

Mandatory Voting: The Wrong Response to Low Voter Turnout

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The trend of declining voter turnout across the western world has led some in Canada to call for mandatory voting. Australia is often cited as a successful example of compulsory voting in a Westminster system. While the aim to increase voter turnout is noble, there are many non-coercive methods of improving democracy and voter turnout that Canada ought to adapt before resorting to mandatory voting. Assessed methods include electoral reform, lowering the voting age, and instituting online voting; all are non-coercive ways to improve public satisfaction with the political process in Canada. Additionally, mandatory voting reduces Canadians' ability to abstain from participating in the political system should they choose to do so which could have important philosophical implications. Furthermore, voter turnout data for Australia does not take into account important differences between registered voter turnout and voting age population turnout. Importantly, when analyzed these numbers indicate that compulsory voting in Australia is not as successful as many believe. Despite its ostensible attraction as a clear way to increase voter turnout, a legal requirement to vote is not a panacea to the issues of political distrust, dissatisfaction, and disengagement in Canada that are the root causes of low voter turnout.

Voter turnout in Canadian elections has been in decline for decades and an oft-cited solution to the problem is to enforce mandatory voting on the electorate. Due to similar history and political institutions, Australia is frequently referenced as a model of successful mandatory voting that Canada ought to emulate. However, there are a myriad of other reforms that could increase voter turnout without restricting citizens' right to political freedom and their ability to abstain from participating in the electoral process. Further, conflating a legal duty to vote with a civic responsibility is akin to legal positivism; it is much preferable to foster the idea that voting is a duty through civic education than through legal coercion. Additionally, as an issue fundamental to democracy, it is unlikely that an attempt to enact mandatory voting in Canada can pass muster in a way that satisfies the will of the Canadian people. Of further note is that though Australia boast high turnout amongst registered voters, a closer

scrutiny of data results in a less positive view on mandatory voting. Despite its ostensible attraction as a clear way to increase voter turnout, a legal requirement to vote is not a panacea to the issues of political distrust, dissatisfaction, and disengagement in Canada that are the root causes of low voter turnout.

Recent voter turnout and public opinion polls indicate that Canadians are increasingly unsatisfied with both political culture and democratic institutions in Canada. A 2012 survey found that “only 55% of citizens are satisfied with Canada’s democracy—an all-time low” (Samara). Likewise, a CBC article reports only 5% of those that approved of Canadian democracy felt “very satisfied”, whereas 28% were “not very satisfied”, and 9% indicated they were “not very satisfied at all” (CBC News). Such evidence clearly shows that many Canadians do not feel that their will is being adequately represented in government. In fact, many methods of reform aim to increase the value of voting and more generally to enhance the ability of voters to effectively participate in government. These institutional reforms demonstrably lead to higher voter turnout in elections without resorting to the coercion that is mandatory voting.

One such way to change the electoral process so that it accurately reflects the will of the people is to change from a single-member plurality (SMP) voting system, as Canada currently has, to a form of proportional representation (PR). Arend Lijphart’s study of electoral systems concluded that political satisfaction increases in countries using proportional representation by “more than 16 percentage points ... than in the typical majoritarian democracy” (287). This increase in political satisfaction concordantly manifests as increased voter turnout, as “consensus democracies have approximately 7.5 percentage point higher turnout” than countries with SMP. As further evidence of this, New Zealand uses PR and has since the 1960s shown an average voter turnout of 87% (IDEA). Clearly then, PR is one of the many effective alternatives to mandatory voting. Electoral reform is one of the most prominent methods to increase democratic satisfaction and voter turnout – however there are other methods that also aim to open up political participation to more of the electorate.

Along with institutional reform such as implementing PR, many jurisdictions use or are considering the use of other less complicated improvements. For example, in 2007 Austria lowered the voting age from 18 years to 16. Although it will take several election cycles before awareness and voter registration makes this policy’s impact manifest, a small poll suggests that “young people’s interest in politics rises” when they are afforded the opportunity to vote (Zeglovits 8). Another way to potentially increase voter turnout is to make election day a statutory holiday, as some legislators in the United Kingdom are currently considering (Morris). Additionally, online voting is a burgeoning idea for increasing voter turnout; an American study on outlooks towards online voting found that 68.9% of respondents would use an online voting system (Powell 369). These examples all show that there are numerous policies that increase voter satisfaction and thereby voter turnout, ranging from institutional reforms, restoring faith in politics, to incremental reforms that make voting more convenient for the average citizen.

Proponents of mandatory voting believe that a legal requirement to vote is the correct way to begin increasing political engagement in Canada. Andrew Coyne writes of mandatory voting: “It won’t fix all that’s wrong with politics, but why don’t we start there?” (Coyne A19). It is contentious enough to force citizens to vote in elections at the threat of a fine, however, it also appears to be against the essential

political rights of an individual to abstain from participating in a political system if they so choose. In fact, a University of South Queensland academic even suggests that “there are constitutional grounds upon which a challenge to Australia’s current compulsory voting system may be made” (Gray 608). While most suggestions for mandatory voting in Canada include offering a ‘none of the above’ option on the ballot to circumscribe such concerns, there is no reason as to why ballots should not already have such a choice. This option provides a formal opportunity for the politically dissatisfied to show their concerns during an election rather than having to scratch their ballots and be counted amongst the invalid votes. This can be added to the other incremental reforms that make politics more accessible and accountable. It seems much more preferable that reform starts from these non-coercive points rather than the legal imposition of voting on the Canadian people.

Robert Asselin, a proponent of mandatory voting, University of Ottawa professor, and member of Justin Trudeau’s policy team suggests that “most people would accept [mandatory voting] and think it’s a good thing, as a civic duty, to be obliged to vote” (Bryden). However, it is conflation to suggest that turning a civic responsibility into a legal obligation will automatically garner the support of the citizenry. In Canada, low voter turnout is viewed as a political malady, nevertheless the way to demonstrate that voting is a duty is through education, awareness campaigns, and restoring public faith in the political process. Voting is a deeply personal and private decision and as such is a responsibility ought to be cultured through methods other than a monetary fine or legal threat as is the case in mandatory voting.

As a democratic issue the act of merely enacting mandatory voting is likely to undergo much scrutiny in order to ascertain its legitimacy. Since mandatory voting is questionable from the perspective of political freedom, for it to simply pass into law through parliament is in itself undemocratic. Moreover, enactment entails legislators imposing the political system they are a part of onto the broader Canadian public without regard for any citizens’ concerns for the electoral system or other political apprehensions. A more stringent process of implementation is necessary for mandatory voting to be popularly tenable. One such way is a nation-wide referendum on the issue with both voting and turnout thresholds that ensure an actual majority of Canadians support the policy. The political realities of Canada make the passage of mandatory voting doubtful as recent Canadian elections do not see much more than half of citizens vote. In addition, the Liberal Party’s poll on mandatory voting had a decidedly lukewarm reception, and many Conservative voters oppose even the long-form census. These factors make mandatory voting well outside the realm of possibility in Canadian politics without politicians resorting to an ironically undemocratic imposition of the policy that entails legal positivism and disdain for the political rights of the Canadian people.

Though lauded as a successful example of mandatory voting, Australia’s electoral system displays systemic problems when the data is closely scrutinized from the 1960s onward since this is generally when the decline in voter turnout began. That is, though Australia’s turnout is reliably above 90% this number only reflects those registered voters that voted. Unlike Canada, where the elections body gathers a register of voters through means such as income tax filings, in Australia one must enroll themselves in order to vote. As such, when adjusted for the actual number of the voting age population (VAP) that voted, an average of 83.41% of citizens voted in Australian elections as compared to an average of 94.83% of registered voters (IDEA). This amounts to an average difference of 11.42% between registered and eligible electors, whereas Canada’s difference is on average 6.53% (IDEA). Thus, from this data the

inference can be drawn that there are Australian citizens who choose not to enroll so as to not be forced to vote. Indeed, the most recent Australian election saw a difference of 13.56% between eligible and registered electors and a record low VAP turnout of 79.67% (IDEA). Interestingly, the average VAP turnout for New Zealand is 80.53%; ergo the difference between VAP turnout in Australia and New Zealand is less than 3% (IDEA). Hence it is shown that countries can achieve levels of voter turnout comparable to Australia's without the need for mandatory voting.

Data analysis aside, Australia faces a democratic deficit much the same as Canada, despite high voter turnout. In effect, Australia shows more invalid votes than Canadian elections do, at an average of 3.47% compared to Canada's 1.11% and the second highest number of invalid votes in the most recent election at 5.91% (IDEA). As Australians lack a 'none of the above option' on the ballot, to express dissatisfaction Australian voters must intentionally scratch ballots or leave them blank. A recently released report concluded that Australians "are very dissatisfied with the nature of politics on offer which they associate with ... the adversarial system of government" (Evans 7). The report also indicated that only 36% of respondents highlighted enjoying Australia's elections as "free and fair" (Evans 5). These points illustrate that though Australia has high voter turnout this does not indicate satisfaction or efficacy in the country's democratic institutions.

Only once every possible non-coercive political reform has been enacted should mandatory voting be considered. Noticeably, there are a great deal of thoughtful proposals that can increase voter turnout and studies that back the claim that these reforms will help to restore faith in politics. Although many do consider voting as a responsibility, the preferred approach to make this outlook widespread is through education and deliberation rather than legal compulsion. Lastly, the positive accolades that mandatory voting receives do not take into account data indicating mandatory voting is not a remedy to the political dissatisfaction that is rampant in Canada and Australia. Voter turnout for the sake of voter turnout is not a desirable outcome for democracy. It is much more preferable that the electorate's votes count in a way that restores confidence in politics and ensures that more citizens become meaningfully engaged in the electoral process. Substantive reform is the proper way to increase voter turnout in Canada, not a legal imposition that circumvents the citizenry's political autonomy.

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