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Letters to the Editor

From: Tom Tucker <thtuck@undisclosed.com>
To: Nick Gardiner <enpg@thepassypress.com>
Sent: 10 January 2018 at 23:20:25 CET
Subject: George Cadwalader Essay, October 2016

Dear Sir:

I read George Cadwalader's essay on Mandatory Voting with considerable interest. We have currently at least two major structural problems in our democracy. First, as Cadwalader's essay noted, special interest groups seem to drive the agendas of both of our political parties often to the detriment of the general public. Since it appears that we suffer from low voter turnout, it seems logical to conclude, as the essay does, that increasing voter turnout may diminish the influence of the special interests. However, as discussed below, I'm not sure that the correlation is as close as the essay suggests or that increasing voter turnout, in and of itself, will significantly impact that problem. Second, our country is mired in a political stalemate with extreme partisanship, particularly by the Republican Party, preventing any movement towards resolving the many issues which confront us as a country. This problem, I think, is more directly correlated to low voter turnout and, if so, increasing turnout could help solve this problem.

Before we analyze the potential impact of compulsory voting, it may be useful to get a few facts on the subject of voter turnout and how other countries are dealing with it. According to a Pew Research Center article on August 16, 2016, U.S. voter participation (53% in latest election) is towards the bottom of all OECD (Organization for Economic Development and Cooperation) countries, ranking 31st out of 35. The top countries (Belgium and Turkey) achieve over 80% but both have compulsory voting. For the last several decades at least, U.S. voter turnout rates have been fairly consistent varying within a 9 point range since 1980 with a high of 57% in 2008 (President Obama's election) and a low of 48% in 1996 (Clinton's second term election). Other countries, notably Japan and Greece, have seen a downward drift in voter turnout during economic doldrums, with Japan going from 75% in 1990 to 52% in 2014, and Greece falling from 89% in 2000 to 62% in 2015. These limited facts reinforce what is probably relatively self-evident, that voter participation increases with voter enthusiasm and vice-versa.

However, according to the Pew Research article, the real problem in the U.S. is not really voter participation but rather voter registration. As a percentage of registered voters, U.S. turnout is a comparatively good 84% - ranking us 7th. However, registered voters in the U.S. constitute only about 65% of eligible voters which is what drags down our overall participation level. The problem seems to stem largely from the fact that, in this country, unlike many other advanced democracies, voter registration is an individual responsibility. Furthermore, as we know from numerous reports, voter registration is not always an easy responsibility to fulfill as many states deliberately make it difficult for poor and minority citizens in order to limit the number of such voters. Other countries are far more progressive in seeing that all eligible citizens get registered. For instance, in Sweden and Germany, the government automatically registers voters as they become eligible; in other countries such as the UK and Australia, the government is aggressive in

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getting people to register. As a consequence, in these countries, registered voters as a percentage of eligible voters is upwards of 90% (99% in Japan). So, our first conclusion should be, if we want to improve voter turnout, we first have to overhaul our voter registration process to make it easy, if not automatic, for all eligible voters.

Another study that I found was a Harvard doctoral dissertation by Anthony George Fowler written in 2013 on the Causes and Consequences of Voter Turnout. Among its general conclusions was that low voter turnout is a serious problem with significant partisan and policy consequences because marginal voters often have considerably different preferences from those of regular voters who tend to be wealthier and better educated than non-voters. For instance, he noted that the introduction of compulsory voting in Australia led to an increase of 7 - 10% in votes for the Labor Party and an increase in pension plans. In the U.S., the study noted that when exogenous factors, such as weather and the timing of gubernatorial or senatorial elections were factored in, the extra marginal voters brought in were more likely to vote Democratic and less likely to be supportive of the Republican Party. These conclusions seem to be consistent with the efforts of Republicans in this country to make it more difficult for poor people and minorities to register to vote because they are more likely to vote Democratic.

Regards,

Tom Tucker

Thomas Tucker is a graduate of Yale College and Harvard Law School and served on active duty for three years as an officer in the US Navy. After graduating from Law School, he spent six years as an attorney with the Office of Economic Opportunity and the Federal Trade Commission in Washington. For the last 38 years, until his retirement, he practiced law in Boston and Duxbury, Massachusetts.