION IS VALUABLE

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

Still, from the fact that our interests in self-government are sufficiently important to impose moral and legal duties on others, it does not follow that we have duties to develop and exercise our political capacities in any particular way. As a general matter, democracies provide a variety of arenas and ways in which we can act collectively as citizens, and develop our abilities to define and pursue collective, as well as personal, interests. The more participatory our democracy, the more such opportunities there will be – in business, in culture, sport and the arts, in education, healthcare, public administration, law, the military. Indeed, feminists have insisted that families, if they are just, are both schools and models of democracy, providing some of our most compelling experiences of mutuality, solidarity and responsibility, as well as some of the greatest challenges to our ideals of freedom, equality and deliberation.⁴¹ So, while we often associate self-government with engagement in legislative politics, it is an important fact about democracies that there are opportunities for public responsibility, and for collective choice and action in all areas of life, and these are in principle as capable of developing and expressing our capacities for self-government as more familiar forms of politics.

One difficulty with the idea that voting should be compulsory, therefore, is that its importance to democratic political ideals is uncertain, even on representative conceptions of democracy. Elections in representative democracies help to ensure that, of the different people who may want to hold political office and to act on our behalf, the ones that are chosen are the ones we judge best for the task. It does not follow, however, that we think the selection of these candidates more important than other ways of defining and pursuing collective interests. Duly elected representatives are entitled to pass laws on our behalf, to undo those that have been made, to appoint people to act for us, to enforce collectively binding decisions and so on. But important though these tasks are, it does they are not obviously more important than other forms of collective choice and action, whether administrative, judicial, executive or benevolent.⁴²

**COMPULSORY VOTING UNDERMINES THE VIRTUE OF DEMOCRATIC PARTICIPATION
AND THE VALUE OF POLITICAL EQUALITY**

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

Forcing people to vote, whether they want to or not, undercuts the idea that voluntary political participation is a distinctive human good, and that democracies are justified in part by their ability to realize that good, and to make it available to most, nearly all, of their populations. Forcing people to vote undercuts a democratic conception of equality, too: for it implies that there is something uniquely important about electing representatives to a legislature although intelligent, informed and experienced people evidently disagree on the matter. To mandate voting, in the face of this disagreement, is effectively to say that some people's views are entitled to more respect and weight than others – though neither reason nor necessity normally require us to reach a collective judgement on the importance of voting, let alone of voting in national, rather than other, elections. 44

THE ETHICS OF VOTING ARE AMBIGUOUS; PEOPLE MAY REASONABLY CHOOSE TO ABSTAIN

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

We have an equally weighted vote regardless of our stakes in a particular election, or our understanding of the issues that it raises. The ethics of voting has received little attention from philosophers and political scientists. Yet it is plain that they are no more self-evident than other ethical matters, on which attention is lavished. Reasonable people can have the same qualms about voting as they can about marrying, having children, joining a political party or a union. Such qualms can be moral as well as prudential: reflecting doubts about the extent and reliability of their knowledge or judgement; doubts about the consequences of their actions for other people; and doubts about how to reconcile their different duties. Precisely because we have so little control over the circumstances of our vote, and the ways in which it will be interpreted and used by others, the ethics of voting is by no means as simple as proponents of compulsion suppose.

Take, for instance, the option of voting for 'none of the above'. In one important respect it is more determinate than not voting, although in most ways it no more illuminates the motivations, beliefs and interests of voters than abstention. It is more determinate, because people who abstain may not think that all the parties are equally bad. On the contrary, they may think that they are equally good- or, at least, acceptable – and that they therefore lack a reason to choose one rather than another. People who abstain for this reason would not want to vote for none of the above. Forcing them to do so, or to choose a candidate, would be to preempt their own judgements about how they should vote. So, even people who have no conscientious objections to voting might have compelling reasons to prefer abstention to 'none of the above'.

EFFECTIVE POLITICAL PARTICIPATION REQUIRES COORDINATED ACTION, WHICH MEANS PEOPLE HAVE TO BE FREE TO SHAPE THE NATURE OF THEIR POLITICAL PARTICIPATION

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

True, such forms of protest are can be misinterpreted, and by themselves are unlikely to be wholly successful. But that is true of most forms of protest, and would be true of compulsory voting, itself. 47 After all, it is unclear what meaning we should give to those who queue to tick their names off an electoral register, but then go home without voting. Nor is it evident what we should say about those who voted for "none of the above", other than that they preferred this option to the others that were available. Most protest, and all voting, depends for its success on the behaviour of other people, many of whom we will not know, many of whom will have interests and beliefs quite at odds with our own, and over whose behaviour we have no influence. This is why the interpretation of political action (or inaction) is complex, whether we are talking about votes or demonstrations, and why the consequences of political action can be hard both to predict and to interpret.48 People must, therefore, have rights to limit their participation in politics and, at the limit, to abstain, not simply because such rights can be crucial to prevent coercion by neighbours, family, employers or the state, but because they are necessary for people to decide what they are entitled to do, what they have a duty to do, and how best to act on their respective duties and rights.

AT CIVIC EDUCATION

STUDIES SHOW COMPULSORY VOTING ONLY BRINGS DISINTERESTED VOTERS TO THE POLLS.

Selb and Lachat 09, Peter Selb [Department of Politics and Management, University of Konstanz, Germany] and Romain Lachat [Institute of Political Science, University of Zurich, Switzerland], "The More, the Better? Counterfactual Evidence on the Effect of Compulsory Voting on the Consistency of Party Choice", *European Journal of Political Research*, 2009.

Much research has shown that a higher level of education, of political interest, or of political sophistication, increases the probability of turning out to vote.⁸ Thus, in a voluntary voting system, citizens who participate should come disproportionately from those with high education, interest, or sophistication. Under CV, by contrast, this bias should be weaker. This has been illustrated by Jackman, for example, who compares Australia and the United States.⁹ In the latter country, citizens with a low level of political sophistication are strongly underrepresented among voters. In Australia, by contrast, CV brings more citizens with a low level of political sophistication to the polls. While this claim seems to be intuitive, there is a counter-argument that must be considered seriously. As emphasized in the introduction, advocates of CV suggest that this institution may foster civic education.¹⁰ CV might incite less interested voters to become more informed about politics.¹¹ Yet, empirical evidence in favour of this argument is quite thin. Gordon and Segura are among the few who have analyzed the impact of CV on political sophistication.¹² This was part of a more general attempt to study how contextual factors may shape the costs and benefits of political information. In their analysis of 12 Western European countries, including three in which voting is compulsory, they report a small, positive impact of this institution on the level of political sophistication. However, the significant impact they find is due to a methodological artefact. Their analysis, which combines characteristics of both voters and countries, is performed at the individual level. This design strongly underestimates the uncertainty surrounding the effects of contextual factors. This is the problem of the 'miraculous multiplication of the number of units'.¹³ Once the model is properly specified, the effect of CV disappears.¹⁴ The same problem affects an analysis by Berggren,¹⁵ who uses the data of Gordon and Segura to test a slightly different causal model. These results do not support the claim that CV will make citizens more knowledgeable or interested in politics. While electoral participation may have positive effects on citizens, such as on their degree of external political efficacy,¹⁶ there is little evidence that participation makes citizens politically more sophisticated.¹⁷ We must thus consider seriously the risk that CV brings citizens to the polls who would otherwise not vote, but will not increase their level of political sophistication. This situation, we argue, will make the relationship between political preferences and party choices less consistent. Their voting decisions will be more loosely related to their political preferences. In other words, it should be more difficult to predict their vote on the basis of their policy preferences. This relationship will be more variable among 'compelled' than among 'motivated' voters.

COMPULSORY VOTING MAKES IT LESS LIKELY THAT THE RESULT WILL BE IN LINE WITH CITIZENS PREFERENCES.

Selb and Lachat 09, Peter Selb [Department of Politics and Management, University of Konstanz, Germany] and Romain Lachat [Institute of Political Science, University of Zurich, Switzerland], "The More, the Better? Counterfactual Evidence on the Effect of Compulsory Voting on the Consistency of Party Choice", *European Journal of Political Research*, 2009.

This possible consequence of CV has been developed on a theoretical level by Jakee and Sun.¹⁸ They show that an increase in the number of voters who cast an 'uninformed' vote can affect the electoral outcome. The larger the proportion of uninformed voters, the higher is the probability that the result diverges from the average preferences of informed voters. Their reasoning is based on a formal model, which assumes that uninterested citizens have no clear preference for a given party or candidate and that their voting decision is a random choice. While the assumption of pure randomness is probably unrealistic, their model clearly identifies the mechanism through which CV may alter the outcome of the election. Furthermore, their general argument is still valid with less restrictive assumptions.¹⁹ As long as the party choices of citizens who would abstain in a voluntary system are less predictable than those of motivated participants, CV may weaken the link between voters' preferences and the electoral results. This claim is supported by research on the effects of political sophistication. Political experts not only have a better knowledge of politics than 'political novices', but they also organize and process this information in a more meaningful way.²⁰ Voters with a high level of political sophistication are, for example, better able to locate parties in the political space.²¹ This should also improve their ability to relate their own preferences to those of parties. In fact, it has been shown that uncertainty about parties' positions weakens the relationship between issue preferences and voting choice.²² Such uncertainty should characterize the citizens who only take part in the election because they are compelled to do so. The consequence, we argue, will be a less consistent relationship between voters' preferences and the electoral outcome, as well as a less effective representation of these preferences.

VOLUNTARY VOTING SUPPORTS UNIVERSAL ENFRANCHISEMENT

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?"
Politics: 2010 Vol. 30(1), 70–77

The idea of universal inclusion is less problematic once we separate the distinct issues of who should have the right to vote and who should exercise that right by actually voting. Proponents of compulsory voting seem committed to the idea that, while certain groups may be justifiably excluded from having a vote, all who are in fact granted a vote should exercise it. It is quite consistent, though, to say that certain people should have the right to a vote but not exercise it, just as people should not use their right to free speech to say something deeply offensive. Enfranchising everyone is more attractive when the unaffected are allowed to abstain than when it means all being forced to vote, even on decisions that little affect them. For one thing, this preserves the idea that being granted the right to vote is a benefit, rather than being placed under a potentially onerous duty. It means that it is up to each individual to decide, for themselves, whether or not they should vote on a given issue.

AT COUNTRIES

OF THE COUNTRIES WITH COMPULSORY VOTING SYSTEMS, ONLY A FRACTION ENFORCE IT, AND HIGH TURNOUT IS DUE TO OTHER FACTORS.

Sabir Shah 13, [Reporter] "Of 31 countries with compulsory voting, a dozen actually enforce it", The International News, February 4, 2013.

Countries that have compulsory voting systems are Austria, Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Costa Rica, Cyprus, Dominican Republic, Ecuador, Egypt, Fiji, France (senate only), Gabon, Greece, Guatemala, Honduras, Italy, Liechtenstein, Luxembourg, Mexico, Nauru, Paraguay, Peru, Philippines, Singapore, Switzerland (province of Schaffhausen), Thailand, Turkey and Uruguay. A study of the World Fact Book of the American Central Investigation Agency (CIA) and the July 4, 2005 edition of the prestigious British daily "The Guardian" reveals that of the 31 countries with compulsory voting system, around a dozen nations (and Schaffhausen, a province/canton of Switzerland) actually enforce it. If an eligible voter does not attend polling in many of these countries, he or she may be subject to punitive measures by law. But again, people are only penalised practically in countries like Argentina, Australia, Brazil, Congo, Ecuador, Peru, Luxembourg, Singapore, Uruguay and the world's smallest republic of Nauru. For those who don't know, the Republic of Nauru is a rock island situated in the South Pacific that was annexed and claimed as a colony by the German Empire in the late 19th century. It is the world's smallest Republic. History tells that in 1777, 10 years before the American Constitution of 1787, the US state of Georgia had made it compulsory for every citizen to vote or pay a penalty of five pounds (not dollars). A reasonable excuse, however, was admissible. Countries with compulsory voting generally hold elections on a Saturday or Sunday to ensure that working people can fulfill their duty to cast their vote, besides providing postal and pre-poll voting is provided to people who cannot vote on polling day. Moreover, mobile voting booths are also installed at old age homes and hospitals to cater for immobilized citizens in these nations.

AT EQUAL REPRESENTATION

STUDIES SHOW THAT COMPULSORY VOTING DOESN'T ACTUALLY PROMOTE EQUAL REPRESENTATION.

Selb and Lachat 09, Peter Selb [Department of Politics and Management, University of Konstanz, Germany] and Romain Lachat [Institute of Political Science, University of Zurich, Switzerland], "The More, the Better? Counterfactual Evidence on the Effect of Compulsory Voting on the Consistency of Party Choice", European Journal of Political Research, 2009.

Compulsory voting (CV) undoubtedly raises electoral turnout. But does it also affect individual party choices and aggregate election outcomes? Previous studies have focused on partisan or 'directional' effects of CV in favour of, for example, social-democratic or anti-establishment parties. Observed effects are usually small, however. Using survey data from the Belgian General Elections Study, we find that CV primarily affects the consistency, rather than the direction, of party choices. In particular, our analyses suggest that CV compels a substantial share of uninterested and less knowledgeable voters to the polls. These voters, in turn, cast votes that are clearly less consistent with their own political preferences than those of the more informed and motivated voluntary voters. Claims that CV promotes equal representation of political interests are therefore questionable.

IT'S FAIRER TO GIVE MORE WEIGHT TO THE VOICES OF THOSE AFFECTED BY PARTICULAR POLICIES AND DECISIONS RATHER THAN ENSURE THAT EVERYONE PARTICIPATES EQUALLY.

Ben Saunders – 2010 [University of Oxford]. “Increasing Turnout: A Compelling Case”? *Politics*. Vol. 30(1), 70-77.

Moreover, it has recently been argued not only that equality may not be necessary to democracy (Estlund, 2008; see Saunders, forthcoming), but that there may even be democratic reasons for unequal voting (Brighthouse and Fleurbaey, forthcoming; Heyd and Segal, 2006). Suppose we accept the principle that all affected interests ought to have a say in decision-making (Goodin, 2007). It is puzzling why those who are unequally affected by a decision ought nonetheless to have equal votes. Instead, it seems that fairness requires those who have more at stake to receive a greater say in the decision, and one way to grant them this is to give them more votes (or more weighty votes). There are, of course, various ways that this could be done – for instance we could give all individuals the same number of votes to divide as they wished across a number of issues to be decided simultaneously, thus in effect allowing individual voters to engage in intra-personal logrolling, by giving up their vote on one issue in exchange for a greater say on another.

Few, if any, democracies use such formal weighted voting mechanisms. The freedom to vote, or not vote, however, may have just this effect. Lijphart is right to suggest that differential voting rates are, in effect, like weighted voting, but wrong to assume that this is necessarily a problem – it may in fact be a merit of voting systems that allow individual choice. Since voting carries some, albeit moderate, cost, we may assume that individuals are less likely to vote unless they have good reason to do so. Those who bother going to the polls are likely to have some cause, whether self-interested or otherwise, that makes it worth the cost to them of voting.

While it is probably true that all members of the polity are somewhat affected by its decisions, if only because they bear collective responsibility for them, it is plain that some are more affected than others. Many of those who abstain do so, either out of apathy or principled deference, because the issues involved do not concern them greatly. Of course, it might be that this is short-sighted on their part, if they simply do not recognise that their interests are affected. It is unclear, however, whether forced participation will lead them to engage with the issues or whether they will be able adequately to protect their interests via the vote without a proper understanding of how decisions affect them. If these people were forced – or incentivised – to vote, there is a danger that they would do so randomly, potentially distorting electoral outcomes (Jakee and Sun, 2006, pp. 67–69).

The costs of voting make probable that those who really have significant interests at stake are more likely to vote, and thus that they have more influence on decisions that affect them.² In effect, this is to restate the familiar pluralist solution to the problem of intense minorities. Robert Dahl suggests that those who feel strongly about a given issue can have greater influence on outcomes through means such as persuasion and protest, affecting how others vote (Dahl, 1956, pp. 134–135). Because this ‘extra’ influence is mediated through the need to convince fellow citizens, it is compatible with formal equality. It may be objected that not all groups are equally easily mobilised or able to explain their position to others, which is a problem if we rely on them persuading others to take their interests into account when voting (Rehfeld, 2005, pp. 233–234). However, we can assume that those who are more affected by a given decision are more likely to vote on it, *ceteris paribus*. A low turnout from those who are not greatly affected by a given decision thus increases the likelihood that the decision is actually made by the relevant constituency.³

**IT DOES NOT NECESSARILY FOLLOW THAT ALL POLITICAL INEQUALITIES NEED TO BE
LEVELED**

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?"
Politics: 2010 Vol. 30(1), 70–77

While democrats have traditionally believed in the maxim 'one person, one vote' (e.g. Birch, 2009, p. 23), it is unclear whether this is a necessary commitment. Small inequalities, as caused by differences in district size, are generally tolerated, simply because they would be difficult to eliminate and each individual vote is almost inconsequential to begin with (Rehfeld, 2005, pp. 193–197). Often, we think that the less of something people have, the more important it is that what they have is distributed fairly; hence we are more concerned about inequalities at low levels of material wealth than those between millionaires and billionaires. When it comes to political power, however, each person's share is so small that to insist on strict equality would be more like arguing over the crumbs of a cake than insisting on equal slices.

Were you to discover that your neighbour had two votes in an upcoming election, this might offend your sense of equal worth, and this symbolic value is reason to adhere to the general principle 'one person, one vote'. It would hardly give him or her any more power over the outcome, though, since from an instrumental point of view each vote is practically worthless and twice nothing is still nothing. This suggests that we need not be too obsessive about ironing out minor inequalities, such as in district size. Similarly, unequal voting rates between different groups do not obviously threaten to undermine the equal status of all involved, provided that all have the right to an equal vote, whether or not they exercise it.

DIFFERENTIAL VOTER TURNOUT RATES MAY SIMPLY EMPOWER THOSE WITH A GREATER INTEREST IN THE OUTCOME OF A VOTE

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?" *Politics*: 2010 Vol. 30(1), 70–77

Moreover, it has recently been argued not only that equality may not be necessary to democracy (Estlund, 2008; see Saunders, forthcoming), but that there may even be democratic reasons for unequal voting (Brighthouse and Fleurbaey, forthcoming; Heyd and Segal, 2006). Suppose we accept the principle that all affected interests ought to have a say in decision-making (Goodin, 2007). It is puzzling why those who are unequally affected by a decision ought nonetheless to have equal votes. Instead, it seems that fairness requires those who have more at stake to receive a greater say in the decision, and one way to grant them this is to give them more votes (or more weighty votes). There are, of course, various ways that this could be done – for instance we could give all individuals the same number of votes to divide as they wished across a number of issues to be decided simultaneously, thus in effect allowing individual voters to engage in intra-personal logrolling, by giving up their vote on one issue in exchange for a greater say on another.

Few, if any, democracies use such formal weighted voting mechanisms. The freedom to vote, or not vote, however, may have just this effect. Lijphart is right to suggest that differential voting rates are, in effect, like weighted voting, but wrong to assume that this is necessarily a problem – it may in fact be a merit of voting systems that allow individual choice. Since voting carries some, albeit moderate, cost, we may assume that individuals are less likely to vote unless they have good reason to do so. Those who bother going to the polls are likely to have some cause, whether self-interested or otherwise, that makes it worth the cost to them of voting.

VOLUNTARY VOTING ALLOWS INTENSE MINORITIES TO ASSERT THEIR INTERESTS MORE STRONGLY

Ben Saunders [Temporary Lecturer in Philosophy], "Increasing Turnout: A Compelling Case?" *Politics*: 2010 Vol. 30(1), 70–77

The costs of voting make probable that those who really have significant interests at stake are more likely to vote, and thus that they have more influence on decisions that affect them.² In effect, this is to restate the familiar pluralist solution to the problem of intense minorities. Robert Dahl suggests that those who feel strongly about a given issue can have greater influence on outcomes through means such as persuasion and protest, affecting how others vote (Dahl, 1956, pp. 134–135). Because this 'extra' influence is mediated through the need to convince fellow citizens, it is compatible with formal equality. It may be objected that not all groups are equally easily mobilised or able to explain their position to others, which is a problem if we rely on them persuading others to take their interests into account when voting (Rehfeld, 2005, pp. 233–234). However, we can assume that those who are more affected by a given decision are more likely to vote on it, *ceteris paribus*. A low turnout from those who are not greatly affected by a given decision thus increases the likelihood that the decision is actually made by the relevant constituency.³

AT FREE-RIDING

FREE-RIDING DOESN'T JUSTIFY COMPULSORY VOTING.

Annabelle Lever 08, [Department of Philosophy, Logic and Scientific method, London School of Economics and Political Science], "Compulsory voting: a critical perspective", *British Journal of Political Science*, 2008.

The normative problems with the free-riding argument are serious, too. The most obvious, as we have seen, is that people are entitled and, even, morally obliged to abstain on occasion. Non-voting on such grounds cannot be equated with unfairness or exploitation. However, even when people are morally wrong to abstain, and even when that wrong consists in harming others,⁵¹ it is odd to think of voters as the primary victims of harm. Rather, it seems that when non-voting harms others, it harms those who are unable to vote, because they are too young, too old, disabled, or simply because they are foreign. Democratic citizens do, I imagine, have duties to represent the interests of those who can be harmed by their decisions, even though they are unable to participate in them. This is compatible with the idea that morally wrongful non-voting may also harm some voters, by letting them down, or making it harder for them to realise their legitimate ends. But, even where this is so, these harms seem much less serious than those suffered by the voiceless and the voteless, who may lack democratic rights in their own country, or enough people willing and able to act on their behalf. Non-voting, then, can be morally wrong, although that wrong seems, rather, to be indifference or contempt for the weak and dependent, rather than unfairness to compatriots who vote. In either case, however, compulsory voting is unjustified. It may be morally wrong to abstain, but morally wrongful abstention may not be especially harmful. Such harms as it causes, moreover, can be caused by careless, ignorant and prejudiced voting. Unfortunately, even when we do not intend to cause harm, and when we are acting morally, the effects of our actions can be disastrous for others. So, from the fact that non-voting is sometimes immoral, we cannot conclude that people are morally obliged to vote, let alone that compulsory voting is justified as a way to prevent, or to punish, immorality.⁵²

THE POOR DON'T VOTE BECAUSE OF ACCESS BARRIERS, NOT APATHY.

Sarah Birch [Reader in Politics at the University of Essex], "The case for compulsory voting," *Public Policy Research*, March-May (2009), pp. 21-27.

Why do the poor not come together to exercise their electoral muscle? The fact is that the economically deprived face a severe coordination problem in the political sphere. Often poor also in the resources most useful in politics – time, money, connections, sophisticated communication skills – they have only their vote. At the same time, they have little reason to use their vote if others in their position do not do so, and little means of coordinating with those others to ensure that they collectively act to represent their interests.

AT INEQUALITY

COMPULSORY VOTING DOESN'T ALLEVIATE SOCIAL INEQUALITY.

Annabelle Lever 08, [Associate Professor of Normative Political Theory, University of Geneva], "A liberal defence of compulsory voting": some reasons for scepticism." 2008, *Politics*, 28 (1). pp. 61-64.

I am sceptical that this hurdle can generally be met. Low turnout, and political alienation by the young, the poor and the uneducated are of genuine concern. But being forced to turnout is unlikely to cure alienation, nor is it much of a cure for political inequality, as voters only get to chose once every few years from a range of candidates and platforms that have already been decided. Moreover, if the papers recently presented at the ECPR workshop on compulsory voting are anything to go by, it seems that compulsory voting has no noticeable effect on political knowledge or interest, (Ballinger, 2007; Engelen and Hooghe, 2007) nor, more surprisingly, any evident effect on electoral outcomes (Czesnik, 2007 and Selb and Lachat, 2007). Compulsory voting is clearly no guarantee of egalitarian social policies, and the Australian case –where compulsory voting is extremely popular and is long established – shows that increasing turnout does not force parties to compete for the votes of the poor, the weak and the marginalised, as Lijphart had hoped. (Lijphart, 1997) Conversely, compulsory voting is, apparently, anathema in Sweden and other Scandinavian countries, although these are regularly held up by political and social scientists as beacons of social democracy, and examples of how to combat the persistent under-representation of women in positions of political power. In short, if you value political participation there are good reasons to treat compulsory voting with scepticism, and to look elsewhere for remedies to low and unequal electoral turnout or – more fundamentally – to the problems of political powerlessness and inequality that mar many contemporary democracies.

AT LIBERAL DUTY

THE LIBERAL ARGUMENT FOR COMPULSORY VOTING IS FALSE.

Annabelle Lever 08, [Associate Professor of Normative Political Theory, University of Geneva], "A liberal defence of compulsory voting": some reasons for scepticism." 2008, *Politics*, 28 (1). pp. 61-64.

But there are deeper reasons to doubt that liberals can support compulsion, or can easily affirm that citizens generally have a moral duty to vote. The problem, essentially, is this: that liberals suppose that people can reasonably disagree about the value of political participation, compared to other activities and forms of life and by extension, it seems fair to suppose, people can also disagree about the relative importance of different forms of participation, even if political participation is treated as of ultimate importance. If voting is to be a duty, we must assume that we are concerned with informed and conscientious voting – so voting out of ignorance, on a whim and so on, would not count as fulfilling the duty. But it is not clear that people must acquire well informed political opinions on pain of behaving immorally. The engagement with the world which this presupposes would seem incompatible with various forms of spiritual quest and with attitudes to the world that value spontaneity, living in the moment, or even a certain scepticism towards organised activities of various sorts. True, there are circumstances where we may all have a duty to stand up and be counted – and electoral participation apparently increases in areas contested by the far right, or by racist political parties, as those who oppose such positions generally – and rightly – feel the need to make their opposition known. However, while "reasonable pluralism", as it has been called,² seems consistent with the idea that people do, sometimes, have a duty to vote, and to vote one way rather than another, it is hard to square a commitment to equality with respect to people's conscientious convictions and views about what makes life valuable and worthwhile, with the idea that there is a general duty to vote.

AT SELF-INTEREST

PEOPLE CAN'T BE FORCED TO VOTE JUST BECAUSE IT MIGHT BE IN THEIR SELF INTEREST.

Annabelle Lever 08, [Associate Professor of Normative Political Theory, University of Geneva], "A liberal defence of compulsory voting": some reasons for scepticism." 2008, *Politics*, 28 (1). pp. 61-64.

People have interests in protecting themselves from the spite, negligence and from the well-meaning, but demeaning and intrusive, actions of others. Where they are otherwise capable of looking after themselves, these interests in self-protection have an important role to play in justifying democratic voting rights, as well as rights to form, join and leave political parties, rights to stand as a political representative of others, rights to express one's political opinions, to demonstrate one's political dissatisfaction, and to refuse to identify or justify one's political beliefs, interests and loyalties. People are not always good judges of their own interests, individually or collectively. Still, respect for people's freedom and equality and capacities for reasoned judgement, generally tells against forcing them to exercise their rights, or to make the most of their liberties and opportunities. This is partly because there are normally other, less intrusive, ways to promote people's self-interest than forcing them to act in a selfinterested manner.³² But the difficulty with forcing people to pursue their self interest is, also, that informed, intelligent and reasonable people can disagree about the importance of self-interested ends relative to altruistic ones; and can disagree about the merits of selfinterested behaviour in particular, as well as in general. Consequently, unless people have a duty to pursue their self-interest by voting, there is no justification for forcing them to vote, simply because voting would be good for them. 158 Voting is not always in people's interest. So even if people have a duty to vote when voting is in their self-interest, we still need some reason to believe that voting is in their interests. This is less easy than we might expect. As voters, we can only protect our interests by choosing between the available political candidates or parties who solicit our vote. If none are in our interests, there is no self-interested case for voting. If they are all compatible with our interests, it may still not be in our interests to vote, even if some of these would be better at protecting our interests than others. Unless our vote is necessary to secure the election of the candidate that is best for us – or to prevent the election of the one that is worst – we may have no self-interested reason actually to go out and vote. This, of course, is why the rational choice literature insists that it is irrational to vote in circumstances where millions of otherwise reasonable men and women are clearly ready, even eager, to do so. ³³ So, even if we have a duty to promote our self-interest by voting, it is by no means clear that this translates into a duty to vote at most, let alone all, elections.

BECAUSE ALTRUISM MAY BE A REASONABLE JUSTIFICATION TO FORGO SELF-INTEREST, IT IS UNREASONABLE TO FORCE PEOPLE TO DO SOMETHING JUST BECAUSE IT IS IN THEIR BEST INTERESTS

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

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VOTING IS NOT ALWAYS IN PEOPLE'S INTEREST

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

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SIMPLY HAVING THE RIGHT TO VOTE IS SUFFICIENT TO PROTECT OUR INTERESTS

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

Democratic voting rights protect our interests as individuals even when we do not exercise them. This, in part, is why it can be so important that people have legal rights to vote, whether or not they actually exercise them. In and of themselves, both moral and legal rights raise the threshold that arguments for coercion must leap in order to be justified.³⁴ In this, the right to vote is no different from the right to marry: it protects our self-interest even where we do not exercise it, by ensuring that we are not married off against our will, or denied a voice in collectively binding decisions.³⁵ In the case of the right to vote, it is only when used in coordination with strangers that its exercise is likely significantly to advance our interests over the baseline protection secured by its bare existence. By ourselves, however, we cannot ensure that others will be willing to cooperate and coordinate politically, and the effort to organize such cooperation may not be worth it. So even if having an equally weighted vote can be critical to our freedom and equality, it is an open question if and when its exercise will promote our interests.

DEMOCRACY ASSUMES THAT ONE MAY FORGO SELF-INTEREST BY ALTRUISTIC VOTING AND ASSUMES THAT THERE IS ALWAYS A RISK TO ELECTORAL POLITICS, SO FORCING PEOPLE TO VOTE OUT OF SELF-INTEREST IS NOT JUSTIFIED

Annabelle Lever [Department of Philosophy, Logic and Scientific Method London School of Economics and Political Science], "Compulsory Voting: A Criminal Perspective," *British Journal of Political Science* (December, 2008).

The costs of democratic politics, in other words, can be real, predictable and painful. But to suppose that we have a duty to prevent those costs is problematic on democratic grounds, as well as on liberal ones. This is partly because these are risks to our interests that other people are entitled to impose on us, via the exercise of their rights; but they are, as well, risks that we are entitled to impose on ourselves, by altruistic voting. So, even if we think Mill's anti-paternalism too strong and, therefore suppose that risks of death and serious injury may justify paternalist legislation, we will want to deny that the risks posed by democratic elections are of that type. We will want to do so not because democratic politics is or should be risk-free, and certainly not because people are, or should be, indifferent to the costs of their choices. Rather, we should do so because we value democratic government. This means that we have reasons to accept and, even, to support governments that we did not elect.³⁷ It means that we have reason to expect that governments we did not choose will, nonetheless, protect our interests; that they will have a duty to do so, even if we did not vote; and that in pursuit of that duty, they may be justified in imposing sacrifices we would not have had to bear had they lost, rather than won, the election.

If these arguments are right, we have some reason to suppose that compulsory voting is generally inconsistent with democratic government. You do not have to suppose that voting must be self-interested in order to believe that instrumental considerations explain why people should be entitled to vote. However, the instrumental justification of democratic rights provides no warrant for the idea that people should be forced to vote, even if it is in their own interest. On the contrary, to suppose that they are bound to vote is to imply that some of the candidates for office, even in established democracies, cannot be trusted with political power and cannot be trusted to function as a democratic opposition to the government of the day. This may, of course, be true as a matter of empirical reality, not just of overheated rhetoric. In those circumstances, we may have a duty to defeat and to marginalize undemocratic political parties and/or candidates. But if morality sometimes requires us to vote in such cases, it provides no warrant for the conclusion that mandatory voting is justified.

A2 REDUCES GOVERNMENT SPENDING PROGRAMS

A2 CRAIN AND LEONARD STUDY: WRONG VARIABLES, IMPLAUSIBLE REGRESSION

Francis O'Toole and Eric Albert Strobl – 1995. “Compulsory Voting and Government Spending.” *Economics and Politics*, 1995, Vol. 7, No. 3, pp. 271-280.

Two further issues arise in the context of the authors' implementation of the pressure group model. For reasons unclear, Crain and Leonard's regression analysis focuses on the rates of change of the independent and dependent variables rather than on the actual values of these variables at a point in time. This approach would fail to identify countries with significantly different levels of government expenditure so long as the growth rates of government expenditure over time were equivalent. Notwithstanding these issues, the authors appear to demonstrate a negative relationship between the existence of compulsory voting (enforced or otherwise) and annual government growth rates. However, the authors' choice of dependent variable is not central government expenditure, as would appear to be the obvious candidate, but general government consumption. The World Development Report (1989) outlines the effect of these differences.

“Total expenditure (as a percentage of GNP) is more narrowly defined than the measure of general government consumption (percentage of GDP) . . . , because it excludes consumption expenditure by state and local governments. At the same time, central government expenditure is more broadly defined because it includes government's gross domestic investment and transfer payments.” (p. 237).

Countries with a high level of transfer payments will show a higher level of central government expenditure relative to general government consumption. Conversely, countries with federal systems of governments will show a lower level of central government expenditure relative to general government consumption. In terms of Crain and Leonard's choice of general government consumption rather than central government expenditure, the failure to incorporate transfer payments under government spending will tend to underestimate the growth in spending on an item which one would expect to increase significantly as countries move from a voluntary to a compulsory voting system. In short, it would be surprising if the scale of government increased under compulsory voting if one used general government consumption rather than central government expenditure as the variable representing the scale of government.

In summary, it is argued that Crain and Leonard's paper does not compare two alternative models and their choice of dependent variable may contribute to the negative relationship shown to exist between the existence of a compulsory voting system and the scale of government expenditure. A more fruitful line of inquiry is to focus on the composition, rather than the scale, of government expenditure.