Negative: Compulsory Voting

By “Coach Vance” Trefethen

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

Compulsory voting violates human rights and makes democracy worse, not stronger. The right not to vote is one of the rights democracy is supposed to uphold. There are very legitimate reasons why many do not vote and forcing them to do so against their will is wrong. It mistreats the citizens and the consequences of uninformed and unwilling voters choosing the leaders ultimately makes the entire nation worse off.

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Negative: Compulsory Voting

Italy considered, and rejected, compulsory voting years ago, and for good reason. As Hans von Spakovsky pointed out in 2015 QUOTE:

*Hans von Spakovsky 2015 (senior legal fellow at the Heritage Foundation)* Compulsory Voting is Unconstitutional 1 Apr 2015 <https://www.heritage.org/political-process/commentary/compulsory-voting-unconstitutional>

As my co-author John Fund points out, the former Italian foreign minister Antonio Martino, said that “there was finally a consensus that it was a basic infringement of freedom.” Martino understands something that Obama apparently does not. As Martino said, “Forcing people to vote violates their freedom of speech, because the freedom to speak includes the right not to speak.”

END QUOTE. Upholding human rights matters more than any benefit or claim in the Affirmative’s case for Compulsory Voting. That’s why we must deny that: In a democracy, voting ought to be compulsory.

MY VALUE IS: Human Rights.

By that, I mean: protecting citizens from government infringement on universally agreed-upon standards of dignity and freedom that everyone is entitled to have upheld.

Reason to Prefer: Human rights trump democracy.

Imagine two countries from which you had to choose a place to live. One of them is a country where you could not vote for any of the leaders, but all of the leaders and laws have the utmost respect for human rights and grant the greatest possible level of freedom to all their people. The other is a country that has fair elections and democratically elected leaders, but those leaders routinely vote to enact laws that substantially deny large minorities of the population their freedom and dignity. Most of us would choose the former. Democracy isn’t worth anything if the democratically elected government votes by a majority to take away your human rights.

CONTENTION 1: False assumptions

The Affirmative in this debate is built on the foundational assumption that higher voter turnout is a good thing. But what if that fundamental assumption is wrong? There are 2 problems, beginning with Subpoint…

A. Higher turnout doesn’t promote democracy – it promotes randomness and skepticism

Prof. Shane Singh 2015 *(Assistant professor of international affairs at the University of Georgia) “*BEYOND TURNOUT: THE CONSEQUENCES OF COMPULSORY VOTI” <https://www.psa.ac.uk/insight-plus/beyond-turnout-consequences-compulsory-voting>

Of course, by increasing participation among these typically dormant groups, compulsory voting produces voting populations that are more likely to include individuals who are apathetic or unknowledgeable about politics and government. One effect of compelling these individuals to the polls is an increase in the percentage of blank and spoilt ballots. Further, as many such individuals do complete a ballot paper, compulsory voting can increase the incidence of votes that do not necessarily align with ideological or policy preferences, and instead are cast randomly, perhaps in response to a hot-button issue or a scandal, or reflecting a psychological attachment to a political party. And, for individuals who are sceptical of the democratic system, forcing engagement with it may exacerbate their negative orientations toward democracy itself.

B. The additional turnout of compelled voters makes things worse by elevating poor criteria for candidate selection

This was discovered in a study done in the mandatory voting nation of Brazil, published by Dr. Fernanda De Leon and Renata Rizzi in 2016:

Dr. Fernanda Letite Lopez De Leon and Renata Rizzi 2016 (De Leon – PhD economics. Rizzi - cofounder and director of Strategy & Business at Nexo, Brazil's most successful digital news startup ) “Does forced voting result in political polarization?” PUBLIC CHOICE 25 Feb 2016 <https://link.springer.com/content/pdf/10.1007/s11127-016-0318-7.pdf>

We find that, in addition to changing their preferences toward political parties and ideological positions, individuals update their evaluations of the characteristics they find to be more important in an ideal candidate. This supports the explanation that the compulsory voting legislation makes citizens think more about politics. This may also explain the observed changes in their political preferences. Remarkably, we find robust evidence that charisma is more likely to be cited as the most important characteristic in an ideal candidate than other traits that are more commonly associated with higher-quality politicians, such as competence, honesty, and genuine care about the people

CONTENTION 2. Compulsory Voting = Forced irrelevance

While it’s popular to motivate people to vote under the theory that every vote can make a difference, the fact is your vote is overwhelmingly unlikely to do so. This example is from the US presidential election, but you can apply it in principle to any place because the laws of mathematics are the same throughout the world. The simple fact is…

Despite the propaganda, a single voter is very unlikely to impact the outcome

Prof. ANDREW GELMAN, NATE SILVER and Prof. AARON EDLIN 2010 (Gelman – professor, Dept. of Statistics and Dept. of Political Sci., Columbia Univ. Silver – statistician and journalist. Edlin – Professor, Dept of Economics and School of Law, Univ. of Calif.-Berkeley.) WHAT IS THE PROBABILITY YOUR VOTE WILL MAKE A DIFFERENCE? <http://www.stat.columbia.edu/~gelman/research/published/probdecisive2.pdf>

One of the motivations for voting is that one vote can make a difference. In a presidential election, the probability that your vote is decisive is equal to the probability that your state is necessary for an electoral college win, times the probability the vote in your state is tied in that event. We computed these probabilities a week before the 2008 presidential election, using state-by-state election forecasts based on the latest polls. The states where a single vote was most likely to matter are New Mexico, Virginia, New Hampshire, and Colorado, where your vote had an approximate 1 in 10 million chance of determining the national election outcome. On average, a voter in America had a 1 in 60 million chance of being decisive in the presidential election.

END QUOTE. And of course, those odds get even worse if voter turnout increases, as the Affirmative hopes. So we can see why a rational person would stay home on election day, considering the cost of fuel for his car or the risk of dying in a car wreck on the way to the polls, or the cost of spending an hour of his life, compared to the odds his vote will actually matter. Compulsory voting forces people to spend their time and money on something they rationally believe is irrelevant. That leads to …

CONTENTION 3. Compulsory voting violates human rights and makes society worse off.

A. Compulsory voting infringes on freedom

International Institute for Democracy and Electoral Assistance 2011. (ethical note: article is undated but contains data from 2011) “WHAT IS COMPULSORY VOTING?” <https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>

The leading argument against compulsory voting is that it is not consistent with the freedom associated with democracy. Voting is not an intrinsic obligation and the enforcement of the law would be an infringement of the citizens' freedom associated with democratic elections. It may discourage the political education of the electorate because people forced to participate will react against the perceived source of oppression.

B. Mandatory voting violates rights that democracy was supposed to uphold

FindLaw 2020. (team of attorneys and editors) “The Compulsory Voting Debate” last updated 17 March 2020 <https://www.findlaw.com/voting/how-u-s--elections-work/the-compulsory-voting-debate.html>

One of the essential elements of democracy is respecting an individual's right to choose. Making voting mandatory would infringe on the right of people to also not choose. That effect would be even more pronounced if failing or refusing to vote was punishable by law. Imposing a penalty on someone because they decided not to vote would be unlawful, some argue, since declining to vote harms nobody and violates no individual's rights. If voting is a right, it doesn't make sense to punish someone for declining to exercise that right — any more than it would make sense to punish someone for not exercising their right to choose the religion they wish to practice. In other words, an obligation is not the same as a right.  
**[END QUOTE. They go on later in the same context to say QUOTE:]**  
 Compulsory Voting Could Infringe on Religious Rights  
Some religious sectors discourage their congregations from participating in politics. Forcing them to do so by voting could make some citizens uncomfortable, even causing them to feel like they're going against the wishes of their church.

C. It wrongly inflicts the rule of the ignorant over society

Prof. Ilya Somin 2016 (Professor of Law at George Mason University ) 12 Aug 2016 “How to be a better voter” <https://reason.com/2016/08/12/how-to-be-a-better-voter/>

If you know little or nothing about the issues at stake in an election or referendum, [you can often serve the public interest best by abstaining](https://www.washingtonpost.com/news/volokh-conspiracy/wp/2014/11/04/on-election-day-consider-abstaining-from-ignorant-voting/?utm_term=.0ddf7f018b2c). It isn't necessarily wrong to be ignorant about politics. But it is wrong to inflict that ignorance on your fellow citizens. As [John Stuart Mill](http://volokh.com/posts/1202019183.shtml) put it, voting is not just an exercise of personal choice, but rather "the exercise of power over others." The people elected by ignorant voters will rule over the entire society, not just those who cast ballots for them.

Affirmative Counter-Brief: Human Rights

To counter this affirmative case, we provide evidence that compulsory voting doesn’t violate human rights or harm democracy.

Voting is a duty, not merely a “right.” It’s like serving on a jury

Working Group on Universal Voting 2020 (study group convened by The Brookings Institution and The Ash Center for Democratic Governance and Innovation at Harvard Kennedy School) 20 July 2020 “Lift Every Voice: The Urgency of Universal Civic Duty Voting” <https://www.brookings.edu/research/lift-every-voice-the-urgency-of-universal-civic-duty-voting/>

We see voting as a civic responsibility no less important than jury duty. If every American citizen is required to participate as a matter of civic duty, the representativeness of our elections would increase significantly and those those responsible for organizing elections will be required to resist all efforts at voter suppression and remove barriers to the ballot box. Civic duty voting would necessarily be accompanied by a variety of legislative and administrative changes aimed at making it easier for citizens to meet their obligation to participate in the enterprise of self-rule.

Burden on rights is minimal or non-existent. After all, they can show up and cast a blank ballot if they want

Working Group on Universal Voting 2020 (study group convened by The Brookings Institution and The Ash Center for Democratic Governance and Innovation at Harvard Kennedy School) 20 July 2020 “Lift Every Voice: The Urgency of Universal Civic Duty Voting” <https://www.brookings.edu/research/lift-every-voice-the-urgency-of-universal-civic-duty-voting/> (ellipses and brackets in original)

Further, the First Amendment burden on a citizen’s expressive power would at most be minimal: The citizen need only cast a ballot (or check a box for “conscientious objector” etc.) with no obligation to participate further, and an outside observer—given the privacy of the ballot—couldn’t determine the content or extent of participation. The citizen, moreover, enjoys full freedom to denounce or critique the process as desired. That minimal burden, under the Court’s balancing test, would be compared against the State’s interest in promoting representative government, reducing barriers to voting, and ensuring the broadest possible participation. In weighing these injuries and interests against each other, the Court would likely defer to the needs of the State, since the primary “function of the election process is to winnow out and finally reject all but the chosen candidates … not to provide a means of giving vent to short-range political goals, pique, or personal quarrel[s].”

A/T “Ignorant voters / random votes” – Not a problem in Australia. Benefits outweigh the risk

William A. Galston 2010 (Seinor Fellow, Governance Studies, Brookings Institution) 1 June 2010 “Economic Growth and Institutional Innovation: Outlines of a Reform Agenda” <https://www.brookings.edu/research/economic-growth-and-institutional-innovation-outlines-of-a-reform-agenda/>

Near-universal voting raises the possibility that a bulge of casual voters, with little understanding of the issues and candidates, can muddy the waters by voting on non-substantive criteria, such as the order in which candidates’ names appear on the ballot. The inevitable presence of some such “donkey voters,” as they are called in Australia, does not appear to have badly marred the democratic process in that country. Indeed, the civic benefits of higher turnouts appear to outweigh the “donkey” effect. Candidates for the Australian Parliament have gained an added incentive to appeal broadly beyond their partisan bases.

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