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COMPULSORY VOTING  
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Excerpt of the newspaper "L'UNITA'" of 24 January 1946

# The Meeting of the Commission for the electoral law.

The commission of the Consulta for the examination of the political electoral law turned down by 7 votes against 7, a proposal of the democristian Fuschini, aiming to have inserted in the law itself an article providing for compulsory voting. Mancini of the Democratic Labor party conforming to party regulation voted in favor, though declaring to be personally against it.

The Commission has then examined the question of preferential votes in district with 15 deputies, admitting three preferences for larger districts. Preferential voting will be valid only if it will reach a number of

votes equal to 10 per cent of the electoral quotient. In this way a candidate to be elected through preferential voting, must get about 3000 preferential votes.

In the case of "panachage" (i.e. when the elector give his vote to a list and his preference to a candidate of another list) the vote of list will prevail and the preference will be invalid. This decision has been taken by majority of the Commission in spite of the opposition of the sympathizer for the monarchy and of the democristian Micheli.

The commission will meet again today for the examination of the electoral districts.

## La riunione della Commissione per la legge elettorale

La Commissione della Consulta per l'esame della legge elettorale politica ha bocciato, con 7 voti favorevoli e 7 contrari, una proposta del democristiano Fuschini, tendente ad inserire nella legge stessa un articolo che sancisce l'obbligatorietà del voto. Il demolaburista Mancini per disciplina di partito ha votato a favore, pur dichiarandosi personalmente contrario.

La Commissione ha esaminato quindi la questione dei voti di preferenza per le circoscrizioni con 15 deputati, saranno ammesse tre preferenze per le circoscrizioni più grandi.

Il voto di preferenza sarà valido solo se raggiungerà un numero di voti pari al 10 per cento del quoziente elettorale. In tal modo un candidato, per essere eletto colla preferenza, dovrà raggiungere circa 3000 voti di preferenza.

Nel caso di panachage (quando cioè l'elettore dà il suo voto ad una lista e la preferenza al candidato di un'altra lista) prevarrà il voto di lista e la preferenza non sarà valida. Questa decisione è stata presa a maggioranza dalla Commissione malgrado l'opposizione del monarchico e del democristiano Micheli.

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Compulsory Voting

"Compulsory voting: A legal requirement that qualified voters cast ballots at every election or suffer penalties provided by law. It exists nowhere in the U.S. though one or two states' constitutions authorize the legislature to provide for it. Experience in a few countries abroad indicates that such laws, though increasing participation in elections, result in a tendency to vote recklessly or cast blank ballots." -- "A Dictionary of American Politics", Smith and Zurcher.

"Compulsory voting has been suggested as a means of keeping up the interest of the voters in elections. Where it has been tried, as in Belgium, Australia, and parts of Switzerland, it has done away with the need for partisan efforts to rally the voters to the polls. In Belgium small pecuniary fines, public reprimands, and disenfranchisement were the penalties inflicted upon citizens convicted of electoral negligence. In actual practice very few non-voters were brought to trial. The success of the system is not dependent so much upon the penalties as it is upon the fact that the whole process of election is organized by the Government. Each voter receives an official summons to every election and he does not have to rely upon the party workers for information regarding his duties.

"What are the possibilities of introducing such a system in the U.S.? The first obstacle in the way of its adoption would be the inadequacy of the lists of registered voters kept in this country. It would be necessary to know the names and addresses of all the eligible voters if compulsory voting were to be successful. Otherwise, the negligent citizen would simply fail to register. In the second place, there are a number of legal obstacles which would have to be surmounted. American courts are likely to follow the precedent set by the Supreme Court of Missouri when it declared the obligatory provision of the Kansas City Charter unconstitutional. Lastly, popular prejudices against governmental pressure in connection with voting would have to be overcome. The voters in the State of Oregon showed a decided dislike to compulsory voting when they voted on the question in 1920. Obligatory voting is made permissive by the constitutions of North Dakota and Massachusetts but no legislative action has been taken in either state. The agitation that would be necessary to secure the enactment of such a scheme might in itself have a stimulating effect upon voting.

"The system of obligatory voting which would come the nearest to fitting American conditions is the one which is found in Australia. The law makes registration compulsory as well as voting. In the words of the law, 'Every person who is entitled to have his name placed on the Roll for any Subdivision whether by way of enrollment or transfer of enrollment, and whose name is not on the Roll upon the expiration of 21 days from the date upon which he becomes so entitled, or at any subsequent date while he continues to be so entitled, shall be guilty of an offense...' A later section of the law states that every elector who 'fails to vote at an election without a valid and sufficient reason for failure' or who gives a false reason 'shall be guilty of an offense.' The Australian law would get around the fact that no American state has an official and complete system for registering voters.

"Compulsory voting requires the government to make complete and orderly arrangements for the notification of the voters regarding pending elections. The second Chicago study showed the marked difference that such notification made in the size of the vote." -- "The American Party System" Merriam and Cornell. Chapter on "Voting and Non-Voting," Pages 417-419.

"But, if the citizen, standing aloof, refuses to assume the responsibilities of his citizenship, should not the state require him to do so? Compulsory voting is by no means an untried device. (1) It has succeeded, apparently, in Belgium. (2) Its recent adoption by some of the smaller European states and by the Commonwealth of Australia, where a fine of \$10 is imposed for failure to register or vote, may foreshadow its general acceptance. (3) Already, in the United States, the constitutions of Massachusetts and North Dakota have been amended so as to permit the introduction of the compulsory system. (4) What will be gained by its introduction? (5) It is presumed that the voter will more seriously consider responsibilities which he can no longer escape, that he will become impressed with the importance of his civic relationships, and that the mere mechanical act of voting will stimulate an interest in politics. Less happy results are quite as possible, however. The citizen may resent compulsion. He may come to regard his political rights, not as a privilege, but as a hateful burden. The vote that he casts--if he does not emphasize his resentment by leaving the ballot blank--may reflect nothing but lack of interest and lack of knowledge. In a word, the state can mobilize the electorate at the polls, but it cannot make the electorate think; it can manufacture more votes, but not more intelligent opinions. 'The commendable craze of dragging people to the polls to vote against their will is not going to get us anywhere,' says Senator Fletcher, (6) 'unless the conscripted voters know why they are voting and what they are voting for.' This we must add: The future of democracy cannot be regarded with confidence when those who were once ready to die for the privilege of voting must be driven to the polls against their inclinations." -- American Parties and Elections. Edward McChesney Sait, Ph.D., p. 708-709

(Footnotes 2-6 on attached sheet)

(1) Freemen were compelled to attend the English hundred-moot and shire-moot under the penalty of heavy fines; and a similar practice prevailed in Merovingian France and in the towns of medieval Holland (H. Spencer, Political Institutions, 1882, p. 430). In several American colonies (for example, Rhode Island and Maryland) some form of compulsion existed. (McKinley, The Suffrage Franchise in the Thirteen English Colonies, pp. 73, 270, 308, 430; Bishop, History of Elections in the American Colonies, pp. 100-101.) Belgium was the first modern state to adopt compulsory voting (1893). Spain followed in 1908; the Netherlands in 1917; Bulgaria in 1918; Czechoslovakia in 1920; Rumania in 1923; Luxembourg in 1924; Hungary in 1925; and Greece in 1929. See Herbert Tingsten, Political Behavior (1937), Chapter IV, on "Compulsory Voting," pp. 182-208.

"The typical American's attitude is that voting is a right that he may exercise or not as he sees fit. He assumes that the right to vote includes the right to neglect to vote. Many laws are also based on this theory. All persons who abstain from voting are expected to acquiesce in the decision of those who go to the polls, no matter how few they are. Practically this rule is almost indispensable, for without it those who abstain from voting might paralyze the actions of government by their inaction. At the same time it needs to be recognized that voting at public elections is one of the most important of the steps in the democratic process of government. If voters may at will neglect their duty, then the public loses the thought and the services of those who abstain, while an undue weight is given to those who have a special interest in acting. In short, the right to vote logically carries with it the duty to vote and to vote as intelligently and as disinterestedly as possible.

"Nevertheless the American people have not moved toward making voting compulsory. A Missouri supreme court decision of 1896 held it to be unconstitutional, as an infringement of the 'sovereign right of suffrage.' Compulsory voting measures submitted to the voters in several western states have been rejected. Two state constitutions (Massachusetts and North Dakota) authorize the legislature to penalize non-voting, but no laws have yet been enacted under these provisions." -- American Government, by William Anderson, Prof. of Political Science, University of Minnesota, pp. 317-318.

- (2) The average percentage of registered persons voting in four elections between 1921 and 1932 and casting valid ballots was 89. But it appears that about one-seventieth of all voters purposely handed in defective ballots. Tingsten, op. cit., pp. 190-191.
- (3) Australia adopted the system in 1924. Four of the six states have it: Queensland (1915), Victoria (1926), Tasmania (1928), and New South Wales (1928).
- (4) The voters of Oregon defeated such an amendment in 1920 by 131,603 votes to 61,258.
- (5) Does the result depend upon the punishment for failure to vote? If the penalty is heavy (fine or imprisonment), it will create resentment as out of proportion to the offence. If it is negligible, nothing will be gained; and, on the other hand, there may be an increased disrespect for law in general. Tingsten (p. 194) finds evidence in the Netherlands that the enforcement of the compulsory law has been very lax, especially in the cities. The astonishing number of invalid ballots cast in Belgium (pp. 190-191) and the Netherlands (pp. 193-194) cannot be ignored in measuring the effect of compulsion.
- (6) Congressional Record, June 28, 1926, p. 12, 193.

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