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Trevor Burrus: Required voting ensures ignorant votes

By Trevor Burrus

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President Barack Obama has suggested that compulsory voting could be a good idea. "Other countries have mandatory voting," said the president, Australia being the most prominent example. "It would be transformative if everybody voted — that would counteract money more than anything," he continued.

The president is wrong. Compulsory voting is not just unwise, it is unconstitutional.

The First Amendment protects not just the right to speak, but the right to refrain from speaking. In 1943, the Supreme Court held that Jehovah's Witness students couldn't be forced to salute the flag or say the pledge of allegiance. Other cases have upheld the right to be free from forced speech in the context of compulsory union dues spent on political speech.

So, is not voting a form of speech? Not voting can certainly communicate a variety of messages, such as dissatisfaction, being fed-up with the two-party system or even being an anarchist. True, it is a crude method of communicating those messages, but it is no more crude than voting. A vote for a candidate could either indicate a begrudging acceptance or a whole-hearted endorsement. It could also just communicate that you hate the other guy (or girl).

The First Amendment covers the right not to vote. Moreover, Congress lacks constitutional authority to pass a law mandating voting, particularly in presidential elections. Article II of the Constitution gives Congress limited powers over presidential elections. State legislators have the power to choose how electors will be selected to the Electoral College, and there's actually nothing in the Constitution mandating states to give citizens the right to vote for electors.

Even if it were possible amend the Constitution to allow for compulsory voting, it would still be unwise.

Many people don't vote because they don't care enough or know enough to get involved, and there is no compelling evidence that mandatory voting increases voter knowledge. Simply put, people who vote tend to know more about politics than those who don't. It is worth asking why

we would want low information citizens voting in the first place. Just so they're "involved" even if they're trudging to the polls to avoid a fine?

American voter ignorance has become a familiar fact. In one Washington Post poll, only 36 percent could name the three branches of government. In another, 29 percent couldn't identify the current vice president. Should they be forced to vote? On the contrary, there is a very good argument that those with extremely low information have a moral obligation not to vote. Why should the rest of us have to suffer the possible consequences of their ignorance?

Ask yourself this question: would it make more sense to spend two years researching politics to cast a "fully informed" vote or would it make more sense to spend that time researching your next car purchase? And remember that your "fully informed" vote will count as much as a person who chooses his candidate by throwing a dart at board with all the candidates' pictures.

Instead, just let the dart throwers stay home.

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