Telling Americans to Vote, or Else

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NOV. 5, 2011

Washington

JURY duty is mandatory; why not voting? The idea seems vaguely un-American. Maybe so, but it’s neither unusual nor undemocratic. And it would ease the intense partisan polarization that weakens our capacity for self-government and public trust in our governing institutions.

Thirty-one countries have some form of mandatory voting, according to the International Institute for Democracy and Electoral Assistance. The list includes nine members of the Organization for Economic Cooperation and Development and two-thirds of the Latin American nations. More than half back up the legal requirement with an enforcement mechanism, while the rest are content to rely on the moral force of the law.

Despite the prevalence of mandatory voting in so many democracies, it’s easy to dismiss the practice as a form of statism that couldn’t work in America’s individualistic and libertarian political culture. But consider Australia, whose political culture is closer to that of the United States than that of any other English-speaking country. Alarmed by a decline in voter turnout to less than 60 percent in 1922, Australia adopted mandatory voting in 1924, backed by small fines (roughly the size of traffic tickets) for nonvoting, rising with repeated acts of nonparticipation. The law established permissible reasons for not voting, like illness and foreign travel, and allows citizens who faced fines for not voting to defend themselves.

The results were remarkable. In the 1925 election, the first held under the new law, turnout soared to 91 percent. In recent elections, it has hovered around 95 percent. The law also changed civic norms. Australians are more likely than before to see voting as an obligation. The negative side effects many feared did not materialize. For example, the percentage of ballots intentionally spoiled or completed randomly as acts of resistance remained on the order of 2 to 3 percent.

Proponents offer three reasons in favor of mandatory voting. The first is straightforwardly civic. A democracy can’t be strong if its citizenship is weak. And right now American citizenship is attenuated — strong on rights, weak on responsibilities. There is less and less that being a citizen requires of us, especially after the abolition of the draft. Requiring people to vote in national elections
once every two years would reinforce the principle of reciprocity at the heart of citizenship.

The second argument for mandatory voting is democratic. Ideally, a democracy will take into account the interests and views of all citizens. But if some regularly vote while others don’t, officials are likely to give greater weight to participants. This might not matter much if nonparticipants were evenly distributed through the population. But political scientists have long known that they aren’t. People with lower levels of income and education are less likely to vote, as are young adults and recent first-generation immigrants.

Changes in our political system have magnified these disparities. During the 1950s and ’60s, when turnout rates were much higher, political parties reached out to citizens year-round. At the local level these parties, which reformers often criticized as “machines,” connected even citizens of modest means and limited education with neighborhood institutions and gave them a sense of participation in national politics as well. (In its heyday, organized labor reinforced these effects.) But in the absence of these more organic forms of political mobilization, the second-best option is a top-down mechanism of universal mobilization.

Mandatory voting would tend to even out disparities stemming from income, education and age, enhancing our system’s inclusiveness. It is true, as some object, that an enforcement mechanism would impose greater burdens on those with fewer resources. But this makes it all the more likely that these citizens would respond by going to the polls, and they would stand to gain far more than the cost of a traffic ticket.

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.

THE United States is not Australia, of course, and there’s no guarantee that the similarity of our political cultures would produce equivalent political results. For example, reforms of general elections would leave untouched the distortions generated by party primaries in which small numbers of voters can shape the choices for the entire electorate. And the United States Constitution gives the states enormous power over voting procedures. Mandating voting nationwide would go counter to our traditions (and perhaps our Constitution) and would encounter strong state opposition. Instead, a half-dozen states from parts of the country with different civic traditions should experiment with the practice, and observers — journalists, social scientists, citizens’ groups and elected officials — would monitor the consequences.

We don’t know what the outcome would be. But one thing is clear: If we do nothing and allow a politics of passion to define the bounds of the electorate, as it has for much of the last four decades, the prospect for a less polarized, more effective political system that enjoys the trust and confidence of the people is not bright.