

Voluntary Voting: Greater Quality of Democracy

A transitory article of the constitutional amendment currently under discussion in Congress provides that voluntary voting will only be effective upon establishing automatic voter registration procedures. However, starting up automatic voter registration depends on approving an amendment to the Basic Law of Popular Vote and Vote Canvassing (*Ley Orgánica de Votaciones Populares y Escrutinios*) and processing these amendments may take time.

If voluntary voting were to be valued on its own merits, these two proposals could be decoupled rejecting that transitory article. But this possibility, which is based on the negative effects of mandatory voting on the functioning of democracy, is not to the liking of the government.

The starting point -in the discussion as to whether mandatory or voluntary voting is better for democracy- is to discern if it is legitimate for a democratic state to force its citizens to vote.

This is so, because if mandatory voting is established, a paramount right of citizens becomes a duty. What's important is that, as opposed to rights, duties belong to the State, which may aggravate them and manipulate

them with enough discretion.¹ In fact, Hill, the strong mandatory voting advocate, acknowledges that *"the argument that the obligation to vote violates the democratic liberal principle of choice and liberty is quite strong, if not unquestionable"*.²

Therefore, those who defend mandatory voting argue that restrictions on liberty are justified for the greater good allegedly represented by a better quality of democracy based on a greater political equality and electoral participation.³

In this sense, Lijphart posits that mandatory voting prevents non-voters from enjoying a better quality of democracy without paying the cost of going to the polls. Nevertheless, it is incorrect to state that non-voters are *free riders*, because voters benefit when voting because they represent their interests, while

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Chart N° 1: Voters as a percentage of the population and the type of vote sanction

Country	Electoral year	VAP	Type of vote sanction	Political system
Belgium	2007	86,0%	Strong	Parliamentary
Denmark	2007	83,2%	Vuntary	Parliamentary
Peru	2006	83,2%	Weak	Presidential
Australia	2007	82,4%	Strong	Parliamentary
Brazil	2006	81,3%	Weak	Presidential
The Netherlands	2006	77,5%	Vuntary	Parliamentary
Spain	2008	77,2%	Vuntary	Parliamentary
France	2007	76,8%	Vuntary	Presidential
Venezuela	2006	76,3%	Vuntary	Presidential
Argentina	2007	72,2%	Weak	Presidential
Germany	2005	72,0%	Vuntary	Parliamentary
Bolivia	2005	63,4%	Weak	Presidential
Mexico	2006	63,3%	Weak	Presidential
UK	2005	58,3%	Vuntary	Parliamentary
USA	2008	58,3%	Vuntary	Presidential
Colombia	2006	44,2%	Vuntary	Presidential

Source IDEA.INT

clearly lower when the obligation to vote does not go hand-in-hand with enforcing sanctions against those that do not comply with their duty.

As it may be observed in Table N°1, those countries where mandatory voting is heavily sanctioned –such as in Australia or Belgium- the proportion of voters to persons with the right to vote is over 80%. However, in those countries where sanctions are weak, electoral participation is even below that of countries with voluntary voting.

In fact, in Chile, despite mandatory voting, the number registered persons that do not increased from 5.3% in 1989 to 16.1% in the 2008 municipal elections (Chart N° 1). Therefore, if high electoral participation percentages are really to be achieved, the Law would have to be enforced. However, according to the Chief of Staff Minister (*Ministro Secretario General de la Presidencia*) José Antonio Viera Gallo, “Never has anyone been sanctioned for not voting and there is no capacity to enforce the sanctions contemplated in the law; reason why a pardoning law has to be passed periodically”.⁶ In this sense, a greater electoral participation is not guaranteed by merely introducing the binding nature of voting into the law, in absence of the will to enforce it.

the most affected for not voting are, precisely, those who abstain from voting.⁴ This is why the *free rider* argument is not helpful when justifying the restrictions to berty implied by mandatory voting.

Therefore, according to Hill, the obligation to vote adds an implicit demand because the damage of restricting the liberty of abstaining from voting is lower than the benefits obtained by the obligation imposed on citizens of participating in elections.⁵ This means that mandatory voting must increase participation and, therefore, the quality of democracy.

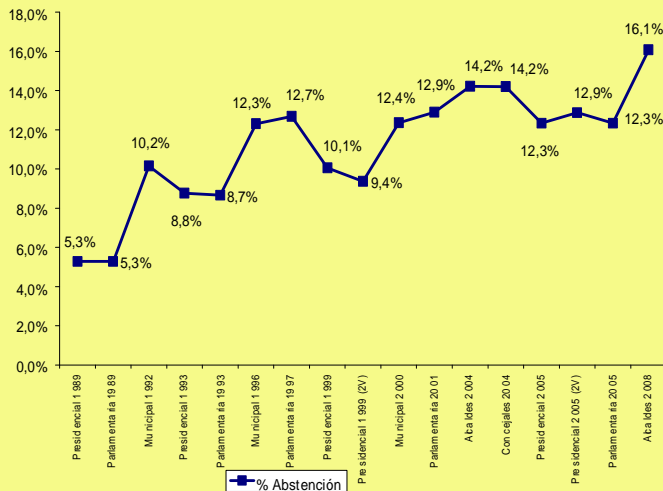
Mandatory voting: Does not guarantee electoral participation

The literature is in agreement that mandatory voting is the single most determining factor at the time of increasing electoral participation. However, the effect is

Mandatory Voting: Distorts Electoral Results

However, even if mandatory voting were to guarantee universal electoral participation it is debatable whether this improves the quality of democracy. An argument put forward by those in favor of mandatory voting is that a high electoral participation means a better transmission of citizen demands into the political system. This is so because -as shown in the literature- electoral participation depends, among other things, from the socioeconomic level, education and age of voters. Therefore, in a voluntary voting

Graphic N°1
Abstention percentage 1989-2008



Source: Prepared by us, on the basis of information provided at www.elecciones.gov.cl

scenario, those that do not vote tend to be of the most vulnerable groups and; consequently, it is precisely their demands the ones that are not taken into account by the political system.⁷

This line of argument is based, however, on the assumption that those persons who are obligated to vote are informed or, since voting is mandatory, time leads them to get informed. Nevertheless, none of this has been proven true.⁸

According to Aldrich, those who go to the polls and vote in a voluntary voting system see a benefit in their electoral participation; whereas non-voting persons are characterized because they are indifferent to electoral results.⁹ Therefore, a mandatory voting system forces the vote of politically indifferent or random voters. Then, mandatory voting systems add up the votes of citizens of high-intensity preferences to those of citizens for whom electoral results are indifferent.

Therefore, mandatory voting instead of ensuring a good representation of citizen's interests, distorts the results of the elections.¹⁰ In that sense, the mandatory participation of those persons who would abstain in a voluntary voting system does not favor, but, instead, damages those who are interested in a particular electoral result.

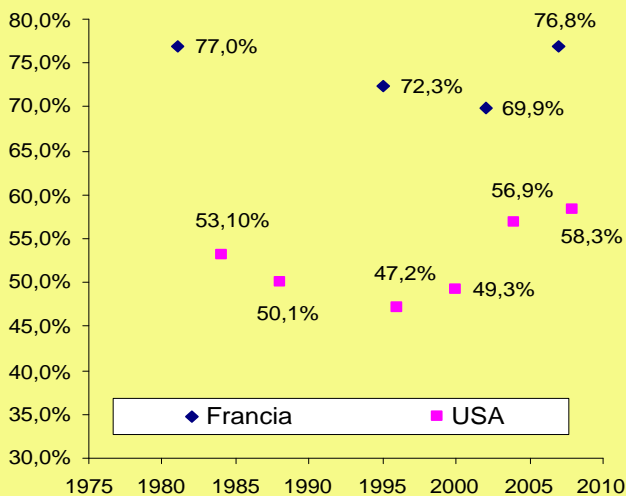
Mandatory Voting: Transforms the voters into a captive market

On the other hand, the circumstance of citizens obligated to vote means that they are a captive market for political parties. This is so because they are obligated to vote, regardless of how well or bad the political party and candidate proposals indeed are.¹¹ This scenario is particularly worrisome in the case of Chile, when considering the following numbers.

According to the Survey of the Study Center Consortia, 63% of all Chileans consider that "your vote can influence events in the country". It should be noted that even among non-registered citizens, this percentage amounts to 62%. Therefore, citizens consider their vote as an important tool of influence in the political system. But the number of people going to vote is less every time. The reason is not because they do not believe in the democratic system; in fact 60% of them consider "*democracy to be preferable that any other form of government*". The problem is on the political supply side.

According to a survey of the Public Studies Center (*Centro de Estudios Públicos*) the majority reason of non-registered voters not to vote is because they are not interested in politics (43.8%). Additionally, according to the same survey, 50% of citizens do not identify themselves with any political conglomerate. To this is added the fact that just 8% of citizens trust political parties. When

Graphic N°2
Electoral participation EE.UU and France



Source: IDEA.INT

confronted with this scenario, there are two possibilities: forcing citizens to participate in electoral processes regardless of whether or not they like the proposals set forth before them, or generating the incentives for political parties to be forced to summon the citizenry.

In voluntary voting systems, political parties must not only manage to have citizens vote for them; they also face the challenge of persuading them to go to the polls. Therefore, they must ensure that gains to citizens –with respect to electoral results- are greater than the costs of going to the polls. The only way to achieve this is by representing in a better form the concerns of the various electoral groups.¹²

In fact, people tend to vote in those elections where they think that the decision to be

adopted is relevant. In this sense, Valenzuela says that the drop in electoral participation in countries with no big decisions at stake is quite normal.¹³ The other side of the coin is elections where the candidates manage to interpret the citizens, thereby generating increased electoral participation. Examples are the last presidential elections in France and in the United States (Chart N° 2).

Mandatory Voting: Against the Will of the People

An additional problem regarding mandatory voting in Chile is that it is rejected by most citizens, especially if linked to an automatic voter registration procedure. According to Consortium's survey, just 21% of all Chileans support mandatory voting. On the other hand, L&D's Survey of Registered and Non-Registered Voters shows that 5% of non-registered and 8% of registered voters support voluntary registration and voluntary voting, while only 4% of non-registered and 10% of registered voters support automatic registration procedures and mandatory voting.

Consequently, maintaining mandatory voting would go against the will of the people, whereas, according to Hill, one of the key factors for its existence is that this institution be supported by the majority of citizens.¹⁴

Therefore, restricting people's liberty in a mandatory voting system cannot be justified with a greater gain regarding the quality of democracy, but precisely the opposite.

A mandatory voting system forces the vote of politically indifferent or random voters. Then, mandatory voting systems add up the votes of citizens of high-intensity preferences to those of citizens for whom electoral results are indifferent. Therefore, mandatory voting instead of ensuring a good representation of citizen's interests, distorts the results of the elections.

Consequently, voluntary voting does not ensure greater voter participation, but it permits a greater quality of the democratic system.

¹ Sierra, L.: *El voto como derecho: una cuestión de principios*, en: Fontaine y otros (ed): *Modernización del Régimen Electoral Chileno*, PNUD, Santiago, Chile, 2007.

² Hill, L.: *On the reasonableness of Compelling Citizens to vote: The Australian Case*, en: *Political Studies* Vol 50, 2002, p.82.

³ Lijphart, A.: *Unequal Participation: Democracy's Unresolved Dilemma*, en: *American Political Science Review*, Vol. 91, N°1 Marzo 1997, pp. 1- 13.

⁴ Hill, L.: *On the reasonableness of Compelling Citizens to vote: The Australian Case*

⁵ Hill, L.: *On the reasonableness of Compelling Citizens to vote: The Australian Case* p. 82.

⁶ José Antonio Viera Gallo en entrevista a Foro Chile 21, Enero Febrero 2009, www.chile21.cl

⁷ Lijphart, A.: *Unequal Participation: Democracy's Unresolved Dilemma*

⁸ Jakee, K., Zhen Sun G.: *Is compulsory voting more democratic?*, en *Public Choice* 129, 2006, p. 61- 75.

⁹ Aldrich, J.: *Racional Choice and turnout*, *American Journal of Political Science*, Vol. 81 N°2, 1987.

¹⁰ Jakee, K., Zhen Sun G.: *Is compulsory voting more democratic?*,

¹¹ Jakee, K., Zhen Sun G.: *Is compulsory voting more democratic?*,

¹² Aldrich, J.: *Why Parties? The origin and transformation of political parties in America*, University of Chicago Press, London, 1995.

¹³ Valenzuela, S.: *¿El voto voluntario fortalece o debilita la democracia?*, en: www.asuntospublicos.org, Informe N° 399, 2004

¹⁴ Hill, L.: *Compulsory Voting: Residual Problems and Potential Solutions*, in: *Australian Journal of Political Science*, Vol. 37, N° 3, 2002, pp. 437- 455