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INSTRUMENTS THAT AFFECT VOTER TURNOUT – INSPIRATIONAL EXAMPLES FOR SLOVAKIA?

Abstract

The article deals with selected methods that can help increase voter turnout in the elections in the territory of the Slovak Republic. This paper describes methods based on data from several countries around the world that have decided to apply them to increase the involvement of citizens in the electoral process. The first part of the paper is devoted to compulsory voting, which also applies in several European countries. The second part of the paper analyzes the mechanism of electronic voting through modern information technologies. The article also presents several data that influence the introduction of this form of voting. It is primarily about socio-economic indicators, such as the population's age structure, the proportion of the university-educated population, or households' access to the Internet. Through the paper, the author also mentions various shortcomings that legislators and society will have to deal with to increase voter mobilization in elections.

Key words: voter turnout, compulsory voting, electronic voting

1 INTRODUCTION

Elections are an essential element of all modern democracies. It is a modern democracy, understood as representative democracy, which did not fulfill its mission without elections. Elections can also represent the core of democracy or political process (Valová, 2010). Through elections, the exercise of power in the state is delegated from citizens to public authorities administered by the state.

Since the first elections from the times of ancient Greece or ancient Rome, the institution of elections has been continually evolving. Significant progress in the process of democratic elections occurred in the 20th century when elections became available to all sections of the population. Elections are what may be called the festival of democracy. Some citizens see participation in elections as their civic duty.

A remarkable fact is that free elections proved people's interest in elections. A high percentage of eligible voters took part in the election process. However, over the years, voter turnout has gradually declined in several democracies. The

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causes are different and individual. Voters' lack of interest in elections can lie, for example, in political representation, distrust in state institutions, or a low level of knowledge of electoral and political processes. Therefore, several experts aim to bring new knowledge to the electoral processes to increase voter turnout so that the elections can represent the majority will of the people.

2 COMPULSORY PARTICIPATION IN THE ELECTION PROCESS

Elections represent the institute of representative democracy, where citizens, through their representatives, participate in public affairs. Participation in elections generally represents an expression of opinion or preference. To fulfill the principles of democracy as the way of majority rule, it is essential that voter turnout also represents dignified values centered on the views of the territory's citizens. In some countries, we may encounter a high level of citizen participation in elections, reaching 90-98 percent. In most cases, such values mean the only one, namely compulsory voting.

In individual states' constitutions or legal regulations, citizens are not only admitted to the right to vote but also the obligation to participate in the electoral process. In such cases, it is an electoral obligation known in English as "compulsory voting". At first glance, it may seem that the electoral obligation applies only in countries where democratic rights are suppressed, but this is not always the case. Presently, the obligation to vote is part of the legislation of countries where there is no doubt about their democratic nature (Domin, 2017). Democratic countries that have a legal obligation to participate in elections also respect the inviolability of the basic principles of democratic elections, such as generality, directness, equality, or secrecy. However, not participating in elections is illegal in such countries (Barilik, 2006).

Compulsory participation in the electoral process is not a new institute. Belgium is the protagonist of compulsory turnout, which first introduced compulsory turnout for men in 1892 (for women in 1949). Another country that introduced compulsory turnout was Australia in 1924. The first findings on mandatory turnout could be seen in the Swiss cantons' second half of the 19th century. The element of compulsory turnout was often absent here in the 19th or 20th centuries, but in 2006 this institute was applied in more than 30 countries worldwide. In addition to Belgium and Australia, we include Greece, Luxembourg, Argentina, Brazil, and Singapore (Domin, 2017). In the case of complex states, we may encounter a situation where the electoral obligation applies only to a specific part of the territory. In the United States, it is Massachusetts, and in Austria, it is the Land Vorarlberg (Barilik, 2006).

The electoral obligation usually takes various forms and needs to be uniformly accepted within the framework of the right to vote. We can meet with

several different views on the theory of electoral duty. Locke and Rousseau emphasize participation in the electoral process as an entitlement, not an obligation. Laband, Jellinek, and Schmitt present the opposite view, claiming that the voter represents the right to vote and is obliged to vote to ensure the public good (Palúš, 2002). Lijphart (2008) defined four basic arguments in favor of the existence of an electoral obligation:

- increasing turnout,
- increasing society's interest in political and social events,
- reduction of funds spent on the incentive campaign for electoral participation,
- reduction of aggressive political campaigns motivating for not to vote.

Other authors also mention other benefits that the existence of mandatory elections can bring. It is, for example, an educational gain that leads citizens to greater political responsibility or weakening extremist and radical political groupings, as voters of these parties regularly participate in elections (Domin, 2017). In January 2013, the Parliamentary Institute of the Czech Chamber of Deputies prepared a study (Blížkovský, Němec, 2013), which collected facts dealing with compulsory participation in elections. According to the study, the institute of mandatory elections represents a positive in the form of the arguments mentioned above. However, from the point of view of the adverse effects of compulsory participation in elections, according to the study, these are mainly arguments:

- mandatory participation in elections is incompatible with freedom as a fundamental value of democracy,
- coercion in citizens' elections creates a negative attitude toward law institutions,
- uninformed citizens who do not vote rationally will also take part in such elections (Wirnitzer, 2014).

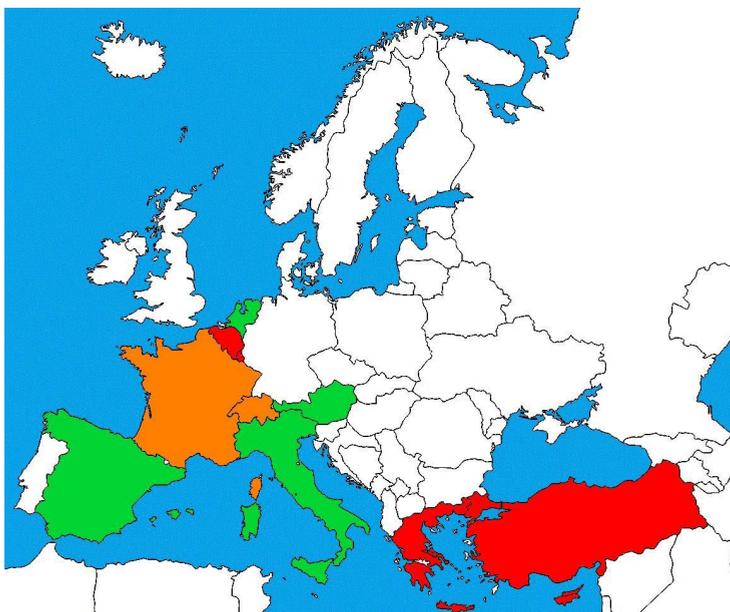
Mandatory turnout can also bring another negative element in the form of distortions in election results. It may occur when politically indifferent voters have to participate in the electoral process. This element creates room for electoral corruption, as it is a group of voters without their own political opinion that can be influenced by the unfair practices of some candidates (Barilik, 2006).

The question of its enforceability remains a debatable part of introducing the electoral obligation. We may encounter several possibilities based on the examples of the countries mentioned above. In Belgium, non-participation in the electoral process can be sanctioned as a fine, which increases based on the number of absences. If a Belgian voter does not vote four times in the last 15 years without a legally relevant excuse, he or she loses the right to vote for the next ten years. A fine for non-participation is also present in Australia. An important setting is also the acceptable set of the fine that the state can recover from a non-participating voter.

Barilik (2006) thinks the fine should correspond to the amount the state spends on organizing elections for a given voter. In other countries with an obligation to participate in the electoral process, for example, sanctions are enshrined in law but are not enforced. An example from practice also recognizes situations where the country's legal system provides for the obligation to participate in elections, but it does not define the form of the sanction, and thus the electoral obligation is unenforceable (Barilik, 2006).

At present, only moderate discussions are taking place with the introduction of the electoral obligation. In addition to the countries mentioned above, where the electoral obligation still applies, several countries have experience with the electoral obligation (see Table 1). Czechoslovakia also belongs to such countries in the years 1920 – 1954. The electoral obligation was legally enshrined in Act no. 75/1948 Coll. on elections to the National Assembly. In addition to several exceptions to mandatory participation in elections, the said law also regulated the amount of the sanction in the case of unjustified non-participation. The maximum amount of the sanction was at the level of CZK 10,000, or the voter was threatened with imprisonment for up to 1 month. The law also regulated the obligation of employers so that working hours do not limit voters in exercising their electoral duties. Provision § 32 of Act no. 123/1920 Coll. even regulated that the sale of alcoholic beverages was prohibited during the day before the election and on the day of the election.

Table 1 Countries with experience of compulsory elections



Source: own processing according to Wirnitzer, 2014

- * countries with compulsory turnout are marked in red (Belgium, Luxembourg, Liechtenstein, Greece, Turkey)
- * green indicates countries that have withdrawn from compulsory participation (Austria, Italy, Spain, the Netherlands)
- * countries that vote only to a certain extent are marked in orange (France, Switzerland)

At present, mandatory participation in elections is retreating. The last country that legally abolished the obligation to participate in the elections was Cyprus in 2017. Even among Czech and Slovak authors, there are more votes to leave freedom to participate in the electoral process. P. Just (2010) thinks that democracy means free choice without enshrining the electoral obligation in law. Balík (2010) fears that the electoral obligation would mean the strengthening of extremist parties, as uninformed voters could be influenced by simple populist promises, which are unworkable. From our point of view, compulsory participation in the electoral process evokes something negative. Citizens should have the right to choose and exercise their right to vote freely, without the help of various means of coercion. The first step in preventing distortions in election results should be to increase citizens' interest in political and social events. However, this can only be achieved way naturally.

2 ELECTRONIC VOTING

The popularity of electronic elections is growing in direct proportion to the electrification of a global society. Therefore, the term known worldwide as "Electronic Voting" (eVoting) has several forms. A standard indicator is the use of modern information technologies as a tool for the implementation of the right to vote. Through these technologies, it is possible not only to cast a vote in the election but also to collect and evaluate all the data, translating the individual votes into the election results. Modern technologies can thus secure the entire election process.

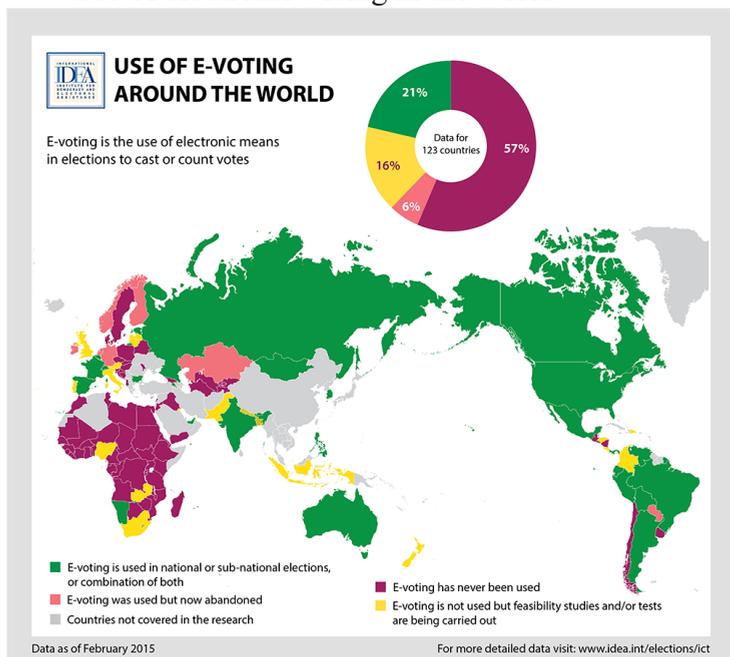
One way to vote electronically is to cast a vote directly in the polling station via a computer (usually with a touch screen). The voter can easily select their preferred candidate or political party and cast their vote. We can meet this method of voting relatively often in the USA. The second way of conducting electronic elections can be via the Internet or a mobile phone (Kupka, 2008).

The first thoughts on electronic democracy or voting can be dated to when the most significant progress was made in information and communication technologies. Since the 1960s, visionaries of the time have considered the possibility of direct citizen participation in the democratic process through various technologies (Brunclík, Novák, et al., 2014). However, the introduction

of electronic voting has not always been perceived positively. Golding (1996) and Haywood (1995) agreed that such voting could hurt democracy due to unequal access to information by citizens.

The “paperless” election process began to emerge with the advent of the first computers, which can be dated to the 1980s. However, the election process implemented in this way only presupposes elections within the polling stations. The idea of remote access to the electoral process began to develop only with the advent of the Internet in the late 1990s (Kupka, 2008). The United States has become a pioneer and innovator of Internet elections. At the turn of the millennium, the Internet election began to develop fully in several countries. Internet voting enabled soldiers on foreign missions, citizens living abroad, and astronaut David Wolf, who sent his vote from the Mir space station (Brunclík, Novák, et al., 2014). Within European countries, voting through modern technologies has begun to develop in Switzerland and Estonia. Switzerland is known for its high level of direct democracy, including a referendum. The first Internet referendum was held in the canton of Geneva in 2003 (Christin, Trechsel, 2005; Chevallier, Warynski, Sandoz, 2006). Estonia has continuously used the online election method since 2005 (Hlaváček, Kuta, 2014). Positive examples of Internet voting can also be found in the Netherlands, Norway, the USA, and Canada, but each country has chosen a different system for conducting Internet voting (Brunclík, Novák, et al., 2014).

Table 2 Use of electronic voting in the world



Source: International Institute for Democracy and Electoral Assistance, 2015

Electronic voting is the youngest method of alternative voting, which has come to the fore, especially with the development of information and communication technologies. This voting form is rarely used, but it is increasingly becoming a topic of discussion in several developed democracies (including the Czech Republic and Slovakia). Electronic voting is expected to become the most frequent method, as eligible voters can participate in the election, given basic IT literacy. It should bring about a greater involvement of young people, which could mean increased turnout. The counting process would also be simplified. The disadvantage may be that the introduction of electronic voting requires high input costs, which for objective reasons, cannot be afforded by several countries (Brunclík, Novák, et al., 2014). Like other alternative voting forms, this method has several negatives, including high input financial costs, insufficient infrastructure, and technical equipment availability. Electronic voting can also pressure an individual's non-free voting at home. Estonia has tried to address this situation by allowing a voter who has already cast a vote in an electronic election to come to the polling station and vote again, with his electronic voting automatically canceled (Orosz, Molek, Svák, Šimíček, 2016).

2.1 Assumptions influencing the introduction of electronic voting

In connection with the introduction of electronic voting, it is necessary to point out the factors that are a prerequisite for its effective functioning. These are mainly demographic and technical factors. The primary condition for their introduction is the Internet literacy of voters or their ability to work with information technology. This is influenced by factors such as the age structure of the population, the educational level of society, or the economic level of the population. In addition, the state must have created conditions that help the development of the information society, such as a sophisticated system of electronic public administration, health care, education, etc. (Brunclík, Novák, et al., 2014). The introduction of electronic voting thus represents a wide range of consecutive factors for society to move closer to using such an alternative form of voting.

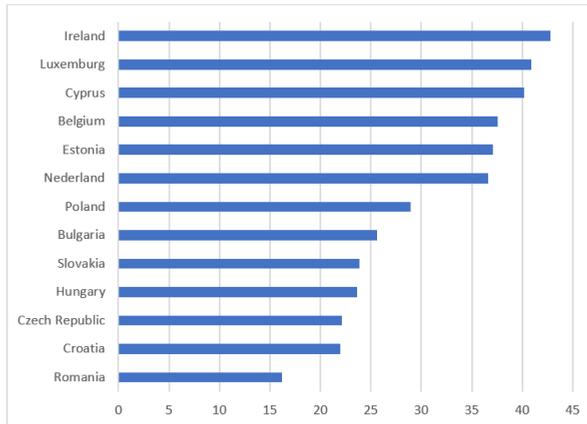
Table 3 The age structure of the population of EU countries (data in %)

	0 – 14 years		15 – 64 years		65 years and older	
	2006	2016	2006	2016	2006	2016
Belgium	17,1	17,0	65,7	64,7	17,2	18,2
Bulgaria	13,4	14,0	69,2	65,6	17,5	20,4
Czech Republic	14,6	15,4	71,1	66,2	14,2	18,3
Denmark	18,7	16,8	66,1	64,3	15,2	18,8
Germany	14,1	13,2	66,7	65,7	19,3	21,1
Estonia	15,0	16,1	68,1	64,9	16,9	19,0
Ireland	20,5	21,9	68,5	64,9	11,0	13,2
Greece	14,9	14,4	66,6	63,3	18,5	21,3
Spain	14,5	15,1	68,8	66,1	16,1	18,7
France	18,5	18,5	65,1	62,8	16,4	18,8
Croatia	15,8	14,6	66,7	66,2	17,5	19,2
Italy	14,1	13,7	66,0	64,3	19,9	22,0
Cyprus	19,4	16,4	68,5	68,4	12,2	15,1
Latvia	14,5	15,2	68,5	65,1	17,0	19,6
Lithuania	16,6	14,7	67,2	66,3	16,3	19,0
Luxemburg	18,4	16,5	67,5	69,3	14,1	14,2
Hungary	15,4	14,5	68,8	67,2	15,8	18,3
Malta	17,1	14,2	69,1	66,7	13,8	19,0
Nederland	18,3	16,5	67,5	65,3	14,3	18,2
Austria	15,9	14,3	67,6	67,2	16,4	18,5
Poland	16,2	15,0	70,4	69,1	13,3	16,0
Portugal	15,9	14,1	66,8	65,1	17,4	20,7
Romania	16,9	15,5	68,4	67,0	14,7	17,4
Slovenia	14,1	14,8	70,3	66,7	15,6	18,4
Slovakia	16,7	15,3	71,5	70,2	11,8	14,4
Finland	17,3	16,3	66,8	63,2	16,0	20,5
Sweden	17,3	17,4	65,4	62,8	17,3	19,8
UK	18,0	17,7	66,1	64,4	15,9	17,9
Island	21,8	20,0	66,5	66,1	11,7	13,9
Lichtenstein	17,4	14,9	71,1	68,6	11,6	16,5

Source: own processing according to Eurostat, 2017

The population's age structure largely influences the structure of potential voters who can cast their vote through electronic voting. The largest group using information technologies is young people, who create the assumption that the introduction of electronic voting will increase electoral participation among young people. Due to the generational shift, it can be assumed that the number of electronically and Internet-literate voters will only increase.

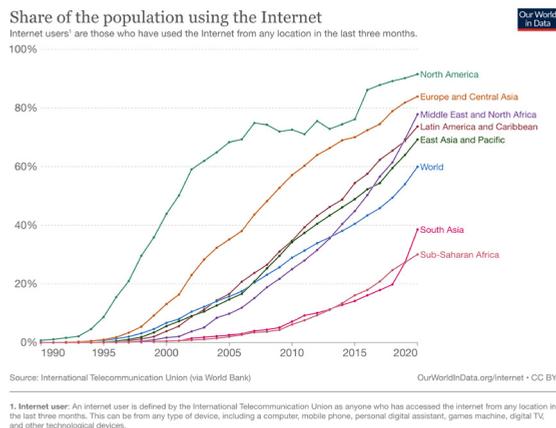
Table 4 The share of the population of selected EU countries with completed university education (in %)



Source: own processing according to Statista, 2021

According to several authors, the educational level of the population is related to the level of Internet literacy, as it is university-educated people who are regular users of information technology (Brunclík, Novák, et al., 2014).

Table 5 Share of the population using the Internet



Source: OurWorldInData.org, 2022

A prerequisite for electronic elections is access to the Internet, through which the voter can vote. This assumption is closely related to the economic situation of the country's population. More economically stable countries create more effective conditions for most residents to access Internet services. According to Brunclík and Novák (2014), an increase in the level of education also creates the possibility of access to the Internet, which should ensure the improvement of the overall Internet literacy of the population of a given country. The fulfillment of these prerequisites gives higher chances for the introduction of Internet voting.

In addition to the requirements imposed on voters or state institutions, it is essential to pay attention to the constitutional requirements to ensure compliance with the basic principles related to the implementation of free elections. Electronic voting carries the risk of making it impossible to keep the election secret. The secrecy of the election can be violated in two cases. The first is the act of election itself, where the voter can vote under pressure from family or neighborhood. Another problem may arise with casting a vote in an election through a communication channel (Brunclík, Novák, et al., 2014). The voter must prove himself by entering data into a system that has an administrator. To maintain the principle of universality and equality, limiting the impact of the so-called digital divide between different groups of voters (younger, older, poorer, more prosperous, more educated, etc.) is necessary. Given these factors, online voting should be used as an alternative to traditional voting. The example of Estonia also points to another problem with ensuring equality. One group of voters is favored because it votes more comfortably with the possibility of making an additional change. However, according to the local Supreme Court, this problem was not considered a violation of the principle of equality (Antoš, 2007).

In addition to the possible problems mentioned above, there may be others. In the conditions of the Slovak Republic, we have the experience of buying votes in mostly marginalized Roma settlements. The introduction of electronic voting can exacerbate this problem, as there may be situations where personal data is traded to influence the outcome of elections. That is why electronic voting is challenging to implement shortly. This form of voting currently needs sufficient technical infrastructure for this type of election or a higher level of electronic literacy of citizens, which is a necessary precondition for the free expression of voting preferences.

CONCLUSION

The dynamics of society's development allow us to identify and apply mechanisms that simplify citizens' daily lives. Processes in public policy are no exception. Different authors and more data allow us to find solutions to even the most significant problems related to the democratic setting of the country. One of

these problems is the gradual decline in voter interest in politics. While it may seem that politics is a grateful topic in society and everyone has a sense of understanding it, the opposite is true. An essential element of knowledge of politics is especially knowledge of political processes or the political system. Since the beginning of the 21st century, data from several countries have shown a decline in voter turnout. The situation mentioned above is primarily influenced by the political representatives of the individual countries creating the legislation and the political system. In this context, however, personal interests also often exceed those of society as a whole. Therefore, it is crucial for citizens to know the nature of political processes and to be able to select representatives in elections that they think will defend their interests. Unfortunately, politicians often prioritize interests that can be of personal benefit to them and do not care about whether they can move their country forward by changing specific political processes

REFERENCES

- ANTOŠ, M. 2007. Tajné hlasování za plentou jako záruka svobodných voleb versus distanční hlasování. *Časopis pro právní vědu a praxi*. [Online]. 2007, č. 2, s. 172-182. [cit. 15-10-2022]. Available at: <https://journals.muni.cz/cpvp/article/view/7178>
- BALÍK, S. – JUST, P. 2010. In.: STEJSKAL, L. Desítky otázek, stovky odpovědí: 20 svobodných let [online]. 2010, [cit. 15-10-2022]. Available at: <https://zpravy.aktualne.cz/domaci/desitky-otazek-stovky-odpovedi-20-svobodnych-let/r~i:article:668736/>
- BARILIK, I. N. 2006. Volebná povinnost. In.: ANTOŠ, M., WINTR, J. (eds) *Volební systémy a volební právo – české cesty v kontextu zahraničních modelů*. Praha: Univerzita Karlova v Praze, Právnická fakulta, 2006. s. 20 – 42. ISBN 80-85889-77-3.
- BLÍŽKOVSKÝ, R. – NĚMEC, J. 2013. Právní úprava volební povinnosti ve vybraných zemích [online]. 2013. 15 s. [cit. 15-10-2022] Available at: <https://www.psp.cz/sqw/text/orig2.sqw?idd=81922>
- BRUNCLÍK, M. – NOVÁK, M. a kol. 2014. *Internetové volby – Budoucnost, nebo slepá ulička demokracie?*. Praha: Sociologické nakladatelství (SLON), 2014. 291 s. ISBN: 978-80-7419-168-8.
- CHEVALLIER, M. – WARYNSKI, M. – SANDOZ, A. 2006. Success Factors of Geneva's e-Voting System [online]. 2006. 8 s. [cit. 15-10-2022] Available at: https://www.researchgate.net/publication/259645027_Success_Factors_of_Geneva's_e-Voting_System
- CHRISTIN, T. – TRECHSEL, A. 2005. Analysis of the 26th September 2004 ballot Ashfield in four Geneva municipalities (Anières, Carouge, Cologny, and Meyrin) [online]. 2005. 47 s. [cit. 15-10-2022] Available at: https://www.academia.edu/610450/Analysis_of_the_26th_September_2004_ballot_ashfield_in_four_Geneva_municipalities_Ani%C3%A8res_Carouge_Cologny_and_Meyrin

- DOMIN, M. 2017. Volebné právo a volebné systémy. Bratislava: Právnická fakulta UK, 2017. 411 s. ISBN: 978-80-7160-438-9.
- EUROSTAT. 2017. Population age structure by major age groups, 2006 and 2016 (% of the total population) [online]. 2017, [cit. 15-10-2022]. Available at: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Population_age_structure_by_major_age_groups_2006_and_2016_\(%25_of_the_total_population\).png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:Population_age_structure_by_major_age_groups_2006_and_2016_(%25_of_the_total_population).png)
- GOLDING, P. 1996. World Wide Wedge: Division and Contradiction in the Global Information Infrastructure. In.: Monthly Review. 1996, Vol. 48, No. 3, s. 70–85. ISSN: 0027-0520.
- HAYWOOD, T. 1995. Info is rich – Info poor: Access and exchange in the global information society. Londýn a New Jersey: Bowker-Saur, 1995. 274 s. ISBN: 0-86291-631-3.
- HLAVÁČEK, K. – KUTA, M. 2014. Elektronické internetové hlasovanie v Estonsku [online]. 2014 Parlamentní institut – studie č. 1.231. 2014. 231 s. [cit. 08-09-2022] Available at: <https://www.psp.cz/sqw/text/orig2.sqw?idd=101330>
- INTERNATIONAL INSTITUTE FOR DEMOCRACY AND ELECTORAL ASSISTANCE. 2015. Use of E-Voting Around the World [online]. 2015, [cit. 15-10-2021]. Available at: <https://www.idea.int/news-media/media/use-e-voting-around-world>
- KUPKA, V. 2008. Alternatívne spôsoby volieb v 21. storočí – Cesta k priamej demokracii?. In.: Slovenská politologická revue. číslo 4, ročník VIII. 2008, s. 111-138. ISSN: 1335-9096.
- LIJPHART, A. 2008. Thinking about democracy: Power sharing and majority rule in theory and practice. Londýn: Routledge, 2008. 320 s. ISBN: 978-0415772686.
- OROSZ, L. – MALEK, P. – SVÁK, J. – ŠIMÍČEK, V. 2016. Volebné právo a súdny prieskum volieb v Českej republike a Slovenskej republike. Bratislava: C. H. Beck, 2016. 472 s. ISBN: 978-80-89603-41-1.
- OURWORLDINDATA.ORG. 2022. Share of the population using the Internet [online]. 2022, [cit. 15-10-2022]. Available at: <https://ourworldindata.org/grapher/share-of-individuals-using-the-internet>
- PALÚŠ, I. 2002. Štátne právo porovnávacie. Košice: UPJŠ, 2002. 236 s. ISBN: 978-80-7097-483-4.
- STATISTA. 2021. Share of those aged between 15 to 64 with tertiary educational attainment in selected European countries in 2020 [online]. 2021, [cit. 15-10-2021]. Available at: <https://www.statista.com/statistics/1084737/EU-28-adults-with-tertiary-education-attainment/>
- VALOVÁ, Z. 2010. Volební kvóty pro ženy – výchozí představa a její realizace. In.: ANTOŠ, M., WINTR, J.. (eds) Volby, demokracie a politické svobody. Praha : Leges, 2010. s. 83 – 98. ISBN: 978-80-87212-62-2.
- WIRNITZER, J. 2014. Povinná volební účast? Recept na štěstí to není, Evropa od ní ustupuje [online]. 2014, [cit. 15-10-2022]. Available at: https://www.idnes.cz/zpravy/domaci/povinna-volebni-ucast-zeman.A141018_114414_domaci_jw
- Zákon č. 123/1920 Sb., kterým vydává se řád volení do poslanecké sněmovny.
- Zákon č. 75/1948 Zb. o volbách do Národného zhromaždenia