
The Case for Mandatory Voting in Canada

by Senator Mac Harb

The decline in voter turnout over the last several elections is of great concern to everyone interested in politics and parliamentary government. Many ideas have been put forth about how to address this problem including a recent Bill that would provide for a system of compulsory voting similar to that used in several other countries. The following article is based on the speech at second reading by the sponsor of Bill S-22.



Our democracy depends upon the active participation of its citizens, and, while voting is only one element of political engagement, it remains the very foundation of our democracy. Reinforcing this foundation is the goal of Bill S-22, which will establish mandatory voting in Canada.

This legislation is a direct response to a rising electoral crisis. Voter turnout has been on the decline in Canada since the 1960s, reaching a record low of just 60.9 per cent in the 2004 election. Other Western democracies are also experiencing the same dramatic drop. Only 55.3 per cent of Americans voted in the 2004 presidential election, and the 2001 British general election recorded a turnout of just 57.6 per cent.

Only one in four Canadians under the age of 25 bothered to vote in the last election. Research shows that these young people, as they age, may not re-engage in the system as their parents and grandparents did. Canadian researchers tell us that this generational shift represents a

cultural change that could shake the very foundation of our democratic institutions.

Research gathered by the Association for Canadian Studies also indicates that the low turnout rate effectively disenfranchises a large number of Canadians. A study done after the last election found voter turnout ranged from 62.7 per cent to 75.4 per cent in the nine ridings with the highest average income in the country. The nine ridings with the lowest average income experienced a turnout rate from 45.1 per cent to 61.5 per cent. Whose voices are being heard? Perhaps, more importantly, whose voices are not being heard?

Renowned political scientist Arend Lijphart in the United States put it this way:

A political system with the universal right to vote but with only a tiny fraction of citizens exercising this right should be regarded as a democracy in merely a... hollow sense of the term.

While analysts cite a variety of reasons for the voting decline including, sadly, disdain for politicians, apathy about the issues and the hectic demand of modern life, I believe that the most important factor is a fading sense of civic duty when it comes to voting and participation in our democratic institutions.

In preparing for this legislation, I have met and corresponded with a great number of Canadians. A great many have said it is about time, and that we need this kind of signal from the government that voting is still an

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important element of our system. Of those opposed to the concept of mandatory voting, the most common criticism is that the bill will restrict an individual's freedom to choose whether or not to vote.

Jean-Pierre Kingsley, Canada's Chief Electoral Officer answered this criticism best when he said, "The right to vote is only meaningful when you use it."

In Canada all citizens who are at least 18 years of age on election day have the right to vote in a general election, with the exception of the Chief Electoral Officer of Canada. We fought long and hard for this right, overcoming gender, racial, religious or administrative obstacles to ensure women, judges, persons with disabilities and prisoners in correctional facilities were given the right to vote. After years of battling for the right to vote, we have lost sight of the associated duty that goes along with this right, and that is the inherent responsibility to vote.

Voting is a positive duty owed by citizens to the rest of our society, much like paying taxes, reporting for jury duty, wearing a seat belt or attending school until the age of 16. These duties are reasonable limits we put on our freedom to ensure the success of our society.

This obligation to vote must be accepted as one of the necessary duties citizens carry out in order to maintain our system of democracy and the benefits that goes with it. Other proposals for electoral reform, including lowering the voting age, proportional representation or online e-voting are all worthy of investigation, but they will not work alone.

We must change acquired attitudes and habits of Canadians when it comes to voting. Few methods work better than legislation when it comes to modifying behaviour for the common good. Seatbelt laws and drunk driving legislation are excellent examples.

Despite the common perception that compulsory voting is rare, it has been used with much success. In fact, thirty democracies around the world claim to have compulsory voting, although a smaller number, sixteen democracies, use it with the level of support and enforcement we are envisioning here in Canada. These nations include Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Costa Rica, Cyprus, Fiji, Greece, Luxembourg, Peru, Nauru, Singapore, Switzerland and Uruguay. Of these, the older and more developed democracies, such as Australia, Belgium, Costa Rica, Cyprus, Greece and Luxembourg, have maintained a serious commitment to the to institutionalize the compulsory voting law.

Compulsory voting was introduced in Australia in 1924 by an appointed senator by the name of Alfred

Deakin. His private member's bill was in response to the declining voter turnout of 57.9 per cent in 1922. Now, Australia has consistently boasted a turnout of over 90 per cent. Compulsory voting in Belgium dates back to 1893. Currently, voter turnout in Belgium is over 90 per cent. The most recent election in the European Union revealed the tremendous power of mandatory voting legislation and the pro-voting culture it brings along. Member states with mandatory voting during the last European Union elections had remarkable turnouts, with 90.8 per cent in Belgium, 89 per cent in Luxembourg, and 71 per cent in Cyprus, as compared with countries with no compulsory voting, voter turnout was only 42.7 per cent in France, 45.1 per cent in Spain and a mere 38.8 per cent in the United Kingdom.

These mandatory voting laws are not the hardship some might claim. Australians do not feel coerced, in fact, polls in Australia show that 70 to 80 per cent of Australians support the mandatory system.

There is little debate in Australia about whether compulsory voting infringes on rights. Voting is simply seen as a relatively undemanding civic duty.

Finally, a mandatory voting law would demonstrate to individual Canadians that the government believes voting is important and each vote has value. Nothing is more basic, but we have come to a time in our history when it must be re-emphasized.

The proposed legislation is designed to re-establish electoral participation as a civic duty in our society in much the same way legislation mandating jury duty or wearing a seatbelts has ensured that our judicial system functions fairly and our personal safety is protected.

In fact, mandatory voting is not very well-named, since the only mandatory provision in the bill is the obligation to go to a polling place. Once the voter has received the ballot, he or she may mark the circle corresponding to the name of a candidate or to the words "none of the above", or simply place an unmarked ballot in the ballot box. Those who want to express their dissatisfaction with politicians or with the system by not voting will do so much more clearly by cancelling their ballot or putting an X beside "none of the candidates." Protesting by staying home can be mistakenly interpreted as being in favour of the status quo. A small fine is proposed for those electors who do not go to vote. It will simply be used to recover some of the expenses for the acquisition of supplies and facilities needed to hold an election. Ob-

viously, no fine would be levied against those with a valid reason not to go to vote.

Studies show repeatedly that mandatory voting systems without a penalty simply are not as effective as those with an even minor fee for non-voting. This system does not have to be complicated. It will not cost a great deal to administer. The Australian system has shown us that small fines are sufficient to influence a change in voting patterns. In that country, if you fail to show up on voting day, you will receive a form letter in the mail requesting that you pay a fine of approximately AUS. \$20 or provide a reason such as travel, illness, religious objections, et cetera. This takes care of about 95 per cent of the no-show cases. Only about 5 per cent of those who do not show up to vote in Australia pay a fine.

In the various stages of preparation for this proposed legislation, I have encountered some concern about the perceived contradiction with liberal democratic principles. I have mentioned already many other examples of mandatory tasks that we must carry out in this country. There is no denying that we have rights and that we have the associated responsibilities to go with them. We have the right to universal health care, and we have the responsibility to pay taxes to pay for that service. We have a right to a fair trial and we have a responsibility to serve on juries to protect that right. We have a right to live in a democratic society and we have the responsibility to vote to support the very foundation of that democracy.

Canadians will still have the right to abstain. As I explained, only registered voters will be required to present themselves at the polling stations and, once there, they have the option of selecting a candidate or choosing “none of the above.” They can even drop a blank ballot

into the box should they choose to do so. The point is that all opinions matter and are counted, whether they are in support of a specific candidate or a rejection of the choices offered. If they are unable to vote, they need to only provide a reasonable explanation and the matter is closed.

I have also been asked about the possibility of more spoiled ballots and uninformed votes if mandatory voting were put in place. Spoiled ballots and uninformed votes have and always will be part of our democratic system. In the last federal election, about 120,000 rejected ballots were collected, almost 1 per cent of the total vote.

Once again, let us refer to the Australian example where 4 per cent of the Australian votes were rejected, not a significant number, given the much larger percentage of valid ballots cast. Some argue that it does not make sense to compel uninformed people to vote. Such exposure to the voting system may actually help them to become more informed.

As one journalist pointed out, those same “uninformed citizens” are compelled to serve on juries with potentially more serious consequences. Elections Canada has worked diligently to inform and educate voters, and these efforts will continue as an important element in a mandatory voting system.

Finally, mandatory voting would mean that voting will again become a civic duty in Canada, but not a very demanding one. Thanks to safeguards to ensure voter awareness, equality of access and the possibility of exercising one’s right to vote, the bill will establish not only our right, but also our civic obligation to take part in the democratic process.