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MANDATORY VOTING

By George Cadwalader

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“Elections belong to the people. It's their decision. If they decide to turn their back on the fire and burn their behinds, then they will just have to sit on their blisters.”

- Attributed to Abraham Lincoln

A key reason for an apathetic electorate's being corrosive to a democracy lies in cash-rich special interest groups who can get their members to the polls and gain an influence disproportionate to their numbers.

What's good for special interests is rarely good for the general public, and it's the general public who loses out when an elected official puts agendas of his more generous and vocal supporters ahead of the interests of his more passive but more numerous constituents. Such officials would be less prone to this behavior if more constituents turned out to vote--something not likely to happen without a law mandating that all Americans of voting age go to the polls. If the 51.6% of eligible voters who turned out for the 2012 presidential election can be taken as the norm, making voting compulsory would nearly double the size the voting electorate, significantly watering down the influence of the few.

Effecting that change would require a Constitutional Amendment, and, with Washington as much in the thrall of lobbyists as it is today, most Members of the House and Senate would see support for such a measure as tantamount to shooting themselves in the foot. Furthermore, opposition to the idea would come from both ends of the political spectrum. Members of the far Right, who don't worry unduly about consistency of their positions, would continue their crusade against a woman's right to an abortion, while at the same time arguing that to deprive an individual of his right *not* to vote is an intolerable encroachment on his personal freedom. Extremists on the Left could likewise be counted on to make much the same claim--in their case arguing that since voting can be construed as a form of speech, the right *not* to speak is also guaranteed by the First Amendment.

Counterarguments to both Right and Left are obvious. Even Rush Limbaugh would be hard put to explain why, when jury duty is mandated as a civic obligation, voting couldn't be mandated on the same grounds. First Amendment rights purists would have equal difficulty making their case if the law required only that voters show up at the polls to be counted. If once there they chose to exercise their First Amendment rights, nothing would prevent them from turning in an unmarked ballot.

A stronger argument for the status quo can be raised by asking why individuals who do make the effort to vote shouldn't have a stronger voice in their governance than those who don't. The answer, of course, is that they should--but a democracy requires participation by all its citizenry, and if a bovine majority is willing to let itself be ruled by activist minorities-- whether gun nuts, right-to-lifers, the Koch Brothers, or Mr. Soros--so be it, but what we have then is no longer a democracy.

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In an ideal world where those who go to the polls can be counted on to put the national interest ahead of parochial ones, rule by a conscientious minority might not be a bad thing. In the real world, where too many ignore John Kennedy's injunction to "ask not what your Country can do for you, but ask instead what you can do for your Country," voters driven by strongly held single interests are the ones most likely to go to the polls.

Compulsory voting would not in itself create a more engaged electorate. More votes, even cast randomly, would, however, still reduce influence by special interests. The National Rifle Association, for example, with its three million actively engaged members, would almost certainly have fewer legislators in its pocket today if, in the 2014 mid-term elections, a greater percentage of our roughly 219 million eligible voters had gone to the polls. But only about 36% took the trouble, and 3 million is a much bigger chunk of 79 million (rounded off) than it is of 219 million.

If Australia's experience is representative (Australia turns out 94% of its registered voters), compulsory voting at the very least would get many more Americans into the voting booth. Voting could then be made into a civics lesson. A preamble to each section of the ballot would briefly explain the responsibilities of the office for which the listed candidates were competing, informing the reader how his vote could impact his own life. For example, before making a choice from the slate for the House of Representatives, Mr. or Mrs. Voter might read something along the lines of:

"Your vote is important to your own future because the person elected will be your voice in deciding such things as: how much you pay in federal income tax; whether and what kind of help you'll get obtaining medical insurance; how much of your federal tax dollars will go to your local schools; whether a woman should have the right to an abortion; and even whether you or your children will have to go to war."

A further option, possibly risking oversimplifying complex questions, could have the ballot include a chart listing current issues with "For, Against, or Undecided" showing where the candidates stand on each.

Both ideas could be refined if the decision were made to use the ballot as a teaching tool. Doing so need not be connected to the question of compulsory voting, but if it were, having to go to the polls would certainly bring many more Americans to civics class!

For the moment, compulsory voting would be, in the jargon of Washington insiders, a "nonstarter." But as Washington falls ever more deeply into the hands of special interests, public "throw the bums out" sentiment may grow. If that were to happen, a grass roots movement to bring every American of voting age to the polls might be one around which that sentiment could coalesce.

And if it did, America would be the better for it.

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