

Should CEE Countries Introduce Compulsory Voting as an Electoral Policy?¹

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Abstract: Empirical studies into contemporary voting patterns show that, throughout the past three decades, both established and emerging democracies have experienced a significant decline in electoral turnout. More than in almost any other region in the world, this trend is particularly visible in the post-communist countries of Central and Eastern Europe, where turnout has, on average, dropped below 50% in the past decade. Furthermore, EU integration has done nothing to alleviate this trend. For instance, in the last EU Parliament elections, 8 out of the 11 CEE countries that are EU members ranked in the bottom 8 positions in the order of turnout, going as low as 13.1% in one case. By contrast, none of the CEE countries ranked in one of the first 8 positions. These empirical facts are worrisome, some authors claim, because democratic legitimacy is imperiled by low electoral turnout. Thus, since voting turnout is an especially meaningful problem for CEE countries, where the democratic credentials of political regimes are in many cases just beginning to take shape following the transition from autocratic rule, it stands to reason that mechanisms for increasing electoral turnout should be explored. Since, as Arendt Lijphart has stressed, no mechanism is better suited for this task than compulsory voting, it follows that the introduction of compulsory voting in CEE countries should be carefully assessed. This is particularly true as political efforts to introduce compulsory voting have been far-reaching in some CEE countries: in Bulgaria, for instance, compulsory voting was actually introduced by law in 2016, only to have it stricken down by the Constitutional Court in the following year; in Romania, a bill proposed in 2014 is still pending a debate and subsequent vote in the Lower House of Parliament. Though some scholars such as Mikolaj Czesnik have attempted to address the question of compulsory voting in CEE countries, their work is either too empirically oriented to be able to say something of normative salience about electoral policies in CEE countries, in general. My aim in this paper is to show that compulsory voting cannot redress concerns regarding democratic legitimacy. In pursuing this aim I first build what I take to be the best argument for the position that compulsory voting enhances democratic legitimacy. I argue that even in its most charitable construal, however, this argument fails to ground compulsory voting due to the fact this policy is only able to enforce an individual's willingness to attend the polls, not her moral duty to vote. In any plausible interpretation of a moral duty to vote as an element of democratic legitimacy, this duty is parasitical upon a more fundamental duty, namely to vote well (whether this means to vote with certain epistemic standards in mind – as Jason Brennan suggests, or to vote in favour or against certain expected sets of policies – as Annabelle Lever suggests). This fundamental duty, however, is not enforceable through the means of compulsory voting and since the moral duty to vote cannot hold on its own, it follows that compulsory voting cannot be used as a mechanism to enhance democratic legitimacy.

Points for practitioners:

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The paper's aim is to object to the enactment of compulsory voting in CEE countries. It could therefore be relevant for policy-makers and legislators concerned with electoral policies.

Keywords:

Compulsory Voting, CEE region, democratic legitimacy.