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Session 5: Voter turnout, super referendums and repeat referendums

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Voter turnout and any reasons for low/ high voter turnout including information in relation to information and the role that this has in driving turnout; consequences of the regulation of information in respect of voter turn-out.

Research into voter turnout has been extensive, because the participation of citizens is a critical feature of liberal democracy. Most attention has been devoted to explaining why people vote (or do not vote) but attention has also been given to exploring the consequences of patterns of turnout for the result: would the outcome have been different if everyone (or even more people) had voted? What is clear is that turnout in major national elections varies a lot across countries. In some it is typically very high – in Malta above 90 per cent for instance – and in others it is low, with Switzerland and the US, even in Presidential elections, seeing half of eligible voters staying home. Turnout is normally lower in other elections, local or regional votes, and in referendums, although that is not always the case. Turnout in established democracies has also tended to fall over the last couple of generations.

There is no simple explanation for such variation, but there are three broad sets of important factors, notably norms and perceived rewards, as well as the extent to which the process addresses the costs, or convenience of voting. Some are very regular voters and some who never vote, but for many more voting is something they do usually, or sometimes, or perhaps rarely.

Voting might be a duty: some people feel they “ought” to vote and others do not share that view. Those who feel some sense of duty are much more likely to vote in any one election. A variation of this is the sense of voting as ‘normal’, almost a matter of habit. There is evidence that people get into this ‘habit early in their political life, and it has been argued that it is particularly important to encourage people to vote as soon as they are eligible to do so as to inculcate the norm. (There is evidence that lowering the voting age to 18 from 21 across Europe meant less eligible voters turned out in their first election, and this had long term consequences for overall turnout: Franklin 2004) This sense of duty is related to higher political interest and positive evaluations of politicians: those with more interest and more favourable views are more likely to accept a duty to vote, in referendums as well as elections.

A second explanation is that people vote because they care about the outcome. While it is extremely unlikely that any vote will make a difference (some economists talk about the paradox of voting since the costs must outweigh expected benefits) we do see that some elections are perceived as more important than others, and this will affect turnout. A close election, particularly one in which possible ‘winners’ are seen as promoting very different policies, is conducive to higher turnout. This is a common explanation for high turnout in Malta where the two-party system makes winners uncertain and where each side’s supporters feel very antagonistic towards the other party. Conversely, in Switzerland, the same

national government will form almost regardless of the outcome and the power of the Swiss federal government is also heavily diluted by the governments at Cantonal (regional) level and by citizens' initiatives/referendums. PR electoral systems, where fewer votes are 'wasted' also tend to see higher turnout than those using first-past-the-post rules. Of course, this situation also affects the behaviour of parties and the media, so 'important' elections will generate more campaigning, and more campaign coverage.

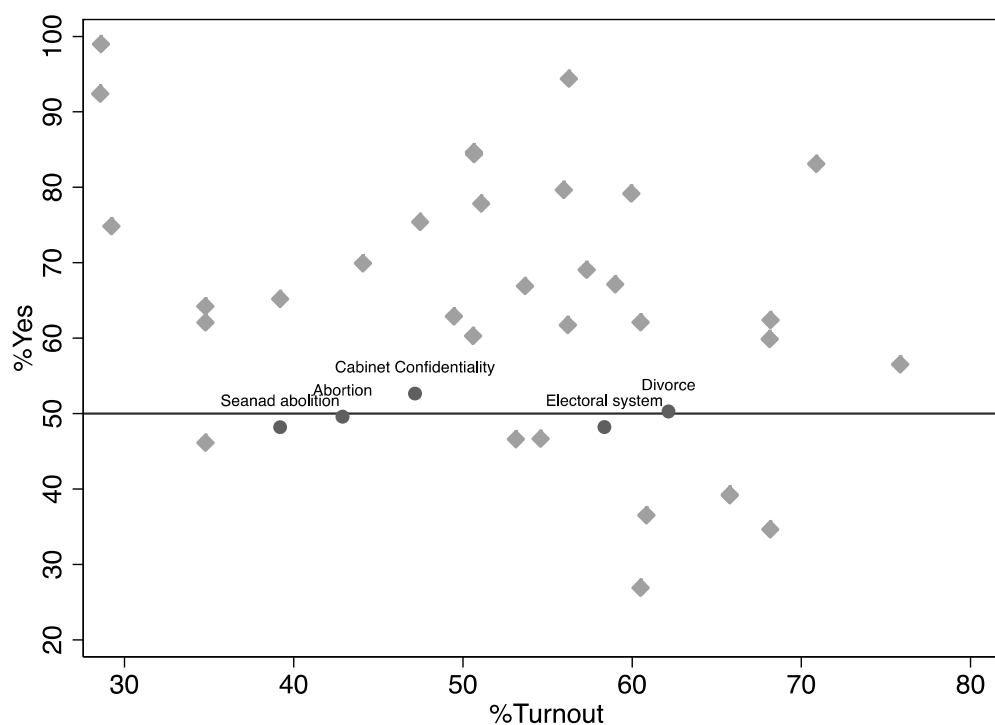
Information is a factor here, but a voter may need very little information to decide that the outcome is important. Information levels are typically related to turnout, a fact that comes out in almost all studies. But the topic of a referendum is critical here. Those on issues closely related to deeply held beliefs and loyalties will mean voters will be able to form a view on them quite easily, without much additional campaigning, while those on more technical, institutional arrangements will have little resonance without a stronger campaign. Typically, we see more campaign change in vote intentions in referendums where proposals are of the latter kind (Le Duc 2004).

A third set of factors concerns the ease of voting, including ease of registration. US turnout, in particular, is low partly because the onus is on the citizen to become registered to vote and there are significant barriers to that in many states. Voting in some countries is always on a weekday, when most are at work, while in others it is on a weekend day, or even the whole weekend. There have been many moves to facilitate voting in many countries, allowing voting early where it is convenient, and allowing voting by post, and there have been some experiments with internet voting. In principle, these should boost turnout if it is accepted that the difficulty of voting puts some people off. There is evidence that those countries who vote on Sundays, and weekends generally, do tend to have a higher turnout, as do those with optional postal voting, but it is far from established that simply changing the day or days on which votes are held will make much difference (Franklin 2004). US based studies exploring the impact of different factors to make voting easier (for registered voters) concluded that the impact on overall levels of turnout was no more than around 4 per cent. The experience of internet voting is limited to a few experiments (though it is widely used in Estonia) but what evidence exists suggests such procedures do not have much impact on voting levels. Procedures to make voting easier (at least for some) may have more impact on some social groups than others: e-voting is more likely to be used by the young who will typically be more confident about the mechanics of the process; postal voting may be of more benefit to older voters. A wide range of options is probably a best arrangement, but the evidence to date cautions against expecting any changes to have a big impact. It is also the case that making voting easier for citizens may increase the financial cost of elections and referendums for the State and those same citizens.

Concerns about low turnout often focus on the possibility of outcomes being distorted by the lack of participation. This underpins the requirement in some countries for a relatively high turnout threshold for a referendum to be valid. Firm evidence that were higher turnout would change outcomes significantly is hard to find, although most of the research has been done on elections rather than referendums. Of course, where turnout is far from 100 per cent and outcomes are

marginal, then it would be easy to see a different outcome being possible with much higher turnout. Close outcomes are not the norm in Irish referendums (see Figure 1) but a few have been very close and these have also been very controversial. Divorce (1996) and Abortion (2002) each saw margins of less than 2 points while in the referendums on Seanad abolition (2013) and electoral system reform (1959) the margin was just under 4 points. Turnout was around 60 per cent in the two closest votes, but only 39 per cent voted in the Seanad referendum and just 42 per cent in the 2002 referendum on abortion.

Figure 1. Closeness of referendum and turnout



One extensive study of 144 popular votes in Switzerland between 1981 and 1999 estimated that about 35 percent of the votes would have had a different approval rate if all citizens had voted, but even more results would have changed had voters been much better informed. (Lutz 2007)

One 'solution' is to make voting compulsory. This is now rare in established democracies, though Australia and Belgium are notable exceptions. Those for it argue that ensures that the views of everyone are counted, and that the element of compulsion puts the onus on the State to make it as easy as possible to vote. Critics argue that the measure addresses the symptom – low levels of interest in some parts of the electorate – rather than the cause of that apathy, and that the "views" of those with no interest should not be considered.

Factual background on super referenda days; outline of history to date of Ireland holding more than one referendum on one day- outcomes and issues arising.

Usually, when there has been a referendum in Ireland there has been just one proposal on the ballot paper. We have had 18 such votes, but there have also been seven occasions on which there were two propositions and two where there were three. Table 1 gives the instances of multiple referendums. These have become more common, with most of them in the last 20 years. There are some good arguments for doing this. Most importantly, having more referendums raises the profile of the occasion and makes it more likely that voters will find at least one of the items important. It also lowers the cost. However, the danger is that people may be confused about some of the proposals, being drawn to vote by one item and ignorant of the rest. The experience to date makes it hard to know whether two or three questions together boosts turnout. It averages 54 per cent when there is one item, and 51 where there are two or three, but of course there are not many cases and there is significant variation. The three votes on abortion in 1992 saw a turnout of 68 per cent, but only 35 per cent turned out to vote on *Nice* (the first time), the abolition of the death penalty and provision to ratify the statute establishing the International Criminal Court.

Table 1. Instances of multiple referendums

Year	Topic of amendments
1968	<i>Dáil constituencies and electoral system</i>
1972	Recognition of religions and votes at 18
1979	Adoption and Seanad reform
1992	Abortion: Travel, Information and <i>Right to Life</i> [and General Election]
1998	Good Friday Agreement and Amsterdam Treaty
2001	<i>Nice Treaty [1]</i> , Death penalty and International Criminal Court
2011	Judges pay and <i>Oireachtas Inquiries</i> [and Presidential Election]
2013	Court of Appeal and <i>Seanad reform</i>
2015	Same sex marriage and <i>Presidential candidate age</i>

Note: Defeated amendments in italics.

What is more clear is that voters do distinguish between proposals. On the first two occasions, in 1968 and 1972, voters (in aggregate) made almost the same decision on each of the two proposals (though they rejected both by 61 to 39 in 1968 and accepted both by 84 to 16 in 1972) but this pattern of firm linkage has since changed. Most obviously, voters have voted yes to one and no to another at the same time, and have done so on the last four occasions where there was more than one item to decide. Judges pay cuts were accepted but *Oireachtas Inquiries* rejected; *Nice I* was defeated but proposals on Death penalty and ICC accepted; Same sex marriage was accepted but lowering age qualification for presidency heavily rejected. Differences between yes and no votes have sometimes been marked. Altogether on five occasions there has been a mixture of yes and no. Voters may know more about one than they know about another, but almost all voters, once they are in the ballot box, do vote on each of the items.

Overview of international position in relation to the holding of super referenda- what happens elsewhere?

The experience elsewhere is that where referendums are common, they are typically held in batches. However, this generally applies to referendums called through a process of citizen initiative, often on matters of policy, rather than those called on the initiative of the government to change the constitution, as is the case in Ireland. The most notable cases are Switzerland, Italy, Australia and many US states.

Australia is the most comparable case with referendums held to approve constitutional changes suggested by the government. These have not occurred since 1999, but there were many from the 1970s with between two and four items at once, with a fifth item in 1977, a non-constitutional vote on the national song.

Italy has had over 70 referendum over the last 50 years, almost all of them initiatives, which required support of five Regional Councils or 500,000 Italian voters [about 1 per cent of the electorate], averaging between three and four each time with a minimum of one and a maximum of 12.

Switzerland is very different. Not untypically, in 2016 16 votes on federal initiatives were held across four separate dates. Proposals require just 100,000 signatures [less than 2 per cent of electorate] within 18 months. There have been more than 200 to date, but only about 10 per cent successful, although the success rate is much higher in this century. There can also be votes on objections to laws (requiring 50,000 signatures) as well as government initiated votes to change the constitution. A study on votes in the 1980s and 1990s found that the Swiss typically vote on 2-3 proposals at once but there have been more on some occasions with one case of 9, as well as six cases of just one.

USA also sees initiatives at State level. These may be essentially policy issues. In **California** initiatives require signatures on petitions from registered voters amounting to 8 percent (for an amendment to the state constitution) or 5 percent (for a statute) of the number of people who voted in the most recent election for governor. A total of 214 measures appeared on state-wide ballots from 1996 to 2016: the range was from eight to 28: Between 1996 and 2016, the average was 18. These will always occur at the same time as elections, so people will vote to fill any number of federal and state and local offices at the same time as making decisions about the propositions.

What are the advantages / disadvantages of posing multiple questions? Is there a distinction to be drawn in this analysis between more than one question (2 or 3 questions as we have seen here previously) versus more significant super referendum days where multiple questions are asked of the people?

As is the Irish experience, there is ample evidence that people do distinguish one item from another, but we should be cautious in drawing too many lessons from what are, with the exception of those in Australia, very different types of votes. In most cases people who vote on one will vote on all, and decisions will vary. The US case is different, with a significant drop-off in participation of anything up to 25 per cent as voters go down through the ballots. In the US and Swiss cases, campaigns

are mounted by those who were responsible for getting those propositions onto the ballot paper, in many cases citizens or business groups independent of parties. It is not obvious that anyone would do this in Ireland with even four or five items on the ballot.

The demands on the voter are arguably quite high even when there are a small number of items for decision. The burden is higher when there are more. All studies of US initiatives do show low levels of citizen knowledge about most items but some researchers argue that voters can still make good decisions – the decisions they would make if they were well informed – by using ‘short-cuts’, such as knowing who was arguing for or against any item and using their evaluation of that body as a guide (Lupia and McCubbins, 1998). To some degree this holds for all referendums, and holds whether there is one or several. Voters are likely to use short cuts when they have little information, and in some cases this means voting ‘no’ to anything proposed by a disliked government, or anything on which they have little or no information.

To be a success in Ireland, a super-referendum occasion would in my view require some controversial proposals to raise interest and a well-established referendum commission, which would have adequate time to do its work. But the danger would remain that low-key proposals, however significant, would not provoke much interest from those who arrived to vote. Nor would there be much campaigning on them. Where there is some link between the proposals, as in the three on abortion in 1992, there is less of a problem. An analysis of the Oireachtas Inquiry referendum held along with the 2011 Presidential election found that a near majority of voters could not recall any arguments for or against those items, or those who made them (Marsh, Suiter and Reidy 2012), and anecdotal evidence was that many voters were unaware until they arrived to vote that there were two referendums, because they had been largely overshadowed by the presidential contest. This also points to a danger when combining referendums with elections that campaigning on the latter will be at the expense of the former.

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