

**Testimony in Support of H 788, An Act Making Voting
Obligatory and Increasing Turnout in Elections**

Joint Committee on Election Laws

Miles Rapoport. October 20, 2021

Good afternoon, and thank you to Senator Finegold, Representative Ryan, and members of the Committee for giving me the opportunity to speak before you today. My name is Miles Rapoport, and I am testifying in support of ***H 788, An Act Making Voting Obligatory and Increasing Turnout in Elections***. I'd like to express my appreciation to Representative Fernandes for sponsoring this important legislation.

I am currently the Senior Practice Fellow in American Democracy at the Ash Center of the Harvard Kennedy School. From 1984-1994, I was a member of the Connecticut House of Representatives, and served as a member and chair of the Government Administration and Elections Committee. From 1994 to 1998, I was Secretary of the State of Connecticut and the state's chief election officer. I have been an advocate for voting rights and voting expansion for 40 years.

Up until a few years ago, I had never been in a discussion about the possibility of Universal Civic Duty Voting. This is a policy

and a practice that is currently in effect in 26 democratic countries around the globe, in Europe, Africa, and Latin America, but it has been completely undiscussed in this country. I believe that should change.

I became seriously interested five years ago when I read a paper that E.J. Dionne and William Galston had written for the Brookings Institution arguing the case for universal voting in the United States. After a number of discussions, I was part of creating the Universal Voting Working Group, a joint project of the Brookings Institution and the Ash Center at the Kennedy School. I co-chaired the group of scholars and election practitioners along with E.J. Dionne. We studied the issue for almost two years, and in July of 2020, we released a report entitled “**Lift Every Voice: The Urgency of Universal Civic Duty Voting.**” I will submit the report with my written testimony, along with the paper I referenced a moment ago.

On the policy itself, Australia is probably the most relevant case. Australia (which also gave us the secret ballot) adopted universal civic duty voting in 1924. In the 97 years since then, turnout in Australian elections has consistently been around 90%, the turnout mirrors the population as a whole, all the institutions of society promote voting, and elections are a full-on participatory moment, including the tradition of ‘democracy sausages’. The requirement of participation is enforced with a

\$15 fine, which is rarely actually imposed. Voters do not have to vote for any candidate or ballot measure; blank ballots are acceptable, and are called 'donkey ballots'. There has been no serious effort to repeal the obligation.

Here is what we believe the major benefits of the adoption of universal civic duty voting would be for the US and for Massachusetts.

- *We would have immediate and major increases in voting participation.

- *The actual voting population would be far more representative of the population as a whole, since participation rates are still skewed by race, age, and income.

- *Having the country understand voting as a civic obligation would be a very powerful antidote to voter suppression. Policies to discourage voting would become nearly impossible.

- *We believe that all of our major institutions would shift towards assisting people to fulfill their legal obligation. Schools would prioritize civic education. Businesses and institutions would be more willing to give employees time off to vote. Civil society organizations would bend more effort to ensuring people know how to vote. Media platforms would increase their information flow.

- *Campaigns would change. No longer would ginning up your own base, or worse, attempting to discourage your opponent's

base, be a viable strategy. Campaigns would have to appeal to Everyone, since everyone will be voting. This wouldn't change our polarized society overnight, but I believe it would help.

*Lastly, voters would change. Studies in other countries have shown that when people are required to vote, they do indeed spend more time and effort learning the issues and procedures and preparing themselves to fulfill their obligation.

Of course, there will be many objections to the idea of participation in elections becoming a required act of citizenship. I'd like to respond to two of the most serious.

*Some will certainly argue that compelling participation is a violation of people's 'right not to vote', or that compulsion in general is antithetical to American values. But of course we compel people to do many things: pay taxes, register for selective service, and even (not to trivialize) to clean up after their dogs.

*But the most important example is jury service. We are required as citizens to serve on juries if we are called. And the reason is to ensure that a genuinely representative sample of 'peers' is deciding on people's guilt or innocence and an appropriate punishment. I think the analogy to voting is close to exact.

*We want, or should want, the fundamental policy decisions that government makes, and the election of people who are

making them, to be decided upon by a fully representative electorate. As E.J. Dionne says, “Consent of the governed should mean All of the governed.”

The second serious objection could come from advocates for poor people and communities of color, who fear that fining people, however few, for not voting would become another unequal burden for low-income individuals and communities.

The Working Group thought long and hard about this, and had many discussions with civil rights and voting rights advocates, and the strong consensus among them was that the benefits of 100% voting would far outweigh the potential harm, if the legislation is properly written. The NAACP has support of universal civic duty voting as part of its platform, and my Kennedy School colleague Professor Cornell William Brooks, has strongly emphasized that a major demand of the civil rights movement of the 1960’s was for African Americans to be able to sit on juries—more accurately, he says, to be Compelled to sit on juries.

Overall, I believe that universal civic duty voting is an idea whose time is coming. There is proof of concept in other countries, and I am hoping that we can begin a serious discussion of the idea in the United States.

And, Massachusetts is perfectly positioned to lead, based on an interesting constitutional and historical circumstance. Thanks to my colleague, the historian of voting and author of the authoritative book *The Right to Vote*, Alex Keyssar, I want to point you to Article LXI (which he tells me is pronounced “Lexi”) an amendment to the Massachusetts Constitution adopted 100 years ago.

It says: “The General Court shall have the authority to provide for compulsory voting at elections, but the right of secret voting shall be preserved’

The American Political Science Review from May of 1921, wrote about the adoption of that amendment (in clearly dated terms):

“One of the most significant amendments adopted by Massachusetts is that which authorizes the establishment of compulsory voting. We have long been accustomed to provisions compelling the performance of other kinds of civic duty. Men’s property may be taken for public purposes without their consent. They may be compelled to perform jury duty. They may even be compelled to risk life and limb in military service. Why then, it was argued, may not a voter be compelled to give the public the benefit of his judgment on the men and measures at the polls? The amendment, which has been adopted and which is the second only of its kind to be incorporated in any constitution in this country, is permissive in its terms and the power conferred has not yet been exercised.”

One hundred years later, this legislature has the ability to exercise that power. I encourage you to take it.