Perspectives: Should Mandatory Voting Laws be Implemented in the United States?

Yes, Compulsory Voting Laws Would Unify American Politics

Norman Ornstein

The deterioration of the center in American politics is one of the most distressing signs of dysfunction in our political system. It has been obvious inside Congress, where lawmakers (especially those in the middle) who deign to work toward the middle and across party barriers are often ostracized or punished. The polarization is even more apparent outside Washington, in campaigns and elections.

Divided Political Landscape
In contemporary American politics, the monomaniacal focus of political consultants and many party leaders is on appealing to the party bases rather than on voters in the middle; it is all about mobilization and turnout, and that means harsh rhetoric, scare tactics and appeals to the issues that most motivate those base voters who tend to veer off toward ideological extremes.

We can see the impact in elections. In 2006, Joe Lieberman, his party’s vice presidential nominee in 2000, switched from Democrat to Independent after losing a primary challenge from the left for deviating too much from his party’s orthodoxy. In 2010, Utah Republican Senator Bob Bennett, one of the most conservative members of his party, faced the humiliation of not even making it onto the primary ballot in Utah because he was insufficiently conservative for his party’s activist wing. Conservative Republican House member Bob Inglis of South Carolina was bounced by his party in a primary runoff for his moderation. Likewise, moderate Alaska Republican Senator Lisa Murkowski and moderate Delaware Republican representative Mike Castle failed in bids for the Senate. Conservative John McCain faced a vigorous challenge from the right in a tough primary battle, pulling him even further to the right; and centrist conservative Governor Charlie Crist left his party after his electoral collapse in a Republican primary from a challenge from the right.

The primary challenges—and the mere threat of a primary challenge—are joined by other tactics, like the independent expenditure campaign the Club for Growth ran against the health reform bill in 2009 and 2010 that intimidated conservative Charles Grassley away from cooperation with the majority, and the frequent censure petitions brought up against conservative Lindsey Graham in various South Carolina county Republican enclaves. All are designed to purge the parties of non-purists or to bludgeon the potential apostates to toe the party line and not to “sleep with the enemy.”

The two parties are too tied to their activist wings to do anything to reduce the power of the electromagnets pulling candidates and elected officials to the edges and away from the middle, or to change the issue focus away from the things that excite or frighten their party base voters, or to change the extreme rhetoric and scare tactics used to frame the issues.

These dynamics are not just occurring within the parties and through their nominating processes; they are deeply rooted in our culture right now. Division, extreme rhetoric, and partisan rancor are reinforced by talk radio, the blogosphere and cable news, the perpetual campaign,
party nominating processes, and campaign turnout strategies. With more and more Americans getting their news from media that have become increasingly partisan, the public square that used to characterize American political dialogue—a broad acceptance of facts about policies, problems and leaders, amidst vigorous arguments about solutions—no longer exists.

**A Reform to Unify the Political Landscape?**

One simple, powerful reform could transform our politics, our dialogue, and even our policy outcomes. That reform would be mandatory attendance at the polls. This is not a novel or untested idea. The roster of countries that currently have some form of compulsory voting includes Argentina, Australia, Belgium, Brazil, Chile, Greece, Singapore, Switzerland, Thailand and Turkey. It is Australia, though, that provides the best model for the United States. In Australia (where I have spent time and have spoken with many top leaders from both major parties), voters who do not show up at the polls are subject to a modest fine, the equivalent of about $15 or $20. That small nudge has over time boosted Aussie turnout from less than 60 percent before the process was implemented in 1924 to well over 90 percent. The fine itself matters; it has also led to an ethos that there is an obligation for citizens to vote. Polls show overwhelming public support in Australia for their mandatory turnout system.

Australians do not have to vote for any candidates; they can opt for “None of the Above.” Two or three percent do just that. Another small share of the citizenry can petition for exemptions, on grounds of illness, travel, emergencies, or religious or other reasons. A few percent simply pay the fine. But the other citizens do vote. With near-universal voting, the whole political dynamic changes. Australian politicians and political consultants know that their base voters will all be at the polls—and so will the other side’s
fiery partisans and ideologues. So the name of the game changes from trying to get your base into a frenzy to encourage their turnout, to trying to appeal to the persuadable voters in the middle.

In Australia, politicians spend less time and energy on the kinds of issues that excite single-issue voters, such as guns, same-sex marriage, or abortion, and more time on issues that appeal to the broad middle, like deficits, energy, and education. Just as important, the rhetoric used on these issues moves away from exaggeration and appeals to the extremes and more to moderation and reason. Certainly, there is plenty of rough-and-tumble in Aussie politics—but politicians of all stripes tell me that the dialogue is better, richer, and more reasonable because there is a detriment in appealing to base instincts.

Imagine how our politics might change if the United States had a comparable system, where both parties’ professionals knew going into each election campaign that the two parties’ bases would both turn out in equivalent proportions. Huge sums of money now spent on get-out-the-vote efforts would no longer be needed. Consultants and pollsters who spend huge amounts of time and money trying to figure out the best ways to gin up turnout from the respective party bases—testing divisive issues, creating focus groups to see what messages elicit the most anger or outrage—would instead have to find issues and rhetoric that appealed to persuadable voters in the middle. Bombastic political figures might still get attention for their fiery comments, and get an infusion of campaign cash, but their appeal would also be sharply curtailed with the most important voters, while more serious lawmakers would gain in traction. The incentives for mild rhetoric over fiery rhetoric would change significantly.

To be sure, the economic model that has made partisan news sources successful will remain, and a larger culture that emphasizes “info-tainment” over information will, if anything, get stronger in an age of media fragmentation. But the use of social networking to build larger communities would also expand to include more centrist and independent groups in a different election system with near-universal turnout.

One should be under no illusions about the likelihood of adopting this approach in the United States. Americans don’t like anything to be mandatory. An Associated Press survey in 2006 found 61 percent of Americans opposed to compulsory voting, with only 33 percent in favor. But it is worth positing the idea for more serious debate, especially since the political system’s culture has become so much more coarse since 2006. If we had a system like the Australian one in place in our primaries, where turnout often hits ten percent, as well as for our general elections, we would have fewer extreme candidates nominated, fewer divisive issues exploited, and more honesty in our debates and deliberation. At some point, we may find enough voters disgusted with the impact of ideological and partisan division to entertain a reform as “extreme”—and simple, and powerful—as this one. ☼

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No, Compulsory Voting Laws in the United States Would Not Work

Vassia Stoilov

Declining or stagnant voter turnout at elections is a problem in many democracies, including the United States, which has raised concerns that representatives are elected by only a fraction of the citizenry. It is in this context, and in the name of democracy, that proponents of compulsory voting have called for its introduction in the United States. They argue that governments elected by only a small percentage of the citizenry are unrepresentative of the population and consequently, may not be perceived as legitimate. While introducing compulsory voting would undoubtedly raise voter turnout in elections, as it has done in other countries, it does not automatically result in the legitimacy or representativeness of the elected government. In addition, compulsory voting clashes with some of the defining features of American democracy—it infringes on individual liberties and the freedom to choose to participate, or not participate, in political or civic activities.

Compulsory Voting in the United States and Abroad

Compulsory voting laws conceptualize voting as a citizen’s duty and oblige eligible voters to participate in elections or be liable to sanctions. The U.S. already has a history of compulsory voting. Georgia and Virginia had statutes imposing fines for not voting in the eighteenth century, but the statutes were never enforced, and thus never came under judicial scrutiny. Also, North Dakota and Massachusetts amended their constitutions at the turn of the twentieth century to allow for compulsory voting, but the state legislatures never enacted statutes to implement it. However, no such legislation has ever existed at the federal level.

Internationally, about 37 countries currently have legislation that provides for compulsory voting either at the national or local levels. Compulsory voting laws are not uniform and there is widespread variation in the severity of sanctions imposed for non-compliance. Sanctions can range: Australia, Cyprus, and Chile impose penalty fines; Peru prohibits banking or other public administrative transactions for three months; Brazil prohibits nonvoters from taking professional examinations, receiving wages, or renewing enrollment in official schools or universities; and Cyprus even imposes jail sentences. There is also variation in the extent to which compulsory voting laws are enforced in practice. While Australia, Belgium, and Fiji, for example, strictly impose sanctions, enforcement of compulsory voting laws in countries like France and Greece is weak. Cuba is an interesting case of a nation which does not have a mandatory voting law, but election commissions keep tabs on those who habitually do not vote and may label them as unpatriotic and subject them to a fine.

Compulsory Voting Clashes with Defining Features of American Democracy

Compulsory voting undoubtedly increases turnout. In national elections, compulsory voting has increased turnout on average by some 10 to 15 percentage points—and even more in regional and local elections. Australia, under compulsory voting, has had an average turnout of 94–5% since its adoption in 1945. In contrast, U.S. presidential elections typically have turnout rates in the low 50%; mid-term Senate and congressional election turnout fluctuates between 30% and 40%; and state gubernatorial elections have seen voter turnout as low as 23%. Researchers have ascertained that American nonvoters tend to be younger, less educated, poorer, and less connected to the two major political parties than their voting counterparts.

The panacea for low levels of political participation is compulsory voting, as its advocates would argue. But democracy is more than just turnout at elections. Increased political participation can make a democracy more robust and legitimize elected governments, but proponents of compulsory voting should be reminded that more participation in elections does not automatically result in a more representative government.

Looking at the Law

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NCSS announces the publication of the revised national curriculum standards for social studies: *National Curriculum Standards for Social Studies: A Framework for Teaching, Learning, and Assessment*

The revised standards, like the earlier social studies standards published in 1994, continue to be structured around the ten themes of social studies. However, the revised standards offer a sharper focus on:

- **Purposes**
- **Questions for Exploration**
- **Knowledge**: what learners need to understand
- **Processes**: what learners will be capable of doing
- **Products**: how learners demonstrate understanding

The revised standards also include:

- Enhancements in the descriptions of the ten themes and the associated learning expectations

The tools for enforcing compulsory voting, which in other countries, as described above, can range from denial of public services, to payment of fees and to imprisonment, are also something to consider. How is paying a fee for not showing up at the polls more acceptable than paying a fee to be able to vote? How is being imprisoned for not voting an appropriate inducement for political participation?

Voluntary voting has been a staple of American democracy. The ability to voluntarily and freely choose to go to the polls on election day, as opposed to going there “motivated” by possible sanctions, has been a cherished value within the United States as well as one of the main tenets in U.S. democracy promotion abroad. The United States has long promoted free and fair elections around the world. And what have elections generally been understood as “free elections” are those where voters can cast their ballots freely, without fear or intimidation. This prerequisite for free elections is not met, however, if there are sanctions for showing up or for not showing up at the polls.

Voters should be motivated to go to the polls based on the issues and candidates put forth, not because the government demands their presence for the sake of increasing voter turnout, and certainly not because they fear repercussions for not voting.

### Discussion Questions

1. Which argument did you find most persuasive? Why?

2. Would you support compulsory voting laws in the United States? If so, for which elections?

3. Do you think that voting is a fundamental right or responsibility? Why?

### Suggested Resources


International IDEA. Compulsory Voting: What is Compulsory Voting? [www.idea.int/vt/compulsory_voting.cfm](http://www.idea.int/vt/compulsory_voting.cfm)


### What do you think?

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