Journal of Ethics and Social Philosophy
VOL. 29, NO. 2 · JANUARY 2025
https://doi.org/10.26556/jesp.v29i2.3481
© 2025 Author

VOTING, REPRESENTATION, AND INSTITUTIONS

A CRITIQUE OF ELLIOTT'S DUTY TO VOTE

Ben Saunders

KEVIN J. ELLIOTT has recently offered a new institutional argument for a duty to vote, based on role obligations and the requirements of representation.[1] If certain groups do not vote, their interests may be neglected and/or misunderstood.[2] In contrast, voting promotes representative responsiveness. Thus, Elliott argues, universal turnout is *ordinarily necessary* for fair representation (913). Since he holds that citizens have a duty to do what is necessary for the proper functioning of representative institutions, in virtue of occupying the office of citizen, it follows that they have a duty to vote in elections.[3] However, this duty need not be absolute; presumably its stringency will depend on the significance of the election.

This argument is original and important, since it grounds the duty to vote on the internal logic of democratic institutions rather than on more basic moral duties such as samaritanism or fair play (902). Moreover, unlike some previous arguments, it purports to explain why citizens are under a duty to *vote* rather than participating in other ways (916–20). Voting is not simply one way among others to discharge some more general duty, such as contributing to the societal good. Rather, voting is special because it uniquely authorizes representatives (914). Therefore, voting is an "institutionally specific need of electoral representative democracy" (918). Without universal voting, Elliott argues, electoral representation will work less well.

The "necessity" that Elliott claims for universal turnout is not strict, logical necessity but rather practical or realistic necessity (919). He holds that our thinking about political institutions (and associated duties) should be guided

1 Elliott, "An Institutional Duty to Vote" (hereafter cited parenthetically).

2 Elliott recognizes that there are many different theories of representation (906–11). Both his arguments and mine are supposed to be neutral between these various accounts. For ease of exposition, I will speak throughout of interests as what should be represented.

3 I take this to include both national and local elections, though this could be rather demanding. See Rusavuk, "Which Elections?"

by what is likely or typical rather than by rare or exceptional occurrences. So, he dismisses certain theoretical possibilities, such as comprehensive altruism, as artificial and largely irrelevant. There is certainly some merit to this approach. Nonetheless, I find Elliott's case for the necessity of electoral turnout unconvincing. Indeed, he seems to undermine his own argument when he suggests that representatives will cater to uninformed voters and even those who spoil their ballots. This assumes that would-be representatives can identify the true interests of these voters and that they will be motivated to seek their votes.

Elliott identifies informational and motivational problems as two reasons why the interests of nonvoters may be neglected (918). First, if people do not vote, then their interests may not be properly understood, even by those acting in good faith. Second, if members of a certain group are unlikely to vote, then this reduces representatives' electoral incentives to respond to their known interests. These problems are self-reinforcing. If certain groups are less likely to vote, then representatives are less likely to cater to their interests, which is likely to further alienate them (914–15). However, while these are real problems, it is not clear that they are as serious as Elliott suggests—or that the duty to vote helps to overcome them.[4]

It has long been recognized that members of one group may not understand the perspectives or interests of other groups. Elliott's innovation is to argue that the mere *right* to vote is not enough; all social groups must actually vote. If they do not, then their interests may not be properly represented. Of course, Elliott does not claim that universal voting is sufficient for accurate representation. But understanding why it is not sufficient may lead us to question his claim that it is ordinarily necessary.

People vote as they do for a variety of reasons. We cannot assume that what people vote for is always in their interest—or even perceived by them as being so. At the very least, information about voting patterns needs to be supplemented, for instance with public opinion research, to identify people's wants. Elliott acknowledges a place for public opinion research (915), but only in connection to those who cast blank or spoiled ballots. Though he argues that even spoiled ballots convey something valuable about dissatisfaction, he does not explicitly say whether spoiling one's ballot satisfies the duty to vote. In either case, I find it hard to see how spoiled ballots help to overcome the information problem. They may express dissatisfaction—and, in this respect, a spoiled ballot may be clearer than simply staying at home, which might be dismissed as apathy or indifference—but they do not tell us *what* voters are

4 If voting will not secure fair representation, it is unclear why people should do it, even if it is necessary. See Saunders, "Against Detaching the Duty to Vote."

dissatisfied with or what it would take to satisfy them. Thus, it is unclear how those seeking election could win over these discontented voters.

The informational problems are exacerbated even further once we relax the assumption that voters are well informed.[5] Elliott argues that it matters little whether voters are informed, since electoral candidates cannot rely on voters to be uninformed (921). Their uncertainty, he says, gives them reason to act *as if* their constituents are well informed. I am not entirely clear why this should be so. First, although it is *possible* that uninformed voters may become more informed, this is often unlikely, since acquiring information is costly and voters lack incentive to do this.[6] Thus, politicians might reasonably expect ignorance to persist. Further, to the extent that representatives are motivated by electoral incentives, they will presumably do what they think will win votes. If voters are not perfectly informed, it is possible that they will vote for parties or policies that are not in—and perhaps even contrary to—their true interests. Unscrupulous politicians might take advantage of voter ignorance to serve their own ends.[7] Even if they are not seeking to exploit voter ignorance, they might instead act based on their best guesses about what people are likely to vote for rather than what they think is truly best for voters.

Let us grant Elliott's claim that representatives can be incentivized to promote the public good even when electoral incentives are uncertain. This presupposes that representatives can anticipate what well-informed voters would want, ahead of their voting, and even if those voters have previously voted in an ill-informed manner. But this implies that the information problems Elliott alludes to can be overcome after all. If this is so, then it significantly weakens the argument that universal voting is needed in order to provide representatives with information about citizens' interests.

Of course, Elliott does not say that one person can never accurately recognize another's interests. He may concede that representatives can to some extent identify the interests of citizens independently of their voting behavior yet maintain that this process will be more accurate and reliable when citizens vote than when they do not. However, we have already seen reasons to question

5 Elliott argues that citizens have a duty to vote, but this does not require them to vote well. This contradicts both those who argue for a positive duty to vote well (e.g., Klijnman, "An Epistemic Case for Positive Voting Dutiesm"; and Maskivker, "Merely Voting or Voting Well?") and those who argue for a negative duty not to vote badly (e.g., Brennan, "Polluting the Polls").

6 Klijnman, "An Epistemic Case for Positive Voting Duties," 77.

7 It should be noted that representatives do not merely represent pre-existing interests; as noted by Disch, they sometimes play a creative role in constructing constituencies and interests ("The 'Constructivist Turn' in Political Representation").

the helpfulness of voting here, especially if the votes in question include spoiled ballots and ill-informed votes that might actually be contrary to the citizens' true interests. If voting is an unreliable indicator of people's interests, then it is not clear how helpful universal turnout is in overcoming information problems and even less obvious that it is necessary to doing so.

This argument also threatens to undermine the motivational problem. Elliott suggests that representatives lack incentive to appeal to groups that do not vote (915–16). Yet when addressing the problem of citizen ignorance, he maintains that the "threat of electoral sanction works to a significant degree even when the sanction is uncertain" (921). If this is so, then the electoral sanction should still be effective when the uncertainty concerns turnout rather than informed voting. Even if a certain social group are known not to have voted in the past, representatives cannot count on their continued abstention. If there is a chance that some salient news story or unforeseeable event can overcome information deficits, then there is similarly a chance that something could mobilize previous nonvoters to vote. And if uncertainty leads to representative responsiveness in the one case, presumably this will also apply to the other. Thus, representatives might have incentive to act *as if* their constituents are likely to vote, whether or not this is actually the case.

Ideally perhaps, citizens should be attentive to politics and at least prepared to vote.[8] However, this is not necessary so long as political actors *believe* this to be the case. The mere *threat* of voting may be incentive enough to produce responsive representation. Hence, occasional nonparticipation need not undermine the functioning of the representative system so long as politicians cannot rely on this nonparticipation continuing. The problems of underrepresentation that Elliott points to arise only when nonparticipation goes beyond this, becoming habitual and expected (908).

Elliott might respond that nonparticipation can usually be predicted because political participation is habitual.[9] Thus, those who have not voted in the past are unlikely to vote in the future. However, these habits are not unbreakable. Since older people are generally more likely to vote than younger people, it must be that some nonvoters become voters as they age. Moreover, while some people may be habitual nonvoters, others may be occasional voters.[10] These

8 Tsoi defends a duty of attentiveness, without requiring people to vote ("You Ought to Know Better"). Elliott also emphasizes the importance of attentiveness, though he suggests compulsory voting as a means to promote this ("Aid for Our Purposes"). For criticism of this argument, see Pedersen et al., "Nudging Voters and Encouraging Pre-commitment."

9 I thank an anonymous referee for suggesting this response.

10 Bagozzi and Marchetti, "Distinguishing Occasional Abstention from Routine Indifference in Models of Vote Choice," 278; and Rapeli et al., "When Life Happens," 1244.

occasional voters may or may not vote depending on factors such as election campaigns or even the weather on election day.[11] Consequently, turnout is hard to predict. This uncertainty creates incentive to respond to potential voters. If existing representatives ignore these people, there is a danger that some political entrepreneurs will succeed in mobilizing them.[12]

Of course, representatives might still be *more* responsive to those they think more likely to vote. Thus, unequal participation can still lead to unequal representation. But still, this uncertainty undermines Elliott's claim that nonvoters *must* be ignored (916). At least in certain conditions, it might be easier to mobilize nonvoters to vote than to change how existing voters vote.[13] Therefore, politicians may have more need to be responsive to the interests of nonvoters (who may become voters) than to the interests of uninformed voters (who may become informed).

The incentives that representatives face are also influenced by institutional design.[14] Representatives are generally accountable to particular constituencies, so we can shape their incentives by (re)drawing these constituencies. Suppose members of a certain social group are less likely to vote than other groups and this threatens their substantive representation for the reasons Elliott suggests. Universal turnout is not the only solution. Another possibility is to give the group in question its own electoral constituencies. This is not simply another of those fanciful theoretical proposals that Elliott dismisses as unrealistic and irrelevant (912). Something like this has been done, for instance in New Zealand, which has separate constituencies for its indigenous Māori communities.[15] If constituencies are drawn in proportion to group size, then the group in question is guaranteed representation proportional to its numbers, even if turnout in these constituencies is lower than elsewhere. To be sure, such proposals face familiar difficulties. There are dangers of essentialism and legitimate worries that a majority within the group will dominate internal

11 Damsbo-Svendsen and Hansen, "When the Election Rains Out and How Bad Weather Excludes Marginal Voters from Turning Out"; Hillygus, "Campaign Effects and the Dynamics of Turnout Intention in Election 2000"; and Niven, "The Mobilization Solution?"

12 De Vries and Hobolt, *Political Entrepreneurs*, 219–20.

13 As an anonymous reviewer observes, an uninformed nonvoter will face two costs. It might be too costly for them to become an informed voter. But it does not follow that they should become an uninformed voter. See Maskivker, "Merely Voting or Voting Well?"; and Saunders "Against Detaching the Duty to Vote."

14 Given Elliott's realist objection to moralism (905), it is ironic that he focuses on individual duties rather than on system/institutional reform. For a critique of such approaches to participation, see Junn, "Diversity, Immigration, and the Politics of Civic Education."

15 McLeay, "Political Argument about Representation."

minorities. However, this example shows that representation of certain groups can be achieved, even with nonuniversal and indeed uneven turnout.

This does not necessarily undermine Elliott's arguments in other contexts, but it does at least show that the institutional duty to vote is contingent on institutional design. Elliott might respond that the institutional duty still applies to most familiar democratic systems, since arrangements like New Zealand's are unusual. However, constituency formation significantly affects group representation. Geographically concentrated groups are likely to be well represented, whereas dispersed groups are less likely to be adequately represented. In some cases, institutional design reduces the need to vote, while in others (e.g., safe seats) it reduces the effectiveness of voting. In both cases, this threatens to undermine the institutional argument for a duty to vote.

Further, universal turnout may sometimes be problematic, for instance if it exacerbates majority domination. If everyone votes, then the majority of votes will always reflect the majority group in society. This can mean that a relatively indifferent majority triumphs over a more affected minority. In contrast, if turnout is less than universal, the minority have some chance of getting their way, because they may be more likely to vote. Differential turnout between groups may track different stakes, in a manner approximating proportional influence.[16] Admittedly, this is unlikely to reflect stakes perfectly. In practice, there are other reasons (besides being less affected) explaining why some groups are less likely to vote. Nonetheless, universal turnout, at least when combined with equal votes and majority rule, is not necessarily the right way to strike an appropriate balance between different interests either.

I would concede that representative institutions might function better if citizens voted *well*—for instance, if they cast informed votes. However, Elliott defends a duty to vote rather than a duty to vote well (920–21). This includes casting ill-informed votes and possibly even spoiled ballots. It is not clear to me how this is conducive to the excellence of the representative system. These votes do not make it any easier to identify citizens' true interests (perhaps the reverse), nor do they give politicians incentives to promote the social good (again, possibly the reverse). Indeed, I am tempted by the stronger claim that representative democracy may function better *without* such votes.[17] Certainly, these votes are not necessary for its proper functioning. Representatives have other, possibly more reliable ways of identifying what people want and what is good for them. Moreover, they have incentives to respond, so long as there is a

16 Brighouse and Fleurbaey, "Democracy and Proportionality"; and Saunders, "The Democratic Turnout 'Problem,'" 317.

17 Brennan suggests a duty not to vote badly. See Brennan, "Polluting the Polls." For criticism of this argument, see Arvan, "People Do Not Have a Duty to Avoid Voting Badly."

credible threat of electoral sanction. This requires only that people *might* vote in future. Neither universal turnout nor a universal duty to vote is necessary.[18]

University of Southampton
b.m.saunders@soton.ac.uk

References

Arvan, Marcus. "People Do Not Have a Duty to Avoid Voting Badly: Reply to Brennan." *Journal of Ethics and Social Philosophy* 5, no. 1 (2011): 1–6.

Bagozzi, Benjamin E., and Kathleen Marchetti. "Distinguishing Occasional Abstention from Routine Indifference in Models of Vote Choice." *Political Science Research and Methods* 5, no. 2 (2017): 277–94.

Brennan, Jason. "Polluting the Polls: When Citizens Should Not Vote." *Australasian Journal of Philosophy* 87, no. 4 (2009): 535–50.

Brighouse, Harry, and Marc Fleurbaey. "Democracy and Proportionality." *Journal of Political Philosophy* 18, no. 2 (2010): 137–55.

Damsbo-Svendsen, Soren, and Kasper M. Hansen. "When the Election Rains Out and How Bad Weather Excludes Marginal Voters from Turning Out." *Electoral Studies* 81 (2023): 1–11.

De Vries, Catherine E., and Sara B. Hobolt. *Political Entrepreneurs: The Rise of Challenger Parties in Europe*. Princeton University Press, 2020.

Disch, Lisa. "The 'Constructivist Turn' in Political Representation." *Contemporary Political Theory* 11, no. 1 (2012): 114–18.

Elliott, Kevin J. "Aid for Our Purposes: Mandatory Voting as Precommitment and Nudge." *Journal of Politics* 79, no. 2 (2017): 656–69.

———. "An Institutional Duty to Vote: Applying Role Morality in Representative Democracy." *Political Theory* 51, no. 6 (2023): 897–924.

Hillygus, D. Sunshine. "Campaign Effects and the Dynamics of Turnout Intention in Election 2000." *Journal of Politics* 67, no. 1 (2005): 50–68.

Junn, Jane. "Diversity, Immigration, and the Politics of Civic Education." *Political Science and Politics* 37, no. 2 (2004): 253–55.

Klijnman, Carline. "An Epistemic Case for Positive Voting Duties." *Critical Review* 33, no. 1 (2021): 74–101.

Maskivker, Julia. "*Merely* Voting or Voting *Well*? Democracy and the

18 I first presented preliminary doubts about Elliott's argument in July 2023 at a workshop on democratic theory in Southampton, organized by William Chan. I thank that audience, especially David Owen, for comments and questions. I am also grateful to two anonymous reviewers for feedback on previous versions of the manuscript.

Requirements of Citizenship" *Inquiry* (forthcoming). Published online ahead of print, May 5, 2023. https://doi.org/10.1080/0020174X.2023.2208181.
McLeay, E. M. "Political Argument about Representation: The Case of the Maori Seats." *Political Studies* 28, no. 1 (1980): 43–62.
Niven, David. "The Mobilization Solution? Face-to-Face Contact and Voter Turnout in a Municipal Election." *Journal of Politics* 66, no. 3 (2004): 868–84.
Pedersen, Vikki M. L., Jens Damgaard Thaysen, and Andreas Albertsen. "Nudging Voters and Encouraging Pre-commitment: Beyond Mandatory Turnout." *Res Publica* 30, no. 2 (2024): 267–83.
Rapeli, Lauri, Achillefs Papageorgiou, and Mikko Mattila. "When Life Happens: The Impact of Life Events on Turnout." *Political Studies* 71, no. 4 (2023): 1243–60.
Rusavuk, Andre L. "Which Elections? A Dilemma for Proponents of the Duty to Vote." *Res Publica* 30, no. 3 (2024): 547–65.
Saunders, Ben. "Against Detaching the Duty to Vote." *Journal of Politics* 82, no. 2 (2020): 753–56.
———. "The Democratic Turnout 'Problem.'" *Political Studies* 60, no. 2 (2012): 306–20.
Tsoi, Siwing. "You Ought to Know Better: The Morality of Political Engagement." *Ethical Theory and Moral Practice* 21, no. 2 (2018): 329–39.