

# Advocating for the Introduction of Compulsory Voting in the United States

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## Executive Summary:

Among the most developed democracies in the world, the United States has had one of the lowest turnout rates spanning decades. Low voter turnout stifles the ability of policymakers to accurately represent their constituents and serve their needs. This policy proposal argues that introducing compulsory voting at the federal level can increase voter turnout, and thus improve representation in government. The proposal details what would need to be included in a constitutional amendment.

# Introduction

In the modern democratic system, one of the key elements is mass participation in the electoral process. While voting is recognized as a sacred right, voting in the United States, as well as other voluntary voting system democracies, remains low.

Voter turnout in the United States is frequently studied, with some proclaiming that the low turnout is problematic. In a representative democracy, low turnout creates conditions where legislators are unable to take policy directives from the public that accurately reflect the public's desires or interests.<sup>1</sup> Increasing voter turnout would rectify this problem.

However, accomplishing universal or near-universal turnout is by far no easy task, especially for states with large populations. One solution that countries have utilized to increase voter turnout is compulsory voting. The implementation of compulsory voting is the central focus of this policy proposal. By

implementing a compulsory voting law in the United States, the voter turnout rate should increase as a result.

A myriad of scholars have shown that the United States tends to have lower voter turnout than those employing compulsory voting.<sup>2</sup> In the literature, compulsory voting can typically be referred to by name in one of two ways: compulsory voting or mandatory voting. For this proposal, the two will be used interchangeably, as they share the same ensuing definition. Compulsory voting is a system of laws mandating enfranchised citizens to turn out to vote, usually being accompanied by a system of compulsory voter registration and penalties for non-compliance.<sup>3</sup> As the definition highlights, turning out is all that is legally required for eligible individuals, and not actually casting a vote for a candidate within the privacy of the voting booth.

Scholars have formally modeled the voting process via rational choice theories. If voters are rational beings, they will opt to maximize their benefits while minimizing the

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<sup>1</sup> According to Lijphart, low turnout impacts who gets elected and the content of public policy. Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma," *The American Political Science Review* 91, no. 1 (1997): 3-4

<sup>2</sup> Such examples in the literature, as well as a database, describing the low turnout in English-speaking countries include: Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma," *The American Political Science Review* 91, no. 1 (1997): 6. Kay Lehman Schlozman, Sidney Verba and Henry E. Brady, "The Unheavenly Chorus" (Princeton: Princeton University Press, 2012): 216.

Michael P. McDonald, "Voter Turnout Demographics," United States Elections Project, <http://www.electproject.org/home/voter-turnout/demographics>.

Michael S. Lewis-Beck et al., "Voting Turnout" in *The American Voter Revisited* (Ann Arbor: University of Michigan Press, 2011), 103.

"Voter Turnout by Country," Institute for Democracy and Electoral Assistance, last updated 2020, <https://www.idea.int/data-tools/data/voter-turnout>.

<sup>3</sup> Simon Jackman, "Compulsory Voting," in *International Encyclopedia of the Social and Behavioral Sciences*, ed. N. J. Smelser and B. Baltes (2001): 16314.

costs.<sup>4</sup> In voluntary systems, the benefits from voting often do not outweigh the costs associated with voting, so the rational choice for voters in voluntary systems is to abstain. This calculus changes for compulsory voting systems that enforce sanctions as the cost of staying home grows considerably, surpassing the costs of turning out.<sup>5</sup> By removing the costs associated with attending the polling location from the calculus of whether to vote for a candidate, compulsory voting overcomes one of the major hurdles of voting. The logic follows that if the voter can overcome the costs of turning out to vote, then the extra costs of casting a valid ballot would be minimal. The objective of this policy proposal is not to help enfranchised citizens optimally determine their preferred candidate. Instead, it is to resolve the issue of low turnout in the United States.<sup>6</sup>

This policy proposal first analyzes the literature describing the positive and negative consequences of compulsory voting and its implications for implementing states. Second, the report proceeds to detail how the policy would be implemented in the United States, and it addresses common reservations about compulsory voting. Finally, this policy proposal concludes with a

summary of the arguments and issues surrounding contemporary voting tendencies in the United States.

## Consequences of Compulsory Voting

### Consequences for Voter Turnout

The literature on compulsory voting is fraught with mixed assessments of consequences of mandatory voting. Depending on which country or region is studied, different results and interpretations can be derived, which may or may not support arguments in favor of compulsory voting. There is consensus among scholars that compulsory voting yields higher voter turnout rates than voluntary voting systems. The introduction of compulsory voting in Australia in the 1920s increased turnout by 23.2 percent.<sup>7</sup> This dramatic increase is by no means exclusive to Australia during the Interwar Period. According to Laura Jaitman, voter turnout in Argentina in 1910 was at 2.8 percent of the eligible population, but increased to 62.7 percent following the implementation of compulsory voting.<sup>8</sup> While there is evidence that voter turnout has diminished in countries that utilize compulsory voting since the Second World

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<sup>4</sup> A formal model of voting is presented in the citation which aggregates the costs and benefits of voting.

Costas Panagopoulos, "The Calculus of Voting in Compulsory Voting Systems," *Political Behavior* 30, no. 4 (2008): 456.

<sup>5</sup> *Ibid.*, 462.

<sup>6</sup> Some evidence suggests that the rational voting calculus is the roughly the same regardless of whether a country has compulsory or voluntary voting laws.

Maldonado, Arturo. 2011. "Compulsory Voting and the Decision to Vote." 63. AmericasBarometer

Insights. Latin American Public Opinion Project, Vanderbilt University: 5.

<sup>7</sup> Elen Quintelier, Marc Hooghe and Sofie Marien, "The Effect of Compulsory Voting on Turnout Stratification Patterns: A Cross-national Analysis," *International Political Science Review* 32, no. 4 (2011): 400-401.

<sup>8</sup> Laura Jaitman, "The causal effect of compulsory voting laws on turnout: Does skill matter?," *Journal of Economic Behavior and Organization* 92 (2013): 82.

War, the same is also true in countries that use a voluntary voting system.<sup>9</sup> Despite this reduction, the literature finds that compulsory voting systems consistently have higher average turnout rates.

Studies have found a myriad of results that illustrate the positive impact of compulsory voting on the turnout rate. One study found that turnout increased by 3.6 percentage points with the introduction of compulsory voting and decreased by 3.2 percentage points when mandatory voting was abolished in the Carinthia-Salzburg region.<sup>10</sup> Other studies have shown much larger increases in turnout when compared against voluntary voting systems.<sup>11</sup> The evidence in the literature seems to suggest that the average increase in voter turnout is closer to the lower estimate. The estimated increase in turnout because of compulsory voting is typically around five to six percentage points.<sup>12</sup>

This increase in voter turnout may appear to be marginal, but the literature makes the

argument that the effects are quite substantial. In countries with high turnout, small increases in turnout are significant under the logic of diminishing returns. In a country such as Belgium, which consistently sees very high turnout rates, each incremental increase in turnout is a substantial increase, since there are increasingly fewer individual not voting. Incremental increases still can be observed in states with such strong voter turnout, according to Hirczy.<sup>13</sup> Lundell finds that states with mandatory voting laws have a mean turnout rate of 80.7 percent, while voluntary states have a mean turnout of 65.7%.<sup>14</sup>

Various studies have attempted to estimate the potential impact of compulsory voting on turnout in countries without it. Mikolj Czesnik analyzes the 2001 Polish parliamentary election and finds that if voting were required by law, turnout would have increased substantially, with no changes to the outcome of the election.<sup>15</sup> Individuals will prefer to comply with the law, to avoid legal consequences.

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<sup>9</sup> Wolfgang Hirczy, "The impact of mandatory voting laws on turnout quasi-experimental approach," *Electoral Studies* 13, no. 1 (1994): 68.

<sup>10</sup> Stefanie Gaebler, Niklas Potrafke, and Felix Roesel, "Compulsory Voting, Voter Turnout and Asymmetrical Habit-formation," *CESifo Working Paper Series* no. 6764 (2017).

<sup>11</sup> Bart Englen, "Why Compulsory Voting Can Enhance Democracy," *Acta Politica* 41 (2007): 26.

<sup>12</sup> Shane Singh cites a study which found the average level of turnout was 5.4 percentage points higher in the 23 countries that employ some compulsory voting. Arturo Maldonado found that turnout increased by 5.9 percentage points.

Shane Singh, "How Compelling is Compulsory Voting? A Multilevel Analysis of Turnout," *Political Behavior* 33, no. 1 (2011): 98.

Arturo Maldonado, "Compulsory Voting and the Decision to Vote," *AmericasBarometer Insights*, Latin American Public Opinion Project, Vanderbilt University, no. 63: 2.

<sup>13</sup> Wolfgang Hirczy, "The impact of mandatory voting laws on turnout quasi-experimental approach," *Electoral Studies* 13, no. 1 (1994): 68.

<sup>14</sup> Krister Lundell, "Civic Participation and Political Trust: The Impact of Compulsory Voting," *Representation* 48, no. 2 (2012): 226.

<sup>15</sup> Mikolj Czesnik, "Is compulsory voting a remedy? Evidence from the 2001 Polish parliamentary elections," *East European Politics* 29, no. 4 (2013): 517.

Conversely, other scholars have investigated the consequences for voter turnout if compulsory voting were abolished. Unsurprisingly, surveys found that if voting were voluntary, individuals would be less inclined to go to the polls and vote. One survey of Australians reported that the turnout rate would have been 67 percent, which is considerably lower than the average rate of approximately 91 percent.<sup>16</sup> Similarly, Simon Jackman found that 67 percent of Australian respondents answered they would “definitely” vote, with approximately 25 percent of respondents unsure whether they would vote if voting was made voluntary.<sup>17</sup> The evidence in the literature seems to strongly suggest that if mandatory voting were repealed in countries that currently have some it, voter turnout would resemble the rate of voluntary voting systems.

#### Consequences for Sanctions and Enforcement

Evidence also suggests that turnout is impacted by the degree of enforcement. States that use compulsory voting typically have some means of enforcing the law. The severity of the sanction that the regime levies against the individual for not complying with the law varies by state, and the literature has shown a link between the

severity of the enforcement and turnout. Scholars have portrayed voters as rational actors that act in ways that maximize benefits while minimizing costs. The voter must assess the total costs and benefits of voting or abstaining. If a state has weak sanctions, the decision calculus tends to support abstaining. When states strictly enforce compulsory voting, the decision calculus considerably changes, with the risk-benefit analysis favoring turning out.

In cases where enforcement is weak or there are no sanctions for abstaining, studies find relatively low turnout rates.<sup>18</sup> Laura Jaitman finds complementary results in Argentina, suggesting that if there were no threats of sanctions for non-voting, fewer individuals would vote.<sup>19</sup> These studies seem to strongly suggest that unless states with compulsory voting laws penalize non-compliance, voter turnout will not increase as much as expected with the introduction of compulsory voting. The inverse happens when the penalties are increased for abstaining. One study found that as sanctions and enforcement increase in tandem, the individual likelihood of voting increases.<sup>20</sup> This follows the logic of rational choice models, as the cost for abstaining becomes increasingly costly. In the hypothetical study of the effects compulsory voting would have had on the 2001 Polish election, results suggest that introduction of

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<sup>16</sup> Anthony Fowler, “Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia,” *Quarterly Journal of Political Science* 8, no. 2 (2013): 172.

<sup>17</sup> Jackman, Simon. 1998. “Non-Compulsory Voting in Australia?: What Surveys Can (and Can’t) Tell Us.” *Electoral Studies* 18 (1): 35.

<sup>18</sup> Carolina A. Fornos, Timothy J. Power, and James C. Garand. 2004. “Explaining Voter Turnout in Latin

America, 1980 to 2000.” *Comparative Political Studies* 37 (8): 927.

<sup>19</sup> Laura Jaitman, “The causal effect of compulsory voting laws on turnout: Does skill matter?,” *Journal of Economic Behavior and Organization* 92 (2013): 83.

<sup>20</sup> Shane Singh, “How Compelling is Compulsory Voting? A Multilevel Analysis of Turnout,” *Political Behavior* 33, no. 1 (2011): 107.

compulsory voting with sanctions would have substantially increased the voter turnout rate.<sup>21</sup>

### Consequences for Gender and Socioeconomic Status

The literature has extensively examined the impact of compulsory voting on gender and socioeconomic gaps. In a system that requires individuals to turn out, each person experiences varying consequences due to socioeconomic circumstances or gender. Numerous studies have investigated how individuals in various socioeconomic tiers act within compulsory voting systems. The most pronounced finding is the observed differences in turnout among the extremes of the socioeconomic status ladder. Maldonado shows that people who are wealthier are far more likely to cast a vote.<sup>22</sup> This finding is consistent with other political behavior research which consistently finds those that belong to higher tiers of the socioeconomic order are more invested in the political system and therefore have more to gain from participating.<sup>23</sup> Those of lower socioeconomic strata, as one would expect, are less likely to turn out to the polls. One experiment found that respondents in poor districts were more

likely to abstain than respondents in non-poor districts when informed there was a reduction in the fine. Treated voters in poor districts were twice as likely not to vote than those in more well-off districts.<sup>24</sup> Given the evidence presented in the literature, there is reason to suspect that wealthier individuals are more inclined to abstain as they can afford the fine, whereas those that are impoverished cannot. A conclusion can be derived that the socioeconomic gap differs depending on the electoral system at work. In voluntary voting systems, the gap is accentuated as poorer individuals have a higher proclivity to stay home, while the wealthier are more inclined to participate. Conversely, in compulsory voting systems with enforcement, poorer individuals are more likely to turn out, while wealthy people can afford the penalty for staying home. If there is no enforcement, then the difference in the socioeconomic gap is comparable to the voluntary voting system.

There is strong evidence linking the educational background of an individual to interest in political matters. Cepaluni and Hidalgo found that compulsory voting causes the average turnout level of more educated voters to increase.<sup>25</sup> This, as they argue, creates a state of inequality where

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<sup>21</sup> Mikolj Czesnik, "Is compulsory voting a remedy? Evidence from the 2001 Polish parliamentary elections," *East European Politics* 29, no. 4 (2013): 508.

<sup>22</sup> Arturo Maldonado, "Compulsory Voting and the Decision to Vote," AmericasBarometer Insights, Latin American Public Opinion Project, Vanderbilt University, no. 63: 3

<sup>23</sup> This finding can also be found in the analysis Czesnik conducted on the hypothetical study. The analysis shows that citizens with higher socioeconomic status are more likely to vote with the other extreme being more indecisive.

Mikolj Czesnik, "Is compulsory voting a remedy? Evidence from the 2001 Polish parliamentary elections," *East European Politics* 29, no. 4 (2013): 512.

<sup>24</sup> Gianmarco León, "Turnout, political preferences and information: Experimental evidence from Peru," *Journal of Development Economics* 127, (2017): 59.

<sup>25</sup> Gabriel Cepaluni and F. Daniel Hidalgo, "Compulsory Voting Can Increase Political Inequality: Evidence from Brazil," *Political Analysis* 24, no. 2 (2016): 277.

one group of people, in this case affluent voters, is disproportionately represented in the electoral process. This is further corroborated by the work of Miguel Carreras, who found that citizens with low levels of education appear less likely to be politically interested when voting is compulsory and enforced than when voting is voluntary.<sup>26</sup> Those that are less likely to be politically interested are more apt to abstain, which reinforces the inequality gap that Cepaluni and Hidalgo found.

The literature has also more directly addressed the differences in turnout among skilled and unskilled citizens in compulsory voting systems. Laura Jaitman finds that skilled workers have a higher turnout rate than their non-skilled counterparts.<sup>27</sup> This finding supports the results for education. It then comes as no surprise that when faced with no threats of punishment for abstention, unskilled citizens are considerably more likely to not vote than skilled citizens.<sup>28</sup>

Gender gaps resulting from the implementation of compulsory voting have also been examined in the literature. Some studies suggest that women are more likely to be involved in the electoral processes than men in select countries, as well as

women in voluntary voting systems. According to Córdova and Rangel, statistical analysis indicates a stronger effect for women than men when it comes to engagement with the electoral process.<sup>29</sup> Compulsory voting, as their results indicate, lessens the gender gap. The average gender gap in voluntary voting systems was found to be statistically significant, but the difference in the gender gap in voluntary voting systems is small to begin with.

Córdova and Rangel also found that women in compulsory voting systems with some degree of enforcement are more attentive to the political system to make more informed decisions than women in voluntary voting systems.<sup>30</sup> The incentives in countries that enforce voting lead women to engage at comparable rates as their male counterpart. This drive to seek information reduces the gender gap from 11.2 percent in voluntary voting system to 4.4 percent in mandatory voting systems with strict enforcement.<sup>31</sup>

Some evidence suggests that there is no significant relationship between turnout and gender in a compulsory voting system. One study found no significant interaction effect between gender and compulsory voting, leading to the understanding that compulsory voting is not an effective in reducing gender inequality.<sup>32</sup> Compulsory

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<sup>26</sup> Miguel Carreras, "Compulsory voting and political engagement (beyond the ballot box): A multilevel analysis," *Electoral Studies* 43 (2016): 164.

<sup>27</sup> Laura Jaitman, "The causal effect of compulsory voting laws on turnout: Does skill matter?," *Journal of Economic Behavior and Organization* 92 (2013): 83.

<sup>28</sup> *Ibid.*, 83.

<sup>29</sup> Abby Córdova and Gabriela Rangel, "Addressing the Gender Gap: The Effect of Compulsory Voting on

Women's Electoral Engagement," *Comparative Politics* 50, no. 2 (2017): 276.

<sup>30</sup> *Ibid.*, 283.

<sup>31</sup> *Ibid.*, 280.

<sup>32</sup> Elen Quintelier, Marc Hooghe and Sofie Marien, "The Effect of Compulsory Voting on Turnout Stratification Patterns: A Cross-national Analysis," *International Political Science Review* 32, no. 4 (2011): 406.

voting, as the authors denote, only increases the base level of turnout rather than resolving inequality issues. This criticism of compulsory voting is important to consider. By increasing the turn-out rate for all citizens in a country, the proportion among the different groups in the population, whether it is race, gender, or socioeconomic status, would remain the same, in theory, and thus no major changes would be observed. Since the inequality issues are not resolved through compulsory voting, most marginal members of society would be stuck in a cycle of marginalization.<sup>33</sup>

#### Consequences on the Democratic Process and Voting Liberties

Among the most common critiques of compulsory voting is the consequences for the democratic process and individual liberty to vote. At its foundation, compulsory voting is designed to increase participation and civic engagement. There seems to be a consensus among scholars that compulsory voting does not encourage non-electoral participation. Several scholars have found that mandatory voting has either no effect or a negative effect on civic engagement or participation. Krister Lundell found a negative effect on civic participation and other forms of societal engagement.<sup>34</sup> This implies that citizens are only interested in fulfilling their obligation to the state because it is required of them, and little to nothing else. This finding receives additional

support from Jakee and Sun, who argue that it is unrealistic to argue that forcing citizens to vote will make them more informed and interested in the political process.<sup>35</sup> This argument holds some ground, as people are less than thrilled about the idea of doing something that is forced upon them such as paying taxes. Why then, would the masses be zealous about being required to vote? The literature further supports the notion that compulsory voting does not foster non-electoral political participation. Miguel Carreras reports that compulsory voting has no uniform influence on political participation beyond the ballot box, reinforcing the previously mentioned results from different scholars.<sup>36</sup>

While there is scholarly consensus that compulsory voting has no observable effect on participation or civic engagement, there are traces of evidence suggesting compulsory voting does affect other forms of engagement. Carreras finds individuals with no formal education, who live in a country with enforced compulsory voting laws are more attentive to the news than their counterparts under voluntary voting.<sup>37</sup> By consuming news coverage, citizens think about politics, and ultimately are more likely to engage in the political process. Carreras also finds that compulsory voting increases the likelihood of citizens engaging in political discussions.<sup>38</sup> These compounding factors assist in driving the voter to cast a ballot and

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<sup>33</sup> Annabelle Lever, "Compulsory Voting: A Critical Perspective," *British Journal of Political Science* 40, no. 4 (2010): 900-901.

<sup>34</sup> Krister Lundell, "Civic Participation and Political Trust: The Impact of Compulsory Voting," *Representation* 48, no. 2 (2012): 226.

<sup>35</sup> Keith Jakee and Guang-Zhen Sun, "Is compulsory voting more democratic?," *Public Choice* 129 (2006): 69.

<sup>36</sup> Miguel Carreras, "Compulsory voting and political engagement (beyond the ballot box): A multilevel analysis," *Electoral Studies* 43 (2016): 166.

<sup>37</sup> *Ibid.*, 164.

<sup>38</sup> *Ibid.*, 164.



engage in the electoral process, whether it is the bare minimum or significantly more.

Studies that have investigated the relation between age and turnout consistently observe similar results. In voluntary voting systems, voters are more likely to vote if they are older, whereas younger voters are more likely to abstain.<sup>39</sup> This relation also extends into other forms of non-electoral participation. Several explanations propose the differences in turnout and electoral participation are related to attitudes toward the state and ability to contribute to political campaigns. Younger voters are less likely to have time to participate and donate to a political campaign, so their developed attitudes toward the political system are minimal. On the contrary, older individuals are considerably more likely to have the time to invest into political matters and the money to contribute toward a political campaign. Older voters developed sentiments of duty to the state, which younger voters likely have not yet developed.

Research has also examined the effect compulsory voting has on the vote share and political parties. Since the objective of compulsory voting is to increase turnout, there is reason for concern that this drastic

change in the voter demographics could shift power to a different party. According to several scholars, there does not appear to be any evidence that compulsory voting has any effect on vote shares. When compulsory voting was implemented in Carinthia, the proportion of party vote shares of left-wing parties decreased by 4.7 percentage points upon its introduction.<sup>40</sup> Hoffman, León, and Lombardi reaffirm the finding that compulsory voting does not affect the party vote shares. According to their study, in both parliamentary and state elections, compulsory voting laws did not shift the share of votes going to right- or left-wing parties.<sup>41</sup> This suggests that compulsory voting does not create a clear distinctive advantage for left or rightward leaning parties, and the introduction of compulsory voting would not be too consequential on the partisan balance. Despite this evidence, Simon Jackman estimates that if compulsory voting were to be abolished in Australia, the Labor Party would be impacted the most, with the Liberal Party benefitting from the repeal of the law.<sup>42</sup> The author does not delve into the extent of the political damages that would result from the abolition of compulsory voting. Additional evidence of the potential political influence from compulsory voting can be found in close elections, which can be swayed in favor of the incumbent and their party if that regime has social assistance programs.<sup>43</sup> This would lead voters to have a

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<sup>39</sup> Kay Lehman Schlozman, Sidney Verba and Henry E. Brady, *"The Unheavenly Chorus"* (Princeton: Princeton University Press, 2012): 216.

<sup>40</sup> Stefanie Gaebler, Niklas Potrafke, and Felix Roesel, "Compulsory Voting, Voter Turnout and Asymmetrical Habit-formation," *CESifo Working Paper Series* no. 6764 (2017): 21.

<sup>41</sup> Mitchell Hoffman, Gianmarco León and María Lombardi, "Compulsory voting, turnout, and

government spending: Evidence from Austria," *Journal of Public Economics* 145 (2017): 113,

<sup>42</sup> Simon Jackman, "Non-Compulsory Voting in Australia?: What Surveys Can (and Can't) Tell Us," *Electoral Studies* 18, no. 1 (1998): 42.

<sup>43</sup> Matthew Layton and Amy Erica Smith, "Incorporating Marginal Citizens and Voters: The Conditional Electoral Effects of Targeted Social

more favorable outlook on one candidate or party due to the social assistance. Local party politics may be influenced by the introduction of compulsory voting. Party demographics in one area might favor one party over another. The research seems to suggest that vote shares would not be affected by compulsory voting at the national scale, but it does not specify if this is true at the local level.

Research has also sought to understand how compulsory voting shapes voting norms. There is evidence to suggest that compulsory voting does not foster long-term norms in relation to voting. Without the strong incentive of the law, voting habits surely would not persist.<sup>44</sup> Presumably, this also translates into the norms that younger voters have regarding compulsory voting. Younger individuals have not established the sense of duty to the state, so any traces of civic obligation would gradually erode to the point that the norm vanishes, if it existed in the first place.<sup>45</sup> The establishment of voting norms drives the willingness to vote in future elections. Bart Engelen argues, contrary to Louth and Hill, that compulsory voting helps solidify some kind of social norm regarding voting, as when states revoke the law, turnout levels gradually decrease suggesting that the mandatory voting law fosters the development of habits

and norms.<sup>46</sup> The norms surrounding compulsory voting can also be observed through self-reporting survey studies. According to Maldonado's research, the average difference between the actual turnout and self-reported turnout is 4.4 percent in compulsory voting systems, while it is nearly three times larger in voluntary voting states.<sup>47</sup> This suggests that social desirability is more prevalent in voluntary voting states as they overreport their tendency to vote. There is also evidence to suggest that habit formation may occur in countries that have had compulsory voting for a long period of time causing citizens to continue to turn out even if the consequences for abstaining were reduced.<sup>48</sup>

Another consequence for the democratic process pertains to the rise of outsider candidates. There is evidence that suggests that compulsory voting leads to an increase in the number of outsider candidates. Miguel Carreras shows that the share of votes obtained by an outsider candidate increases by approximately eight percent when voting is made mandatory.<sup>49</sup> This consequence is not unexpected as it relates to the disinterest that some voters have in either the established parties or candidates, or in political system in general.

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Assistance in Latin America," *Comparative Political Studies* 48, no. 7 (2015): 866.

<sup>44</sup> Jonathon Louth and Lisa Hill, "Compulsory Voting in Australia: Turnout with and without it," *Australian Review of Public Affairs* 6, no. 1 (2005): 30.

<sup>45</sup> Bart Engelen, "Why Compulsory Voting Can Enhance Democracy," *Acta Politica* 41 (2007): 27.

<sup>46</sup> *Ibid.*, 27.

<sup>47</sup> Arturo Maldonado, "Compulsory Voting and the Decision to Vote," *AmericasBarometer Insights*, Latin

American Public Opinion Project, Vanderbilt University (2011): 2.

<sup>48</sup> Gianmarco León, "Turnout, political preferences and information: Experimental evidence from Peru," *Journal of Development Economics* 127, (2017): 61.

<sup>49</sup> Miguel Carreras, "The Rise of Outsiders in Latin America, 1980-2010: An Institutional Perspective," *Comparative Political Studies* 45, no. 12 (2012): 1467.

Besides increasing turnout, arguments in favor of compulsory voting claim that mandating voting enhances the legitimacy of a democratic state. The literature is divided on this matter, with some arguing that equating higher turnout with greater legitimacy is overly simplistic.<sup>50</sup> Turnout may successfully increase, but this increase may create volatile electoral conditions and encourage illicit activities, such as vote buying. In the case of the latter, the presence of illicit activities does not present a valid case for a legitimate government, with one or more parties gaining an advantage illegally. Other scholars make the case that lower turnout threatens the legitimacy of country's government and electoral system.<sup>51</sup> This argument stems from the logic that without high voter turnout, only a minority would be represented. By increasing turnout and thereby increasing the number of constituents that are represented in government, the regime holds more legitimacy in the eyes of the public. Scholars have also made the argument that the state has the legitimacy to implement and, more importantly, enforce the laws that are passed, even if those laws are not necessarily agreed upon by the people.<sup>52</sup> Just as the government is justified in regulating traffic speed, the government, as the argument goes, can enforce compulsory voting.

The most prominent argument levied against compulsory voting is the concept of the "right to vote," or more aptly, not vote. In a democratic regime, each citizen is given liberties that they are free to exercise. Among those liberties in a voluntary voting system is the right to vote. Those in favor of the right to vote make the argument that the choice to participate in the electoral process should be left to the individual, as voting may not always be in the best interest for the voter. Annabelle Lever notes that even if people have a sense of duty to vote when voting is in their self-interest, people still need justification that voting truly is in their best interest to continue with the act.<sup>53</sup> It is a difficult task for those that are invested in politics to know what is in their true best interests, let alone those that are not interested in politics and are forced to participate in the electoral process when voting is mandatory. The right not to vote permits the individual to have the freedom to freely move between active and passive participation.<sup>54</sup> This freedom enables individuals, according to Lever, to protest in ways that feel safe or comfortable, as well as not requiring intensive coordination or resources to stage this act of protest.<sup>55</sup>

The counterargument to the right to not vote argues that the proper requirement of turning out under compulsory voting law does not violate any individual liberties. Since compulsory voting does not require

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<sup>50</sup> Keith Jakee and Guang-Zhen Sun, "Is compulsory voting more democratic?," *Public Choice* 129 (2006): 69-70.

<sup>51</sup> Annabelle Lever, "Compulsory Voting: A Critical Perspective," *British Journal of Political Science* 40, no. 4 (2010): 899.

<sup>52</sup> Bart Engelen, "Why Compulsory Voting Can Enhance Democracy," *Acta Politica* 41 (2007): 30.

<sup>53</sup> *Ibid.*, 906.

<sup>54</sup> Heather Lardy, "Is there a Right not to Vote?," *Oxford Journal of Legal Studies* 24, no. 2 (2004): 307.

<sup>55</sup> Annabelle Lever, "Compulsory Voting: A Critical Perspective," *British Journal of Political Science* 40, no. 4 (2010): 911.

the individual to cast a ballot, rather just turn out to the polling location, no civil or political liberties are being violated. This would change if the individual were required to cast a ballot, as it would violate the civil and political liberties of each person, so the distinction must be clearly demarcated.<sup>56</sup> Heather Lardy states that compulsory voting would maintain or, more likely, enhance equal standing of voters as it would require the political parties and leaders to take account of the preferences of their constituents.<sup>57</sup> If given the opportunity to abstain from each election, those individuals' interests could never be represented in government, as politicians do not know what those individuals would like to see implemented in policy.

#### Consequences of Invalid Voting and Discontentment with Mandatory Voting

Besides the effect compulsory voting has on voter turnout, a frequently examined topic concerns the act of casting an invalid ballot and the attitudes associated with this action. Scholars provide numerous explanations why someone may cast an invalid ballot. One explanation provided is dissatisfaction with the mandate to vote, or with government performance. There is evidence that alludes to an increase in invalid votes when turn out increases in compulsory voting systems.<sup>58</sup> When voting is forced upon the eligible voter, this certainly will

lead some to be upset or uninterested in the political process. According to the literature, dissatisfaction with government performance tends to be a large deterministic factor that leads voters to cast an invalid ballot. Cohen finds that in Latin America, it is the perception that government performance has been poor over a range of policy areas that drives policy-motivated invalid voting and not poor perceived economic outcomes.<sup>59</sup>

Evidence suggests that those with high and low levels of political sophistication are as likely to invalidate their vote, albeit for different reasons. Research shows that the most alienated members of society are very likely to cast an invalid ballot as a means of abstaining.<sup>60</sup> The most alienated members are typically those with little interest or political sophistication, as well as those less financially stable. More politically sophisticated individuals are more likely, as Moral reports, to cast an invalid vote when dissatisfied with party policy offerings.<sup>61</sup>

In addition to the most alienated being likely to invalidate their ballot, voters can demonstrate their frustration through anti-party sentiments and voting for a third-party candidate. Research shows that compulsory and voluntary voting systems share comparable levels of negative views toward

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<sup>56</sup> Ibid., 903.

<sup>57</sup> Heather Lardy, "Is there a Right not to Vote?," *Oxford Journal of Legal Studies* 24, no. 2 (2004): 313.

<sup>58</sup> Mitchell Hoffman, Gianmarco León and María Lombardi, "Compulsory voting, turnout, and government spending: Evidence from Austria," *Journal of Public Economics* 145 (2017): 110.

<sup>59</sup> Mollie Cohen, "Protesting via the Null Ballot: An Assessment of the Decision to Cast an Invalid Vote in

Latin America," *Political Behavior* 40, no. 2 (2018): 406.

<sup>60</sup> Ibid., 409.

<sup>61</sup> Mert Moral, "The Passive-Aggressive Voter: The Calculus of Casting an Invalid Vote in European Democracies," *Political Research Quarterly* 69, no. 4 (2016): 739.

political parties; however, compulsory voting states have an increased likelihood of voting for third parties and expressing antiparty sentiments.<sup>62</sup>

Another consequence that is magnified in compulsory voting systems is the prevalence of clientelism. While clientelism can occur in voluntary voting systems, it is far more frequently observed in countries that have compulsory voting. Léon finds that voters in compulsory electoral systems who attend the polls because of the mandate are more likely to accept monetary gifts in exchange for their vote.<sup>63</sup> Since the electoral system requires citizens with different degrees of interest to turn out, a conclusion that uninterested voters are likely to engage in an illegal act for financial incentives can realistically be attained. As expected, vote buying is also prevalent among poorer voters. Léon finds that there is a relationship between turning out due to high sanctions and vote buying. As the costs for abstaining are reduced, turnout, and thus vote buying, decreases.<sup>64</sup>

## Policy Proposal

Voting is one of the cornerstones of a well-functioning democratic system. Voting can enable changes to the structure of the country that can benefit the lives of those living in that democracy. Some of the most basic functions of daily life can be related back to the process of voting. Regulations on food products or on houses are all enacted

by elected officials. The highest justices that determine the constitutionality of laws or actions are appointed and confirmed by elected officials. The responsibilities of the government, particularly the federal government, have grown considerably since the inception of the United States, so it is important that the people's voices are heard in the electoral process. If government continues to play as large of a role as it has since the Great Depression, then the policies and laws enacted by local, state, and the federal government should represent the interests of the constituents. Currently, the United States experiences voter turnout that is considerably less than the turnout rate in other advanced industrial democracies. Low voter turnout is troubling to a political system that relies heavily upon the input from the public. Policymakers can take policy directives from the public from how people vote. Politicians can interpret that voters would like some, or all, of their policy pledges to be advanced and implemented. If turnout does not exceed 60 percent of the eligible voting population, then one can reasonably argue that the representative function is not properly working, as a rather significant proportion of the population are not voicing their interests for how the country should proceed.

This policy proposal seeks to remedy this issue of low voter turnout in the United States through the implementation of compulsory voting. While research has shown that there are some negative consequences associated with compulsory

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<sup>62</sup> Éric Bélanger, "Antipartyism and Third-Party Vote Choice: A Comparison of Canada, Britain, and Australia," *Comparative Political Studies* 37, no. 9 (2004): 1068.

<sup>63</sup> Gianmarco León, "Turnout, political preferences and information: Experimental evidence from Peru," *Journal of Development Economics* 127, (2017): 68-69.

<sup>64</sup> *Ibid.*, 69.

voting, voluntary voting systems also have issues. As the literature demonstrated, compulsory voting consistently increases voter turnout, which is the primary goal of this proposal.

### Compulsory for Whom?

An important aspect of this proposal is to determine who must turnout. Voting privileges in states that permit voting among the masses are a right that belongs to citizens. As it stands in the United States, only citizens are capable of voting in elections. Thus, it stands to reason that this policy proposal will only impact citizens. While it would be easy to issue a blanket mandate that every citizen must participate in the political process, this is simply not feasible for some people with special circumstances, so it is imperative to delineate those among the citizenry that are required to vote in elections and those that are not.

Among the states that have compulsory voting, a few in South America have implemented age ranges that are deemed voluntary or compulsory. Brazil and Ecuador have a policy where voting is voluntary among those between the ages of sixteen and seventeen as well as over the ages of seventy or sixty-five, respectively. Compulsory voting is mandated for every election, including primaries, special elections, and the November elections at the local, state, and federal level, once the individual is age eighteen. Given that a handful of states have made voting

voluntary at certain ages, other states have not enacted the same voluntary measures for individuals of ages. So, then, which approach would be the best for the United States regarding age and compulsory voting?

To answer this question, this proposal strongly suggests following the path of Brazil. Compulsory voting would be mandatory for all individuals starting at the age of eighteen, which is consistent with current US voting laws, and compulsory voting would transition to voluntary once the individual reaches the age of seventy. At the age of seventy, individuals are still capable of moving around and have high mental functions, although it is slightly more difficult. According to Timothy Salthouse, cognitive changes for individuals as they age remains rather stable until the later years of life, typically eighty or older.<sup>65</sup> Based on this research, one could make an argument of setting mandatory voting until an age of seventy-five, but American political psychology research shows that older individuals are among the most likely to vote. Data on those who are registered and voted in 2008 clearly indicate the effect age has on voting. The percentage of individuals who voted in the 2008 election who were between the ages of approximately fifty-one and seventy-six hovers around seventy percent, which is considerably higher than the percentage of individuals between the ages of eighteen and thirty who voted in that election.<sup>66</sup> This is further supported when considering more recent election results. As Table 1 illustrates, older

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<sup>65</sup> Timothy A Salthouse, "Does the Level at Which Cognitive Change Occurs With Age?," *Psychological Science* 23, no. 1 (January 2012): 21.

<sup>66</sup> Kay Lehman Schlozman, Sidney Verba and Henry E. Brady, "The Unheavenly Chorus" (Princeton: Princeton University Press, 2012): 216.

| Table 1. Turnout Rate in the United States per age bracket (written as a percent) |                   |                   |                   |                   |                   |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|
| Age (years)   | 2010<br>(Midterm) | 2012<br>(General) | 2014<br>(Midterm) | 2016<br>(General) | 2018<br>(Midterm) |
| 18-29   | 20.3              | 40.9              | 16.3              | 43.4              | 32.6              |
| 30-44   | 36.1              | 56.2              | 30.1              | 56.9              | 45.8              |
| 45-59   | 50.4              | 66.0              | 42.6              | 66.2              | 56.2              |
| 60+   | 59.0              | 71.2              | 54.9              | 71.4              | 65.5              |

individuals more frequently turn out to vote than younger individuals.<sup>67</sup> Given that senior citizens are more likely than young citizens to vote, requiring these individuals to vote once they attain an age beyond seventy is meaningless.

However, as the table indicates, younger people make up less of the share of the electorate, and more directed effort needs to be applied to this subgroup of the population to stimulate higher turnout. Experience with voting seems to be one of the strongest means of fostering long-term electoral participation.<sup>68</sup> A survey among students showed mixed results regarding their attitudes toward compulsory voting, but students who lived in countries that maintained compulsory voting for a long period of time held more positive attitudes toward compulsory voting, suggesting younger individuals' norms in these countries favor electoral participation.<sup>69</sup>

Therefore, if sixteen- and seventeen-year-olds were permitted to vote in elections, their propensity to vote in future elections would likely increase. This voluntary buffer phase also gives young individuals the ability to vote in presidential elections prior to their eighteenth birthday. There is considerable excitement surrounding presidential elections, which have been demonstrated to have higher turnout than mid-term elections. A sixteen-year-old under the current voting system would have to wait until they turned twenty before they could vote for a presidential candidate, assuming they shared the same levels of excitement for voting in mid-term elections as the average American. Requiring voting among those over the age of eighteen and making it voluntary for young adults between sixteen and seventeen circumvents this dilemma. Furthermore, mandating voting gives policymakers at either the state or federal level a thorough indication of what much of the populace believes should

<sup>67</sup> Michael P. McDonald, "Voter Turnout Demographics," United States Elections Project, <http://www.electproject.org/home/voter-turnout/demographics>.

<sup>68</sup> Michael S. Lewis-Beck et al., "Voting Turnout" in *The American Voter Revisited* (Ann Arbor: University of Michigan Press, 2011), 103.

<sup>69</sup> Jessamay Pesek, "Comparing Youth Opinions Toward Compulsory Voting Across Five Countries," *Journal of International Social Studies* 4, no. 1 (2014): 69.

be the policy direction for the state or country.

While this policy proposal advocates for the mandatory voting of each citizen, there must be certain exceptions, as not everyone is in the same situation or has similar circumstances. In the states that employ compulsory voting, exceptions have been made for those that have some intellectual disabilities. Further, exceptions should be extended to those abroad, as well as those who are physically incapable due to hospitalization or serious illness that would prevent going to the polling location. If exceptions are made for those abroad or physically incapable of voting, the question should be raised concerning the status among those travelling domestically. Since travel within the United States can traverse vast distances, the most logical answer to the present question is to extend the vote waiver application to domestic travels. To be eligible for exemption, the applicant should include the reason why they will not be able to vote on Election Day and submit this to the county auditor or via the state's Secretary of State website. The county auditor would be responsible determining the applicant's exemption. Some guiding principles the county auditor should consider, although not limited to, are the reason for the domestic travel and time required to return and vote. For example, attendance of a funeral or interstate travel should be categorized as exempt.

The most obvious case to provide an exception to mandatory voting is for those

who are intellectually disabled. The intellectually disabled can have a wide range of mental functionality, ranging from being a fully functioning member of society with slight peculiarities to requiring full assistance with daily functions. Requiring individuals with the most extreme disabilities to vote is an absurd demand for those who may not be able to fully grasp the situation, let alone understand which candidate best represents their interests. Those afflicted with mental deterioration, typically more pronounced in older individuals, might also be incapable of assessing their best interests. Those with more hindering mental disabilities need assistance in their daily functions and would also require assistance when voting.

The proposed safeguards may be excessive, considering that Pietro Tiraboschi and coauthors found that patients with varying degrees of mental disorders could still vote, though perhaps not understand the full intricacies.<sup>70</sup> Due to their sample size (n=38), the results must be taken with a grain of salt, but they do suggest the easing of concerns previously described. According to the study, most participants were able to make a choice; and over half understood the nature of the vote. If this policy were to advocate for compulsory voting among those with a mental disorder, this finding would suggest that most of them could perform that action. However, their research also supports the concerns in that only about a third of the participants were able to fully understand the effect of voting, and considerably less could evaluate the possible consequences of electing the

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<sup>70</sup> Pietro Tiraboschi et al., "Evaluating Voting Competence in Persons with Alzheimer Disease,"

*International Journal of Alzheimer's Disease* 2011 (2011): 983895. Doi:10.4061/2011/983895.



preferred candidate for their own lives.<sup>71</sup> If the voter is as rational as the literature suggests, then not comprehending the consequences of a vote for one's life seems to contradict the notion that individuals will vote in a way that advances their interests. Therefore, it is imperative that voting remains optional to this community, while compulsory for those who have a better chance of understanding the consequences of their vote on their lives.

The exemption from compulsory voting must also apply to those experiencing certain physical ailments or conditions. The phrasing is admittedly vague, but this exception should be restricted to those incapables of going to the polling location because of their condition or ailment. Those that are hospitalized, for example, would fit the mold of being exempt, as hospitalization would prevent them going to their polling location. Not all conditions or ailment are negative. Women who are near or going into labor, as well as those who had gone into labor and have not been cleared for release by the hospital would find the requirement of electoral participation rescinded. Regardless of the circumstances, individuals should never be penalized for something that is out of their control or if they are physically incapable of attending the polling location. Should someone temporarily living away from their polling location, said person should apply for permission to vote in a different location. Each state government should create a form that can be accessed either online or from the local public buildings, such as city hall or

the library. The application should be processed quickly and lenient with the excuse provided.

Additional concern should be given to another vulnerable segment of the population: illiterate individuals. Obliging individuals that could not read to cast a ballot could lead to a multitude of issues. The most pressing issue that could arise is aides taking advantage of the illiterate person to advance their own political agenda. Due to this possibility, this proposal argues for an exemption for illiterate members of society among whom voting would be strictly voluntary on an election-by-election basis. This contrasts with the system that Brazil has implemented, where those in the voluntary category of voting are required to regularly participate after registering, or face having their voter registration card revoked.<sup>72</sup> This suggests that they are effectively categorized as compulsory voters, which goes against the notion that voting is voluntary among illiterate members of society. These individuals should not be penalized for choosing to exercise their electoral privileges when they belong to a voluntary group. Therefore, this policy advocates for the complete exemption of illiterate individuals from mandatory voting. Should such an individual become literate, then their voting status would shift to compulsory. This is due to not requiring any assistance during the voting process as they can interpret the ballot, to the best of their abilities, on their own.

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<sup>71</sup> Ibid.

<sup>72</sup> Timothy Power, "Compulsory for Whom? Mandatory Voting and Electoral Participation in

Brazil, 1986-2006," *Journal of Politics in Latin America* 1, no. 1 (2009): 105.

### Changes to Contemporary Voting Laws

So far with this proposal, some substantial changes to the electoral system have been proposed. However, other changes must be made to the current electoral laws to increase voter turnout levels. Among the first should be made to Election Day. This proposal suggests changing Election Day from a Tuesday to Saturday; and making the day a national holiday. Election day becoming a national holiday would consist of state and federal offices close, schools that hold class on Saturday would be canceled for the day, and non-essential businesses or organizations may choose to conduct business as usual or cease operations for the day, like they might for Independence Day or Christmas. Public facilities with documents or forms related to voting should remain partially open, but not every function of the facility needs to be operational. Research suggests that nearly 60 percent of Americans are supportive of making Election Day a national holiday, and roughly four-in-ten Americans support moving Election Day to the weekend.<sup>73</sup> By moving Election Day to the weekend and making it a national holiday, fewer individuals would be inhibited from turning out to their respective polling location due to occupational obligations. If Election day is moved to the weekend, young voters, who are constrained by their responsibilities as a student, would have more opportunities to participate in the electoral process.

Simply making Election Day a national holiday is not enough to ensure increased

electoral turnout. Those working in the retail sector are susceptible to low turnout. They are frequently in lower income brackets and have inconsistent work hours. Due to this combination of factors, these individuals may not be able to take off or make the time required to cast a ballot during an election. To increase turnout among this segment of the population, this proposal would mandate employers give their employees an adequate amount of time to perform their electoral responsibility. This can be accomplished by one of two methods. First, employers can provide extended breaks. Consideration must be applied depending on location from the polling location and time of day. A second option consists of marginally shorter shifts. This would give the retail sector employee an opportunity to come to work slightly later after voting or leave early for the same purpose. Should the corporation neglect to provide their employee an opportunity to participate in the electoral process, the corporation should face a financial consequence.

The creation of a “candidate booklet,” which would be placed next to each voting station at the polling location, should also assist in the increase of voter turnout. This booklet would contain brief key points of each candidate, which summarizes their policy agenda or arguments that the candidate would like the public to quickly assess before casting a ballot. Each candidate would submit their arguments to the state’s Secretary of State, and the key points should not exceed five bullet points worth of information and be concise. Keeping each candidate’s selling points limited should

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<sup>73</sup> R. Michael Alvarez et al., “Voter Opinions about Election Reform: Do They Support Making Voting

More Convenient?,” *Election Law Journal* 10, no. 2 (2011): 84.

reduce how much time the voter spends at the voting booth. The time required to thoroughly research a candidate and assess which one best represents the individual's interests is generally too much for the average voter. By providing a booklet the voter can skim through the key points of each candidate's platform, the voter can minimize issues related to the voting process, and more effectively participate. Candidates are not required to submit anything, but they will not have their points listed in the booklet should they not submit anything.

The proposal has analyzed voter turnout through the lens of costs and benefits and provided some solutions to minimize the costs that would lead someone to abstain. Introducing absentee voting across the United States would also contribute to an increase in voter turnout. As it stands, under half of the states in the Union have implemented absentee voting. Evidence suggests that absentee voting reduces the costs of voting among those inclined to vote, and yields higher representation in the electorate.<sup>74</sup> While absentee voting boosts the likelihood of likely voters, there is reason to believe this would apply to those that are less inclined to vote. Low income individuals are most likely to benefit from moving to absentee voting, many of whom earn hourly wage pay and would benefit from not taking off time to vote. Even among higher income individuals, absentee voting lowers the costs, since the voter does not need to expend much time nor effort going to the polling location. The voter can participate within the comfort of their own home.

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<sup>74</sup> J. Eric Oliver, "The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall

Considering the benefit that can be derived from an extensive absentee voting reform, absentee voting can be implemented in the following way. Voters can request an absentee ballot via a similar means as registering for a voter identification card. Local governments should place the absentee ballot request in a space near the registration form, and submitted to the county auditor no less than three weeks before the election to allow the ballot to be mailed to the voter, and for records to be updated. Alternatively, the voter can request an absentee ballot online. Each state would need to create a webpage, which guides the voter through the process of requesting an absentee ballot. Voters that opt to vote via an absentee ballot should submit their ballot no later than ten days before the election to ensure the ballot is counted in time for the election. Should the deadline to mail the ballot elapse without the ballot being submitted, it falls on the responsibility of the voter to either 1) submit the absentee ballot in person to the county auditor's office, or 2) forfeit their absentee ballot at their polling location and vote using a regular ballot.

The final proposed change to the existing electoral laws pertains to giving more options to voters when casting their ballot. To give the voter more options under the constraints of compulsory voting, the ballot requires adjustments to provide the voter with a legal way of abstaining or protesting. The literature suggests that voters may invalidate their ballot as a form of protest voting. This is a legitimate form of participation, and as such should be

Turnout," *American Journal of Political Science* 40, no. 2 (1996): 510.

encouraged than staying home. Ballots, as a result, should be modified to include an option that voters can select, if on an electronic voting station, or fill in declaring they choose to willfully abstain. Selecting this option will treat the ballot as blank and will not contribute any votes for the candidates running for the various offices at stake. If voters do not fill in or select this option, they are at liberty to vote for the different offices of their choice without voting for each office. This is an attempt to minimize discontented attitudes for the drastic electoral change and raise turnout. Protest voting is still participation and indicates to elected officials issues that may need to be addressed.

### Enforcement Structure

Simply having the compulsory voting law exist is not enough to encourage people to follow said law. Countries that have implemented compulsory voting have had to decide on whether to enforce compliance through sanctions or not enforce the law. Evidence suggests that as sanctions for abstaining increase, voters increasingly invalidate their votes.<sup>75</sup> Research also suggests that stricter enforcements does increase voter turnout by roughly six percentage points.<sup>76</sup> States with strict enforcement, such as Australia and Belgium, consistently yield higher voter turnout, while little to no enforcement, such as Mexico, have considerably lower turnout. Therefore, it is imperative to assess to what extent the mandatory turn out law should be upheld,

and what the consequences would be if upheld.

The argument up to this point strongly advocates for increasing voter turnout among the eligible population via compulsory voting. Therefore, this proposal suggests that compulsory turnout must be enforced to maintain the credibility of the law. Just as traffic laws are enforced and result in consequences when broken, so should turnout. A law that does not enforce the rules it has established holds no legitimacy, and therefore holds no meaning. For this proposal to have credibility, the policy must then be enforced.

By enforcing the law, it then becomes important to delineate how extensive enforcement should be. Using a scale ranging from little to strict enforcement, enforcement of this policy should be moderate. The penalty should not be too strict, which creates conditions leading more voters to detest the electoral process and only comply to not be penalized. Nor should the policy be too lenient, where the voter has no reason to comply with the mandate, since little or no consequence exists for abstaining. Even with strict enforcement, full participation is likely unrealistic, but it is reasonable to expect turnout to increase to three-quarters of the eligible population or greater. It was noted that the government would keep record of those that had participated and those that did not. This ensures that there is a way to determine

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<sup>75</sup> Mert Moral, "The Passive-Aggressive Voter: The Calculus of Casting an Invalid Vote in European Democracies," *Political Research Quarterly* 69, no. 4 (2016): 741.

<sup>76</sup> Costas Panagopoulos, "The Calculus of Voting in Compulsory Voting Systems," *Political Behavior* 30, no. 4 (2008): 462.

who did not comply with the mandate, and that they are faced with the repercussions for their lack of participation.

Individuals that fail to turn out will receive a notice by mail informing them of their recalcitrance of the law and the procedure that follows. The responsibility to send the notice to noncompliant voters belongs to county auditor. In addition, the county auditor would be tasked with evaluating the return form. The form should include a brief statement explaining the reason for receiving the notice, an area where the recipient can provide an explanation for not voting, and information where to send the completed form. The receiver of the notice would be given the option to send it back via mail services, or by an email address connected to the county auditor. If the explanation provided is determined to be a valid excuse for not turning out, then no penalty would be bestowed. If the explanation is not satisfactory to the county auditor, then the person who failed to turn out must pay a fine. If the person in question fails to turn out three or more times, then they will be faced with a fine and be asked to face a judge, who is appointed by the governor, and receive an additional penalty should the judge not find the provided explanation sufficient for not turning out. The additional penalty would consist of privileges to receive any government benefits being revoked.

Due to the variety of socioeconomic station in the United States, a flat fee does not suffice, as it disproportionately harms low income individuals. Wealthier individuals can simply pay the fine, as if nothing happened, while lower income people

cannot afford to do so. Therefore, the fine should affect each socioeconomic class in a way that is appropriate for their income. Fines will still disproportionately affect lower income individuals more than wealthier individuals, due to the difference in economic possessions. The fine should be divided into several tiers to encourage turn out, while being as fair as possible. Those living under the federal poverty line should be fined 25 USD for failure to turn out. The fine should increase to 50 USD for those that earn more than the federal poverty line, but less than 50,000 USD per year. Those between 50,000 and 100,000 USD should be penalized 100 USD for failure to turn out. Individuals that make more than 100,000, but less than one million USD should receive a fine of 500 USD. For cases involving the wealthy, which will be defined as earning more than one million USD per year, the county auditor or judge presiding over the case should levy a fine that is appropriate and fair.

### Implementation of Compulsory Voting

Dramatically revamping the electoral system, or any system, is no easy feat. Reworking the electoral system to require electoral participation requires delicacy and consideration in crafting the policy and transitioning the system. The first step is defining what this policy proposal means by “compulsory voting.” For the sake of this proposal, “compulsory voting” means compulsory turnout, akin to other countries such as Brazil and Australia. Casting a ballot is ideal, but not required of those that turn out. By requiring citizens to attend the polls, the largest contributing cost in the voter decision calculus can be overcome, which

may lead the individual to cast their ballot, since they had to attend the polling location.

With this working definition of “compulsory voting,” it is imperative to assess how and where this policy would be discussed and implemented, as well as how different groups would perceive this policy introduction. Compulsory voting is a moderately new concept, with the first case implementing the electoral system in the late Nineteenth Century. Due to the relatively new notion of national compulsory voting laws, the Founders were not inclined to specify if voting in the United States should be required or strictly voluntary. The Founders reserved most powers for the states through Article X of the United States Constitution. This would allow states to determine the intricacies of voting. A few states, namely Georgia and Virginia, have experimented with compulsory voting during the Eighteenth Century, and other states have tried to introduce it.<sup>77</sup> Normally, states would discuss and vote on how voting would be conducted within the state legislature without other states experiencing the consequences of the decision. Due to the nature of this proposal, the introduction of compulsory voting would need to originate at the federal level, as it would mandate every citizen turn out to the polls. A constitutional amendment would need to be introduced, deliberated, and voted on in both chambers of Congress before being sent off to the states for ratification. A constitutional amendment is an effective way of gaining the cooperation of the states, as it was a means of accomplishing equal

rights and protections to people of color during the century following the US Civil War.

This proposal is intended to be a federal policy proposal. Its intent is increasing voter turnout in the United States at the national level. However, the proposal can be implemented on a state-by-state basis. In fact, it is more likely that a proposal such as this would be ratified at the state level than at the national level. The proposal would be introduced in the state legislative bodies and debated like it would be done if introduced in the US Congress. The amendment process of the state’s constitution to include compulsory voting would follow the specifications described by each state’s constitution. Amending state constitutions is an easier process than amending the US Constitution.

Undoubtably, opposition to such a policy would be immense, not only from the legislators, but from the public. A substantial proportion of the populace likely will see such a policy as encroaching on their rights as free people. Some legislators would also be very vocal in their opposition, perceiving the policy as a threat to their political seats. This could apply to any candidate, regardless of party, depending on the demographic composition of the district or state.

The party that would most likely be most vocal in its opposition would be the Republican Party, on the principle that it

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<sup>77</sup> Lisa Hill, “Low Voter Turnout in the United States: Is Compulsory Voting a Viable Solution?,” *Journal of Theoretical Politics* 18, no. 2 (2006): 222.

violates individual liberties. Additionally, they may be concerned that the Democratic Party may gain a political advantage, due to the propensity for minorities to vote for the Democratic ticket. Presidential election data going back to 1992 from the Pew Research Center shows that registered minorities tend to favor the Democratic Party, while white registered voters tend to favor the Republican Party.<sup>78</sup> Party preference among each race may better accentuate this assertion. Among white registered voters, the marginal of difference is not as distinct as it is among black registered voters. Whites favor the Republican Party by 15 percentage points when considering those that identify with or lean toward either major political party. Among black registered voters, the difference is eighty percentage points in favor of the Democratic Party. Party preference among Hispanics largely favors the Democrats, but not to the same degree as registered black voters. Additional data from the Pew Research Center appears to validate this concern, which found that four-in-ten registered Democrats are non-white, while under twenty percent of registered Republicans are non-white.<sup>79</sup> However, data shows that Non-Hispanic White and Non-Hispanic Black voters tend to vote in similar proportions.<sup>80</sup>

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<sup>78</sup> "Party affiliation among voters: 1992-2016," Pew Research Center, last modified 13 September, 2016, <https://www.pewresearch.org/politics/2016/09/13/2-party-affiliation-among-voters-1992-2016/>.

<sup>79</sup> "In Changing U.S. Electorate, Race and Education Remain Stark Dividing Lines," Pew Research Center, last updated 2 June, 2020, <https://www.pewresearch.org/politics/2020/06/02/in-changing-u-s-electorate-race-and-education-remain-stark-dividing-lines/>.

Evidence also suggests that Republicans would not support a compulsory voting law based on their history regarding the expansion of voting rights. In recent years, more states have made moves to restore voting rights for ex-felons, though many states resist re-enfranchising ex-felons. According to Jason Conn, data appears to suggest that ex-felons favor the Democratic Party, even suggesting enfranchised felons would have swung the 2000 presidential election in favor of Democratic Candidate Al Gore.<sup>81</sup> Conn explains the tendency of ex-felons to prefer the Democratic Party over the Republican Party as a difference perspective. Democrats frame the issue of felon enfranchisement as a civil rights issue, while Republicans frame it as "being tough on crime."<sup>82</sup> By frame it as a deterrent to crime, Republicans position themselves in a detrimental way likely leading to a substantial electoral advantage for the Democratic Party if ex-felon's voting rights were to be reinstated.

Democratic candidates may also be vocal in their opposition, depending on their district. Democrats in more urban district are likely to be less concerned about the introduction of compulsory voting, as their cities tend to be Democrat hot spots, while rural areas tend to favor more conservative candidates. So, Democrats in districts that are largely

<sup>80</sup> Michael P. McDonald, "Voter Turnout Demographics," United States Elections Project, <http://www.electproject.org/home/voter-turnout/demographics>

<sup>81</sup> Jason Belmont Conn, "Felon Disenfranchisement Laws: Partisan Politics in the Legislatures," *Michigan Journal of Race and Law* 10, (2005): 512.

<sup>82</sup> *Ibid.*, 513.

rural have some concern that compulsory voting would significantly reduce their chance of winning a seat in that district. Research suggests that compulsory voting does not favor either left- or rightwing parties, so politicians should not harbor any concerns about their political rival gaining an electoral advantage from the introduction of compulsory voting.<sup>83</sup>

Businesses may also oppose this policy. A provision in the policy mandates companies give their employees the time needed to fulfill their civic duties. This could create a logistical problem for companies, especially those with small staffs, as each worksite is going to have different experiences. One precinct may operate quickly and efficiently, while another is slow to operate. This reduces the standardization of company procedures, as it would be dependent upon each store to determine how much time is required for each employee to fulfill their civic obligation.

Given the potential opposition, passing a proposal like this in its current state is improbable. The passage of this proposal very likely requires some compromises to satisfy both major political parties, as well as interest groups. Finding a solution that satisfies all contending parties is not as easy as including conditions that generalize the interests of each party. For example, including a tax incentive may entice Republican congressmen to pass the proposal, but only if this is a highly regarded

salient issue. Since bills rarely, if ever, go through the legislative process unscathed, the success of this proposal would largely depend on amending the proposal in the debate or committee process.

The implementation of compulsory voting must be rolled out over a period to allow voters to adjust to the new electoral system. Like any massive change, some time will be required for adjustment and acceptance. A survey among American students revealed that approximately 64 percent opposed compulsory voting, and this number likely is similar to the opinion on compulsory voting among the adult population in the United States.<sup>84</sup> An immediate shift from voluntary to compulsory voting would create adverse consequences, as it may lead voters to feel strongly uninterested in the electoral system, thereby exacerbating low turnout in the United States.

If the transition from a voluntary to compulsory voting system were to take place over the course of a decade, this would give adults over the age of eighteen the chance to vote up to five times for elections for the House of Representatives, up to three times for presidential races, and up to two Senate elections to adjust. This would permit a new voting norm to develop and settle among collective consciousness of the public. The transition period should be characterized as a period of lax enforcement to allow people to be accustomed to their new obligations and for the government to

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<sup>83</sup> Mitchell Hoffman, Gianmarco León and María Lombardi, "Compulsory voting, turnout, and government spending: Evidence from Austria," *Journal of Public Economics* 145 (2017): 113.

<sup>84</sup> Jessamay Pesek, "Comparing Youth Opinions Toward Compulsory Voting Across Five Countries," *Journal of International Social Studies* 4, no. 1 (2014): 69.



make the final preparations once the mandate is truly enforced. Once the grace period expires, those that fail to comply with the mandate will be faced with consequences, which will be detailed in their own dedicated section of this policy proposal.

Voters over the age of 18 and future voters must also prepare. Citizens would be automatically registered to vote but would not be able to participate until they meet the age requirement. With automatic citizen registration, there would then be a need to connect the voter identification to the person. Tying the voter identification number to a person's social security would be the simplest solution, since each social security number is unique. Each person would be required to update their voter registration information upon moving location or other major life changes that would relate to identification. Currently, this information can be changed through the voter registration forms via the Secretary of State page for each state, or the form can be submitted through the county auditor. Under this proposal, the process of updating voter registration information would remain the same, as this process does not warrant any alterations.

For the state, the preparations required for implementing a wide-sweeping electoral policy are significantly more exhaustive. The state must prepare the voter registration record for each precinct to assess who is complying with the mandate to turn out and who is not. This list will serve as a checklist

for the attendant keeping track of those fulfilling their obligation to the state. Those that are not required by the law to turn out would only need to present documentation that verifies being of an eligible age to participate and place of residence if they want to engage in the electoral process. These verification measures are established for the sake of legitimacy and to prevent illicit voting from those that inclined to do so. Most countries that permit voting among the public have some sort of identification process for voting, so it is within reason to incorporate such a requirement among those that are required and those that voluntarily vote. However, these verification processes should not be too extensive, as some research suggests that intense voter identification requirements adversely affect turnout.<sup>85</sup> No barriers beyond simple identification should be erected to thwart the citizen's obligation to the compulsory voting law.

Since voter identification plays a role in compliance with the law, access to the voter identification should be a simple process. It is the responsibility of the government, be it local or state, to provide access to the registration form. Current online registration forms will be carried over from the voluntary system. Online registration is the easiest option available to the public given how accessible the internet is from public libraries. Local governments should also provide the same registration form, which can be sent by mail to the county auditor. These forms should be placed in the city hall or public library, if possible, or in a publicly available building such as an establishment

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<sup>85</sup> R. Michael Alvarez, Delia Bailey, and Jonathan N. Katz, "The Effect of Voter Identification Laws on

Turnout," *California Institute of Technology Social Science Working Paper no. 1267R* (2008): 17

of worship if that is acceptable with the establishment. Since registration is automatic for citizens, registration forms will only be necessary for new citizens or people changing addresses. This means it is unnecessary to display a large quantity of forms.

Leading up to an election, the state government should ensure that its constituents are reminded of the upcoming election. This aspect of the policy proposal requires budgetary adjustments on behalf of the state government. This reminder encapsulates sending a small card to each eligible voter mailing address, as well as posting signage for homeless individuals in highly frequented locations such as homeless shelters or food banks. This should be sent no less than two weeks prior to the election to give eligible voters enough time to receive or see this notification. Therefore, each state should allocate enough in the budget for the cost of the postage, which equals the number of eligible households multiplied by thirty-five cents. An accurate estimate of the postage required should analyze data from the voter registration database as well as census records. By reducing the notifications being sent to households rather than per person, the costs associated with the reminder to turn out is considerably reduced.

## Conclusion

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<sup>86</sup> International Institute for Democracy and Electoral Assistance (IDEA), "United States" (2020). <https://www.idea.int/data-tools/country-view/295/40>.

In a representative democracy, accurate representation is difficult to attain with low voter turnout. For the United States, this is the reality the political system faces. Turnout in the United States is among the lowest of any advanced industrial democracy. Voter turnout data indicates that turnout among the voting age population for congressional races during midterm elections is considerably lower than the same race during presidential election years.<sup>86</sup> To contrast, data on Senate elections from the Australian government indicate turnout has only dipped under ninety percent once in the past century since the inception of compulsory voting.<sup>87</sup> Other countries with compulsory voting but with less severe penalties for abstaining, also exhibit higher voter turnout than the United States. This illustrates that the United States is experiencing issues with one of the most important aspects of its democratic republic, and a solution is necessary.

Finding a solution that pleases everyone yet fulfills the objective of increasing voter turnout is an arduous task for any policymaker. The solution would require balancing the citizen's liberty to vote freely and restricting that very liberty for accurate representation in government. If the solution maintains a system of voluntary participation, what measures will lead to an increase in voter turnout? Perhaps a shift in norms but voting records strongly suggests that voting norm are not firmly cemented in American culture. Incentives could be a

<sup>87</sup> "Voter turnout-previous events," Australian Election Commission, last updated 10 December 2019. [https://www.aec.gov.au/elections/federal\\_elections/voter-turnout.htm](https://www.aec.gov.au/elections/federal_elections/voter-turnout.htm).

solution but could be rather costly. If the solution were to make voting compulsory, voter turnout would surely increase but would depend on enforcement. If the law were enforced, what degree of sanctions for noncompliance would need to be applied? If there is no enforcement, would there be a substantial increase in voter turnout? These are but a few questions that policymakers must consider when drafting policies to increase voter turnout.

This proposal has suggested that attending the polls should be made mandatory among citizens to increase voter turnout. Under this proposal, voting, itself, is not mandated, rather it is encouraged. By its nature, compulsory voting limits choices available to each person. To counteract the imposed limitation, voters are given the ability to legally abstain from voting on the ballot. This gives the voter the ability to cast a protest vote or display a lack of interest in politics. By mandating every citizen to turn out to the polling location, one of the primary costs of voting can be overcome, which may lead individuals to actively participate in the electoral process.

Critics of compulsory voting have voiced a multitude of arguments against the idea. Some complaints ring true, as compulsory voting is not a perfect electoral system. Compulsory voting is likely to agitate more than it pleases voters, which may lead to a substantial increase in invalid votes or increased discontentment with the political process. It may not rectify any issues that exist within the current electoral system. Some critics argue that compulsory voting would alter the voting composition, and potentially give one party an electoral

advantage. However, it has not been proven that compulsory voting leads to any distinct party advantage, because of the widened active electorate. Critics also lambast compulsory voting arguing governments do not have the right to revoke the liberty of choice when voting. This argument loses some credibility when considering governments regulate other choices individuals can make. Just as government can regulate traffic laws to ensure the safety of drivers, the government can regulate electoral participation to ensure the people's opinions are heard and then, hopefully, responded to in the legislative process.

This policy proposal has attempted to increase voter turnout without sacrificing too many democratic ideals Americans hold dear. Choice remains a valuable attribute and this proposal has sought to maintain it by giving the voter the ability to vote for as many running positions like they can under the current system, or to legally abstain. Additionally, the policy has attempted to make the voting process more convenient through the national rollout of absentee voting. Absentee voting permits the voter to make their decisions in the comfort of their own home and, most importantly, avoid the costs associated with attending physical polling locations. Some of the costs associated with absentee balloting include the time required to request the ballot and postage stamps, but these costs are less than the potential costs of voting in person at physical polling locations. The proposal has also delineated who is required to turnout. The proposal suggests that sixteen- and seventeen-year-old citizens be able to voluntarily participate. This gives them the experience of voting, which is one of many

hurdles young people face encounter during the electoral process. Senior citizens have also been addressed in this proposal by making voting voluntary upon turning seventy. The body and mind increasingly become brittle as one ages, so it should not be required for older citizens to vote. Studies have also shown that older voters tend to turn out more frequently than other age groups, so there is a decent likelihood that they would turn out without the threat of a mandate. The proposal has also made measures to safeguard other vulnerable members of society, such as the illiterate and intellectually disabled. These groups should not be preyed upon by those seeking to advance their own political agenda, so voting will be voluntary for these people.

The proposed solution to the turnout problem in the United States described above is one answer that other countries have employed to increase turnout. Passing a national compulsory voting proposal like this in its entirety would rectify the current dilemma plaguing the US electoral process, but the likelihood of doing so is minimal. Implementing parts of this proposal would be an acceptable alternative on the basis that turnout increases. Adopting the measure to make Election Day a national holiday or increase the ease of voting through the national rollout of absentee voting. States or cities can enact some or all this proposed policy. The national turnout rate would likely not change significantly unless enough states pass parts or all the proposal. However, this would likely lead to constituents being represented more accurately in government. While not discussed in this proposal, but a national rollout of same-day registration may also be a successful way of raising voter turnout

without resorting to mandatory voting among citizens. The government, be it local, state or federal, have a multitude of options available to them to increase turnout, they can select the option that best works for that area, or that can be passed in the Legislature, should only parts of this proposal be implemented.

This proposal has sought to introduce a policy for compulsory voting in the United States. There are likely areas of this proposal that are missing elements that would improve the policy. Drafting a policy that completely revamps the electoral system is no easy task, particularly for one author. Additionally, altering the mental state of the American public to be more favorable toward voting is quite possibly an impossible feat. This might mean that implementing compulsory voting will leave many Americans aggravated with the electoral system but electing to comply with the mandate to avoid being penalized. It is possible that after a while of having compulsory voting, the United States could revert back to a voluntary voting system but evidence in the literature does not inspire confidence that voters would willingly vote if mandatory voting laws were lifted. Current voting tendencies in the United States do not suggest that turnout will increase significantly. While voter turnout is better during presidential elections than midterm elections, both are quite low compared to other advanced industrial democracies with voluntary voting systems, let alone countries with enforced compulsory voting. If the United States wants to champion the ideals of democracy abroad, then those same ideals should be promoted at home.

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