



The Ability to Formally Withhold Consent at Elections Would Create Real Democracy That Maximises the Common Good

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SUMMARY

Studies such as the World Values Survey reveal that, with few exceptions, in ostensibly democratic nations around the world, a large majority of surveyed voters still have little or no confidence in political parties and that this is consistent across all levels of development and all types of electoral system¹.

In a true democracy, the common good would be served and a clear majority of people would be satisfied. Yet, from country to country, the evidence suggests that this is very far from the case.

So what's going on?

In this paper, we aim to show that the problem is that all current electoral models claiming to be democratic are in fact not fit for purpose, and are largely undemocratic, as they all lack a fundamental democratic pre-requisite: the ability to withhold consent at elections, and reject all that is on offer, in a formal and binding manner.

We aim to show that the solution to this dilemma is introduction of an option on ballot papers that would allow people to do just that - commonly known as a 'None of the Above' (NOTA) option.

Without this option, all current electoral models are founded on the principle of 'lead, follow or get out of the way', where the only option for people who don't want to take the lead themselves (stand for office) or follow someone else (vote for a party/candidate) is to get out of the way (disengage completely).

NOTA would provide a crucial fourth option: the ability to formally reject all that is on offer in a way that cannot be ignored. In practice this would work by temporarily returning empty seats and triggering by-elections wherever a clear majority of voters have chosen NOTA.

This paper demonstrates that this potential for a NOTA 'win' could have an impact far wider than usually assumed by creating a powerful voting bloc encompassing voters of all political persuasions within a politically neutral option. It also shows how this could lead to a reduction in the number of safe seats and improved governance in general, thus maximising the common good over time. We believe this reform alone could also incentivise people of integrity to run for office - people who have the desire to represent their constituents as effectively as possible - while discouraging self-interested career politicians altogether.

This paper mainly concentrates on the effect of NOTA on general elections using the UK's 'First Past the Post' (FPTP) system. An example is also given of how NOTA could be implemented in a system of Proportional Representation (PR). Rebuttals are provided for common objections and a case study is provided using 2016 municipal elections in Brazil as an example.

We strongly believe that the introduction of formal and binding NOTA, and the full democratisation that it represents, could usher in a political environment where maximising the common good becomes the sole focus of elected officials. In our view, it is not just a matter of satisfying the conceptual framework of a real democracy - NOTA's absence creates a real deficit in the quality of life that would otherwise be enjoyed by a majority of citizens.





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Introduction

A 2016 Princeton University study showed that wealthy special interest groups in the USA have a dominant influence on government policy while the average citizen has no statistically significant influence.²

When a large-scale international research project - The World Values Survey - asked 73,000 people in 57 countries whether democracy was a good way to govern a country, nearly 92% said yes. However, the same survey found that trust in governments and political parties had reached an historic low and there was a considerable increase in calls for a strong leader who did not have to bother with elections and parliament. The EU's official research bureau found that less than 30% of Europeans had faith in their national parliaments.³

People like the idea of democracy, but the reality of its implementation is failing them. This causes widespread damage to the concept of democracy itself, something that is dangerous and ripe for exploitation.

Many developing nations have nominally democratic governments that are unrepresentative, inefficient and riddled with corruption. Even when they do provide some measures to benefit voters, elected officials often still abuse their power to obtain enormous wealth, and often take over the other branches of government meant to maintain a system of checks and balances.

Voters, who are well aware of what is taking place, seem helpless to do anything to prevent these abuses, as they are usually presented with alternatives that are no better and often worse than those currently in power.

How is it possible that governments supposedly formed by the will of the people can be so dysfunctional? An unrepresentative, corrupt and incompetent government to which no feasible alternative exists is never the people's will.

This paper will demonstrate that the primary cause of this dysfunction is the lack a properly implemented NOTA option allowing voters to withhold their consent in a formal and binding manner.

The absence of this option often prevents a truly democratic outcome and, at the very least, ensures no-one can ever know whether an election result truly reflects the will of the people.



The Problem with Current Electoral Systems

Most electoral systems around the world are built around the 'lead, follow, or get out of the way' principle, a flawed design that inevitably fosters a tendency towards authoritarianism. (See Appendix C on The Iron Law of Oligarchy)

If the only option for people who don't want to take the lead themselves (stand for office) or follow someone else (vote for a party/candidate) is to get out of the way (disengage), the result is not real democracy, but rather, a form of elected oligarchy.

It should come as no surprise then that so many nominally democratic states are, in reality, governed in the interests of those in power and their backers.

The concept of democracy is powerful enough for good governance in the interests of all to be possible anywhere - but democracy that is not properly implemented can never fulfil that promise.

The missing element to fix this flaw is something that ought to be a prerequisite for any truly democratic electoral system: the ability for voters to say 'NO' in a manner that is both formal and binding. This is the function of NOTA.

We believe that only with this essential element incorporated into electoral models can the resulting state apparatus truly reflect the will of the people - leading to the maximisation of the common good in the long term.

Not acting to mitigate this flaw is not only immoral, as many people suffer needlessly as a result of continued oligarchy masquerading as democracy, it is extremely dangerous to hard-won freedoms.⁴

Later in this paper we provide a way to implement NOTA in practice, concentrating on the UK electoral system. We will also illustrate its effective application to a simplified PR electoral system.

The guiding principle throughout this paper is the adherence to the principle of real democracy.

The importance of this reform cannot be overstated. If we want a world of truly democratic states governing free and prosperous societies, then NOTA is the ground zero of electoral reform.

Before we begin let us define some terms.



What do we mean by Real Democracy?

Abraham Lincoln's definition of democracy remains the most intuitive: government of the people, by the people, for the people. A system that does not reflect this definition cannot be described as a democracy.

A more formal exposition is that democratic government is based on its adherence to popular sovereignty (the principle that the authority of a state and its government are created and sustained by the consent of its people, through their elected representatives ⁵).

This definition has been codified in Article 21 of the Universal Declaration of Human Rights, which states:

.....The will of the people shall be the basis of the authority of government....⁶

It is further bolstered by the International Covenant on Civil and Political Rights (ICCPR), ratified by 167 countries. Article 25 states:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, **guaranteeing the free expression of the will of the electors...**⁷ (Highlighted for emphasis)

The vast majority of the world has made an undertaking to respect popular sovereignty. The reason for highlighting the phrase above is that it provides a legal avenue for pursuing this reform, because:

- a. The current electoral system does not guarantee the free expression of the will of the electors (if the only options available are 'lead, follow or get out of the way')

b. The proposed reform rectifies this flaw.

It is also worth noting that popular sovereignty is based on individual sovereignty, so the power of the state (in a real democracy) ultimately rests on individual sovereignty and is therefore limited by it. Sovereign power cannot be vested in the people unless they are free. People cannot be free without respecting their individual sovereignty.

As outlined in the ICCPR, in a real democracy, all individuals are equal and are entitled to certain rights. These rights derive from the concept of individual sovereignty and democracy is impossible without them.

Each individual is sovereign, therefore:

- All individuals are entitled to free expression.
- All individuals are equal before the law.
- All are presumed innocent until proven guilty and have the right to a fair trial.
- No-one can be discriminated upon on the basis of their race, sex, religious affiliation or sexuality.
- Everyone has the right to free association.

These rights are meant to guarantee democracy, to infringe on any of them is to undermine democracy and supplant it with something wholly undemocratic.

It is important to understand that the state does not protect our individual sovereignty - our individual sovereignty constrains the state. All these rights form the foundation of democracy. Therefore, any erosion of these rights is an erosion of democracy.

What is the Common Good?

The Common Good is defined here as policies, decisions, and actions by the state that are beneficial to most or all members of that nation.⁸

It would seem uncontroversial to aim to maximize it. But how would you know if the common good had been maximized?

Voters have to live with the consequences of their decisions, therefore only they can be the final arbiters of the common good.

They will make choices that will be of benefit to them and discard choices that make them worse off. Therefore, over time, they themselves will be able to steer society to a point where the common good has been maximized, if - and *only* if - they have the power.

This is important to understand, as it shows that real democracy is the best form of governance if the maximisation of the common good is the aim. It is therefore imperative to ensure we have it.

Formal and binding NOTA gives people that power - as only if the common good is being pursued can the use of NOTA be minimised.

Introducing NOTA

NOTA is the acronym for 'None of the Above.'

For the sake of brevity this paper will not delve into the history of this option and related options in electoral systems around the world. Anyone interested can learn about that from: ***The Blank and Null Vote: An Alternative Form of Democratic Protest?***⁹

To summarise, the formal and binding democratically valid NOTA option we are proposing has never been tried anywhere to date. Historically, NOTA type options on ballots have tended to be symbolic, informal and non-binding gestures only. Proper NOTA 'with teeth' would not be the same as simply not voting, spoiling your ballot or suggesting a write-in candidate, as it would have the power to materially affect the result of an election. (*Refer to Appendix A: Rebuttals to Common Objections*). Its function would be to allow people to withhold their consent in a formal and binding manner, impossible without a specific option on ballot papers that allows this.

When you choose NOTA, you are formally withdrawing your consent for the election to declare a winner. This is a vital component of democracy that has been dismissed and neglected for far too long.¹⁰

Consent is only measurable if it is possible to withhold consent in a way that has equal merit. Consent is central to the concept of democracy, as when you vote you are consenting to the rules and the outcome of an election, whether your chosen candidate wins or not. But this giving of consent is a formal and binding act. So, in the context of democratic elections, the withholding of consent must be formal and binding also, in order for it to be valid.

The only way to do this is with a properly implemented NOTA option on ballots. Without it, it simply isn't a real democracy.

This is an incredible oversight, it is hard to fathom why the lack of a means to formally withhold consent has almost been completely ignored throughout history as it is a prerequisite for any truly democratic electoral system that would have a real impact on how well the state represents its citizens.

This is because it provides a single politically neutral ‘catch-all’ option for voters of all political persuasions who are dissatisfied with the options on the ballot; the possible outcome of an election; or the electoral system itself as a whole. In fact, for any reason they deem fit.

NOTA is not just for disaffected voters who feel they don’t have anyone to vote for, its appeal is far wider. This is key in understanding how significant this reform is to any given electoral system.

When you can formally withhold your consent in a way that can materially affect an election result, no-one need *‘get out of the way’* ever again. This option must be included in any real democracy as it ensures that sovereign power resides with the voter.

The formal and binding consequence of NOTA 'winning' a majority (defined as more than 50% of votes, NOT a plurality – more on this later) would be new elections (by-elections) wherever this has occurred. It is important to note, however, that NOTA is powerful whether it achieves a majority or not. Because in a NOTA system, elected officials would always be duty bound to prioritise voter concerns, or face a widespread formal and binding rejection at the ballot box, leading to new elections.

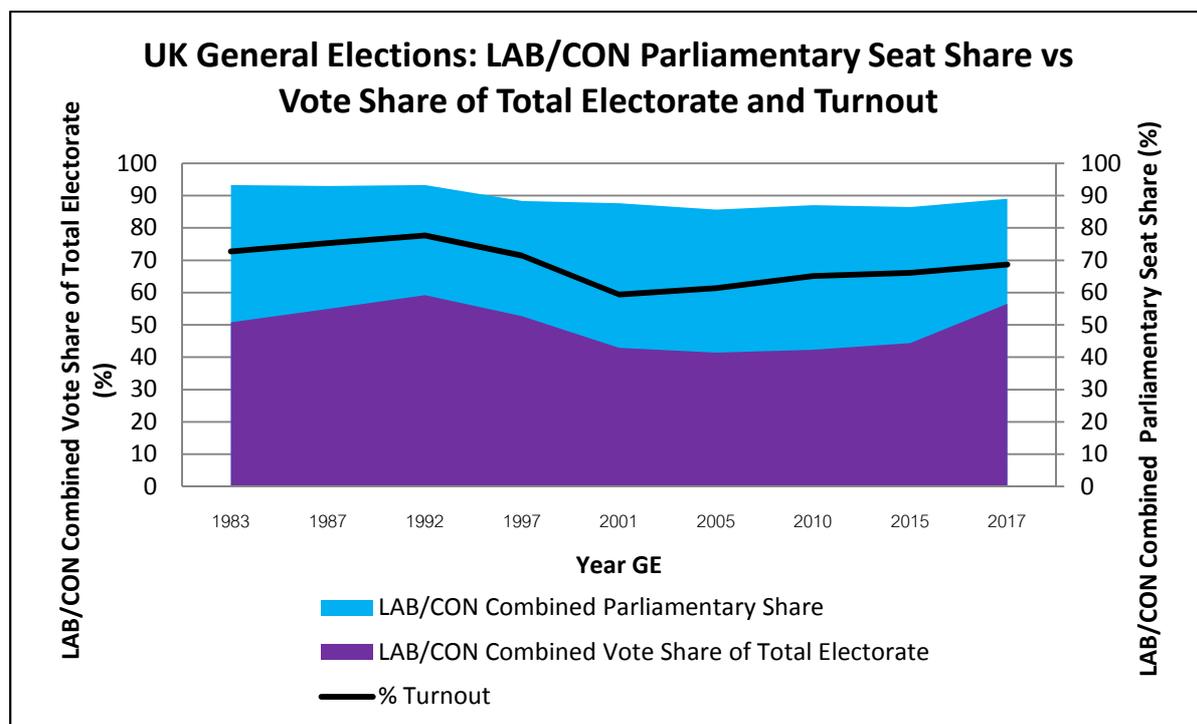
Properly implemented, NOTA's presence ought to ensure than no-one will be elected without genuine majority consent ever again, leading to the maximization of the common good over time - as most people will give their consent when elections lead to a well-functioning society that reflects their interests and withdraw their consent when the political process fails them.

The Significance of NOTA in the UK ‘First Past the Post’ (FPTP) Electoral System.

The limitations of the FPTP system are well known. It was designed for a two-party system and there is little hope of change in the UK, as the two major parties enjoy an in-built advantage by virtue of the fact that smaller parties simply split the opposition vote. While it almost never delivers a winner with a majority of votes, FPTP always delivers a winner with a majority of seats, either outright or in coalition. Thus, it is always possible for its supporters to argue that FPTP is 'democratic enough' and doesn't need changing.

However, NOTA can be shown to be essential to the concept of democracy itself. It would therefore be achievable with enough support and widespread understanding of this fact.

Since 1945, neither of the major parties has ever received a majority of the votes cast, even though each has enjoyed majorities in parliament.¹¹ The table below shows the vote share and percentage of seats in parliament for both the major parties and the turnout for each election since 1983.



One fact that stands out is that since 2001, once turnout is considered (averaging around the 70% mark), the combined share of the vote for both major parties has been less than 50% (the exception being the 2017 election), yet together they still control the vast majority of seats in parliament.

Consequently, MPs are elected without asking for, let alone receiving, the consent of the majority. The UK is, in practice, an elected oligarchy, elected by archaic rules that serve a system that chiefly benefits the two major parties and the special interests that attend to them.

What can NOTA bring to the table to change all this?

It provides a single politically neutral ‘catch-all’ option on the ballot for voters of all political persuasions that are dissatisfied with the status quo. Opposition to the status quo no longer need be divided.

For example, if a candidate you support has no chance of winning, and the candidate likely to win doesn’t have your support (as is often the case in a so-called ‘safe seat’), then choosing formal and binding NOTA allows you to be part of a united opposition to the likely winner, without having to compromise on your ideals or interests.

Clearly, this provides a much better option than wasting your vote on a choice with no hope of winning (as the opposition is divided amongst several candidates), spoiling your ballot in protest, or not voting at all.

The presence of NOTA does away with the necessity of tactical voting or voting for the ‘lesser of several evils’. These voters can simply choose NOTA and be part of a unified and effective opposition by the simple tick of a box.

There could also be compelling reasons for voters to choose NOTA even if they happen to support a candidate in a ‘safe seat’ who is guaranteed victory under FPTP. Because when you vote, you are not just voting for a candidate, but also their party

and entire policy platform. If any one of those elements contains aspects that are unacceptable to you, NOTA is a suitable way of expressing that dissatisfaction.

Formal and binding NOTA is a viable option for any voter who feels that an acceptable outcome is impossible, or uncertain, no matter who they vote for in an election.

It would mean that widespread opposition would no longer be divided. It would provide a potent new feature within the electoral process that could be used to compel governance to maximize the common good, as politicians would then always be incentivised to serve voter interests first and foremost and those of vested interests and lobbyists second, if at all.

It is important to realise that NOTA would not have to ever reach a majority in order for it to be effective. However, its potential to do so and force a re-run, ought to be enough to steer candidates to always strive to represent as many of their constituents as possible and therefore always strive to maximise the common good.

If the number of people choosing NOTA in a constituency were to ever exceed the democratic threshold of 50%, then clearly the election must be held again, as no candidate will have been capable of eliciting the consent of the majority. This is the basis of any real democracy. In practice, this would be no more complicated than organising a by-election as soon as possible, say within three to six months, while in the meantime the seat remained empty, as currently happens when an MP dies or steps down unexpectedly.

This power to withhold consent, in a formal and binding manner, means that the voter would, finally, have real sovereign power.

This is why NOTA is a game changer.

Once voters have sovereign power, the change it engenders would be powerful, and its implications huge.

NOTA changes the political dynamic towards fulfilling the needs of voters and away from the needs of the political class and their backers.

In other words, to ensure being elected, candidates and parties would have to commit to genuinely maximizing the common good - or face blanket formal rejection at the ballot box.

The voter is not there to serve the electoral system. The electoral system exists solely to serve the voter. Formal and binding NOTA, properly implemented, would ensure this.



Why and How NOTA Can Ensure the Maximization of the Common Good.

The current electoral model is *'lead, follow, or get out of the way'*. With NOTA on the ballot, no longer need anyone get out of the way.

Without NOTA, voters do not hold sovereign power.

Casting a vote is not a vote only for the candidate but (usually) for the candidate's political party and that party's entire policy platform. This is a vast mandate, and perhaps undeserved; as many people vote 'holding their nose' for the perceived 'lesser of several evils' candidate.

In the 2017 UK General Election, it was estimated that 20% voted tactically; that is, voted for the candidate they thought most likely to beat the candidate they disliked most.¹²

That is not a democratic electoral system.

A voter should only give their consent if the election will deliver a representative that they deem is fit to represent them. In fact, it could be said to be their duty as a voter to withhold consent until they are satisfied they will get acceptable representation. Otherwise, they let down not only themselves, but their families and communities and their nation.

It is a travesty to not allow voters to withhold their consent and instead force them into either supporting the least unpleasant choice or disengaging completely.

There is no non-corrupt or rational reason for this situation to persist.

If for any reason a voter is dissatisfied with the choices in front of them, or if their choice cannot win, and the likely winner is unsuitable, or for any reason they deem

fit, they should be free to choose NOTA. This mechanism would make the voter vastly more powerful than they are now.

A consequence would be that parties and candidates would have to constantly try to stop votes going into the 'catch-all' NOTA option and compete with each other for these votes. It stands to reason then, that the common good will be maximized over time.

To minimise the number of people choosing NOTA, you must maximise the common good.

People will give their consent when their needs are being met. Otherwise they will withhold their consent.

It is a reliable feedback mechanism that allows elected officials to know if they are performing to the voters' satisfaction.

NOTA has the potential to vastly narrow the base on which currently entrenched political establishments reside. There are so many 'safe seats' in the UK that make it easy for a large number of politicians to live within a bubble where the needs of voters are of little concern.

Formal and binding NOTA, properly implemented, would make a considerable impact on that situation. Wherever they reside, political elites would instantly become that much more directly accountable to the public.

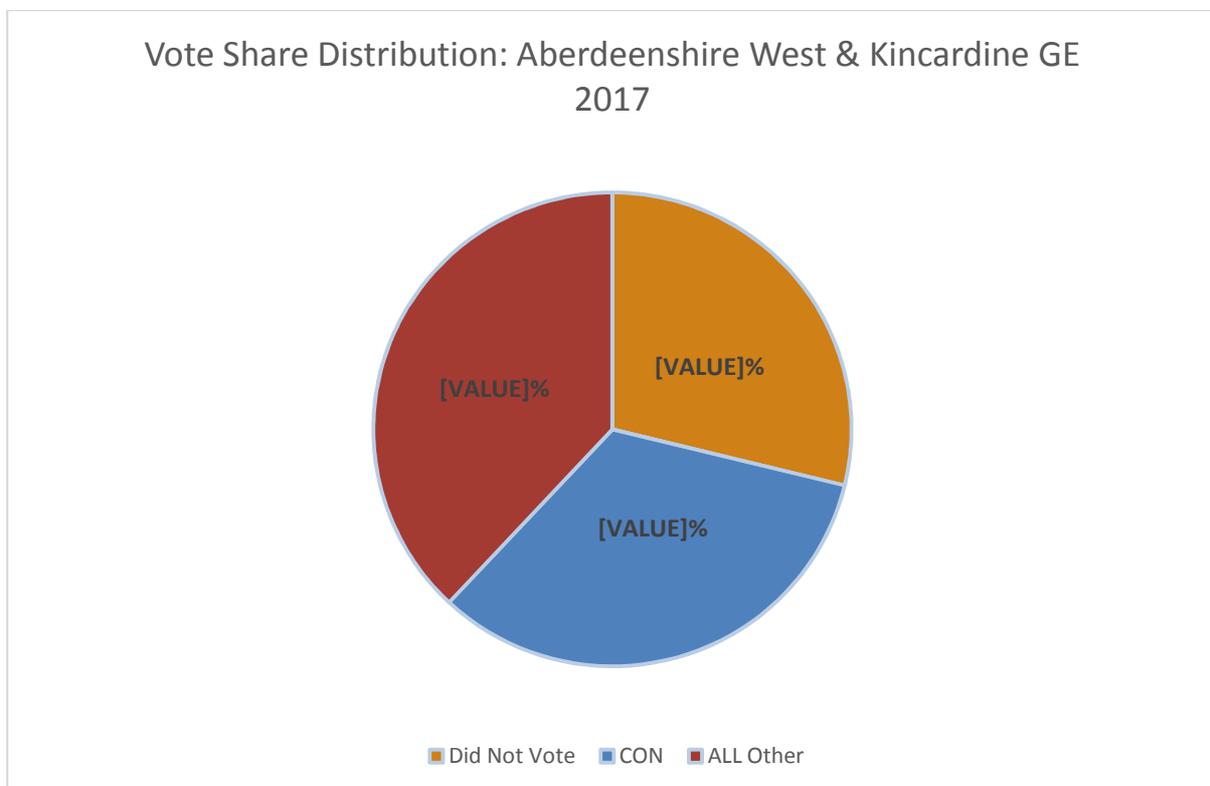
An example is provided next.

The Conservative ‘Safe Seat’ of Aberdeenshire West and Kincardine.

Of the 650 seats in the UK parliament, 368 were considered so safe that in the 2015 election, the Electoral Reform Society called their result prior to the election.¹³

NOTA can reduce that number considerably. The example below is listed as the 34th safest Conservative seat of a total of 316 from the 2017 General Election (GE)¹⁴

Electorate	Turnout%	CON%	LAB%	LIB%	UKIP%	Green%	NAT%	MIN%	OTH%	2017 Win
72,477	71.2	46.6	9.0	8.8	0.9	0.8	33.9	0.0	0.0	CON



Note that the winning candidate realized less than 50% of the votes, yet as the opposition was split among different candidates, he still won, and if you consider turnout, the winning candidate has about 33% of the possible votes.

The only reason the Conservative candidate won is because the opposition is divided.

Then, there are those who did not vote; how many did not vote because they felt there was no-one fit to represent them on the ballot? We have no way of knowing.

How many of the Conservative voters voted for the Conservative candidate as they felt he was the 'lesser evil' candidate, even though they had severe reservations? Again, we have no way of knowing. It is a terrible state of affairs; this is basic and vital information that is required to effectively run a country.

Then of course you have the majority of voters who voted for other candidates. How many of those truly gave their consent to the Conservative candidate to represent them, or any other potential winner besides who they voted for? Yet again, we have no way of knowing.

It is alarming that the electoral process does not even attempt to measure the number of these voters. It is a vast oversight and its significance cannot be overstated.

NOTA is the 'catch-all' option under which all these voters can reside and have a clear and compelling voice. If NOTA were an option, all of these people could use it to withhold their consent until they are satisfied that whoever wins, whether they voted for them or not, is fit to represent them.

This example demonstrates that NOTA provides voters with the power to remove candidates from what would otherwise be very safe seats. This represents a huge change for the better in the UK political landscape.

It would be foolish to underestimate what a profound effect properly implemented NOTA could have on the UK political scene.

The next section provides further analysis on the possible effect of NOTA on a seat over time using the current FPTP system.

Hypothetical Example of the Effect of the NOTA Option on a Parliamentary Seat Over Time.

Let us say that there are 100 voters and 3 candidates: LIB, LAB and CON. A FPTP system is used. For the sake of simplicity, it is assumed there is full turnout. Under current rules, an election can turnout as follows:

LIB: 25 LAB: 35 CON: 40

CON would win and would likely keep on winning even though less than 50% of the total votes have been secured. There is little incentive for CON to provide adequate representation to the majority of the electorate, while monopoly status is retained with all CON voters who will likely vote CON even if they have reservations. It's a rigid system, and change is difficult. Now add NOTA to the mix. The voting pattern could change to:

LIB: 5 LAB: 15 CON: 31 NOTA: 49

NOTA consists of voters from CON, LAB, and LIB, all now counting as one voting bloc. There is now a clear measure of dissatisfaction. This is invaluable information for all, voters and candidates alike.

Now, even though NOTA achieved a plurality, CON still has the consent of the majority. Because although only 31% voted CON, 51% were non-NOTA voters who gave their consent to be represented by a winner, while 49% withheld their consent. To be valid, a NOTA 'win' should only occur if it got more than 50% of the votes, not just the most votes. So, in this example, CON still wins and has a democratic mandate - but it is clearly measurable that dissatisfaction among voters runs high.

Now CON is incentivised to not only represent the 31 who voted for him, but also the 20 who did not vote for him, as otherwise they might choose NOTA at the next election. As NOTA could then pass the democratic threshold of 50%, where neither

CON nor anyone else would be elected, CON will now have to try to attract rival votes to be sure of retaining the seat.

In addition, CON must also start to attract voters in the NOTA pool, as LIB and LAB would realise that they too have a chance of winning the seat if they are able to attract them. This would lead to healthy competition among candidates to cater for as many disgruntled voters as possible, while putting less emphasis on catering to their party establishment, or even better, ensuring that party establishments are paying more attention to the needs of the electorate as a whole in the first place.

The mere presence of NOTA on the ballot would give voters the power to compel candidates in the direction they want them to go. As most people will tend to vote for parties and policies that improve their lives, the common good ought to be maximized over time.

In a subsequent election the votes may go as follows:

LIB: 14 LAB: 33 CON: 43 NOTA: 10

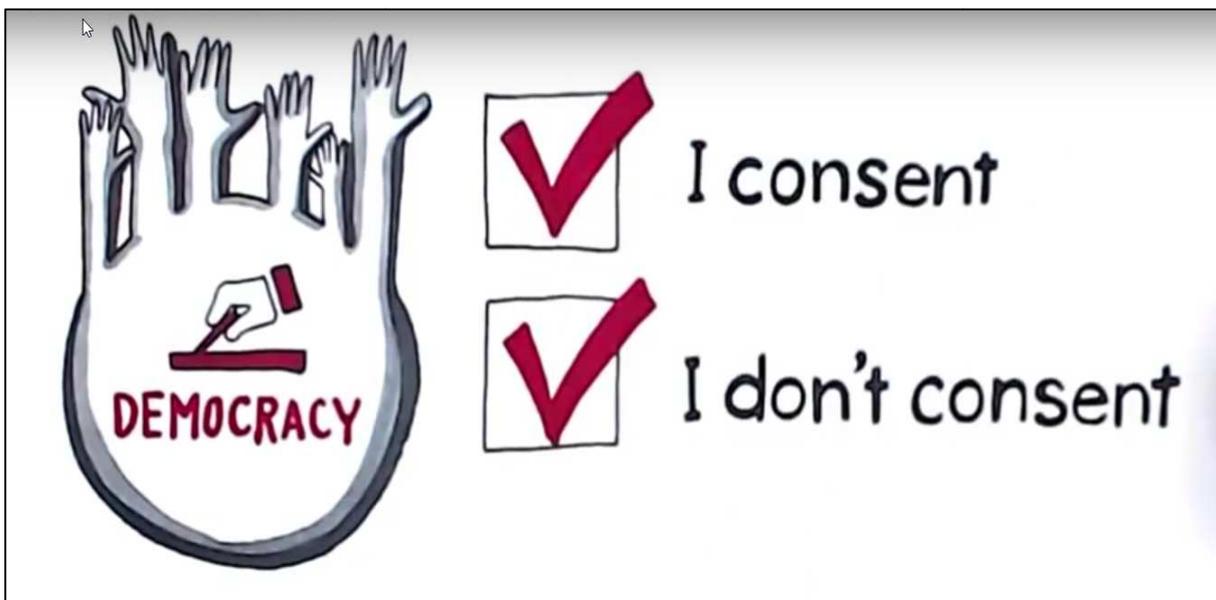
Now, 90 voters out of 100 think the winning candidate in the election is worthy of their consent. Only 43% voted for the winner but they have the consent of 90% of voters. This would only be possible if ALL the candidates were perceived as genuinely being able to represent a majority of voters if they win.

This is what NOTA is capable of providing: a political climate in which improving the lives of voters trumps all other considerations.

It would be reasonable to think that a FPTP electoral system is not capable of reducing the NOTA vote to this extent and that is a fair point. But if the level of dissatisfaction remained high, NOTA would provide an inarguable imperative for further electoral reform that would further enhance representation for voters and diminish the use of NOTA.

In other words, NOTA can also be seen as the logical starting point for further democratic reform.

It should be emphasised that formal and binding NOTA, seen this way, is a necessity for producing a democratic electoral system that will maximise the common good.



What Happens When NOTA 'Wins'?

Under this proposal, if the NOTA option were to exceed the 50% threshold, the seat would remain empty until a candidate received the consent of the majority in a re-run. Re-runs could theoretically continue until the consent of the majority was obtained. This would create an incentive for all parties to genuinely address the concerns of all these NOTA voters in order to ensure that didn't happen.

In the interim period, the seat should remain empty and would automatically vote against any proposed government legislation.

The reason for this is that parliament must reflect the will of the people. A temporarily empty seat, as a result of a majority NOTA 'win', would, by definition, represent a rejection of whoever is in power and any proposed new legislation. The more NOTA seats there were, the more difficult it would be to pass legislation. This possibility would in turn provide even more incentive for parties to ensure there are as few NOTA voters as possible by actually representing them in the first place.

In our view, there should be no stipulation on barring the original candidates from a future election, as it is impossible to know why voters chose NOTA until the reasons are investigated.

There are many reasons for voters to withhold their consent and forcing this type of pre-condition is a curtailment of their sovereignty.

They must be fully free to give and withhold consent. The candidates standing for election can be outstanding, but voters may still choose to withhold their consent in order to protest or halt other aspects of the mandate their vote provides.

Ultimately, this ensures the voters are in charge.

If you take anything from this proposal, make it this: **if you put the voters in charge and respect their individual sovereignty, they will inevitably maximize the common good.**

Local party activists will usually understand why voters chose NOTA, but time is required for analysis, investigation and the drawing up of mitigating measures before another election is held. Our suggested time-frame is between three and six months, this will allow sufficient time for corrective measures to be implemented by parties and to minimise voter fatigue before voters are once again asked for their consent.



How Not to Implement NOTA.

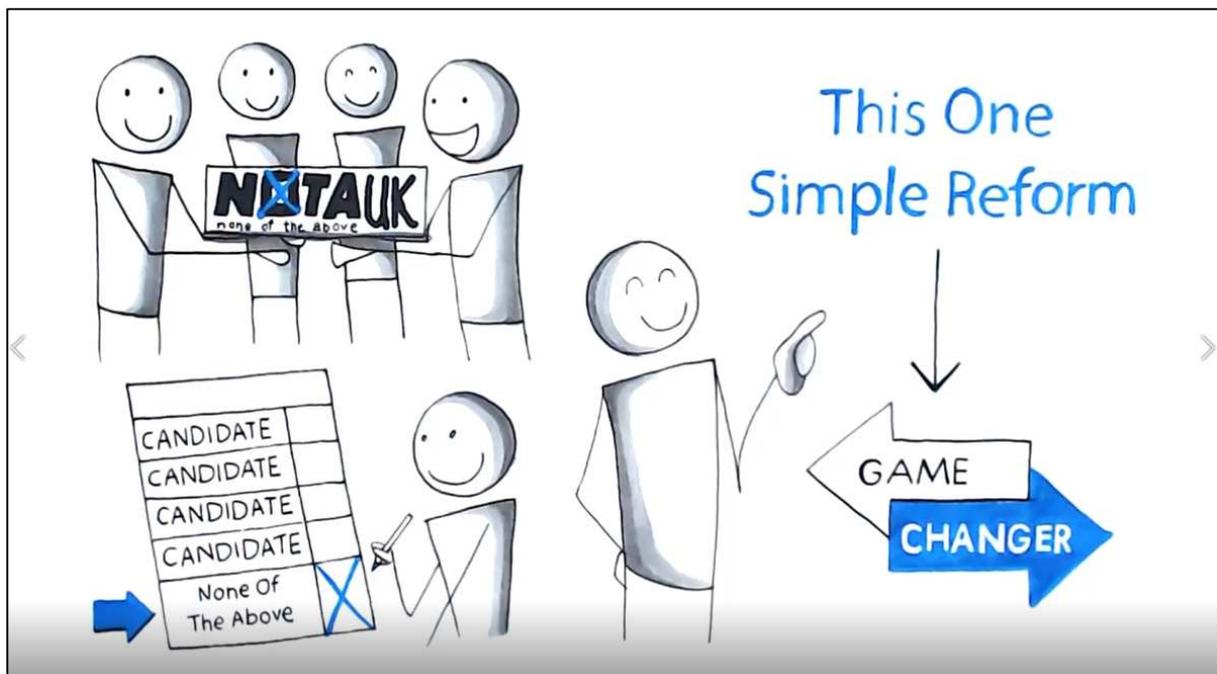
NOTA should not 'win' as a plurality, as this would be as undemocratic as the current system. Democracy would not be enhanced and it would be possible for elections to be re-run continually with no improvement ever being seen.

This would be a terrible way to use NOTA.

The will of the majority must be respected because that sets up the path to maximising the common good. Here, there is the danger of continual re-runs with the state never having enough opportunity to put into place measures that would reduce the number choosing NOTA before it reached the critical mass of 50%.

If voter dissatisfaction levels do remain high, there will be a clear and compelling case for further voter-led electoral reform.

On that note, let us examine how a NOTA option can be implemented into other electoral systems.



How Can NOTA be Used in Other Electoral Systems?

NOTA is required in any electoral system, if it is to be truly democratic and provide an incentive to maximize the common good.

Proper implementation is based on ensuring it enhances democracy, which means enhancing popular sovereignty.

We can illustrate this concept through a simplified Proportional Representation (PR) model.

Take the case of a legislative assembly comprising 100 seats. The number of seats each party has in the assembly is based on the percentage share it receives of the vote so that, for example, a party receiving 20% of the votes will have 20 of the 100 seats.

It is unlikely that in a PR system any single party will achieve enough votes to have a majority of seats in the assembly. A coalition will therefore usually be required and there is no way of knowing whether the compromises reached to build that coalition would have the consent of the majority.

Nor is there any incentive for parties to work towards improving the common good.

Parties largely have a monopoly status over the people who vote for them, so can bundle in all kinds of policies that do not enhance the common good along with policies their voters support, while excluding policies their voters *would* support. They will also have control of the candidates put forward.

Anyone who has no representation can be ignored, as, without NOTA on the ballot, they are left without a voice.

Once again it is '*lead, follow, or get out of the way*'. This is not democracy. But add NOTA, and once again everything changes for the better.

NOTA voters should always have the same power as those who choose one of the parties on the ballot.

So the final percentage of voters who choose NOTA should match the percentage of empty seats in the legislative assembly – and empty seats would always automatically be registered as voting against any proposed legislation.

Why?

Because this is the democratically valid result of choosing NOTA.

But isn't that negative?

No. It provides an incentive to political parties in the assembly to minimise the number of empty seats, aligning their interests with the will of the people, thus ensuring the maximisation of the common good over time.

In these circumstances, whatever coalition is formed, and even where no coalition is required, the assembly would aim to maximize the common good because failure to do so would increase the NOTA share of the vote. Also, parties must compete to win votes from the NOTA pool to expand or maintain their power in the assembly. The larger NOTA's share of the vote, the more difficult it would become to get legislation through the assembly. Should the NOTA vote exceed 50%, it would become impossible. And this is as it should be.

The political environment of the assembly is now solely focused on improving the lives of voters. No more can politicians live in a bubble where their own preferences take precedence over voter interests.

What Other Benefits Will Voters See from the NOTA Option?

NOTA is a sea-change. What we have now is not real democracy. The changes NOTA brings are the changes that are natural to any real democracy.

For example:

Negative campaigning would no longer be tactically viable. Because it would be bound to increase the use of NOTA. Candidates would have to focus on real issues or be rejected. Politics would be less vicious, less about theatrics and more about serving voters. Candidates who use underhand methods would no longer be successful. They would either change or voters would remove them from politics altogether. Politics would become more attractive and viable for people who are competent and genuinely interested in representing voters but lack the nastiness required to thrive in the current climate.

Money politics could become a thing of the past. If voters had full veto power, money would no longer have the influence it does today. When money can't buy the results the people who supply it want to see, it could conceivably disappear from politics altogether, as could people who stand for election purely for financial reasons. Politics could become less corrupt and this, in turn, could conceivably spread itself to other sectors of public life, as honest politicians will generally seek to ensure all aspects of public life are honest, while dishonest politicians tend to seek the opposite.

Conclusions

Adaptable as the reform of NOTA is, thought must be given to ensuring it is implemented according to democratic concepts. If this is done, this model has the power to maximize the common good by aligning the interests of the elected and electors.

Only a formal and binding NOTA option on ballots can provide this direct link. Without it, special interests can, and do, take precedence over those of the general public, even though they are far outnumbered. (*Refer to Appendix C: The Iron Law of Oligarchy*).

Capturing a political party can mean capturing a country, which can be devastating in developing countries where checks and balances are weak. (*Refer to Appendix D: 'None of the Above' – Brazil Case Study*)

Even in developed countries, a great deal of effort is needed to ensure that elected officials do not abuse their positions. Properly implemented, NOTA is a potent tool for reducing the power of special interests and reigning in abuses of power, as well as improving the lives of most voters.

If corrupt and selfish actors and the special interests they serve can no longer benefit from the political system, they would most likely remove themselves from it, opening it up to people of integrity who are dedicated to serving their constituents. The viciousness and corruption that often characterize politics would no longer have a place within it, as voters would not tolerate such behaviour.

The addition of NOTA gives elections a unique new characteristic - voters with sovereign power.

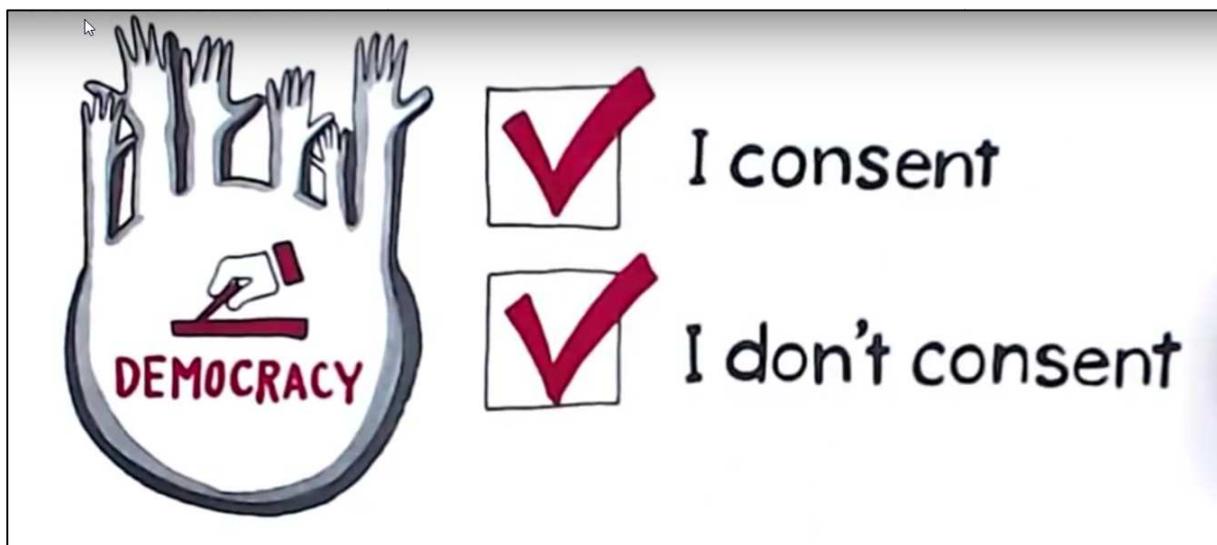
An electoral system not fit for purpose leads to a political establishment not fit for purpose. Once the electoral system is made fit for purpose, the reform of all sectors of public life should inevitably follow. This change would ensure that, in the long

term, the common good would always be maximized. The importance of this change cannot be overstated.

We are at a fortunate point in history, where so much has been handed down to us and so much is in place. All we need now to complete the potential masterpiece we've been bequeathed is the capstone that makes it all work as it should.

That final piece is NOTA.

It would be a criminal waste not to take this final step towards full suffrage and real democracy.



APPENDIX A

APPENDICES

Rebuttals to Common Objections

1. You can already abstain, spoil your ballot, or insert a write-in candidate.

These options have nothing to do with properly implemented NOTA which would be a formal means by which voters could withhold their consent for an election to declare a winner.

Not voting has no effect on the result and provides no reliable measure of voter discontent. Those who choose to abstain for valid reasons are lumped in with those who just can't be bothered. No distinction can be made.

Spoiling your ballot is just another form of negative abstention. In the UK, intentionally spoiled ballots are lumped in with those spoiled in error and there is no attempt to differentiate them. They therefore cannot in any way affect the result as they are not counted as formal rejections. All spoiled ballots do is bring uncertainty in to the electoral process, which can be exploited and is the worst of all outcomes for voters.

Voters need a clearly demarcated NOTA option on the ballot, so that choosing that option is seen to be as equivalent, explicitly defined, and legitimate as choosing a candidate.

Spoiled ballot papers don't count, whereas a properly implemented NOTA option would count to exactly the same extent as any other vote (because NOTA is a vote) and would therefore provide clear and compelling feedback of the electorate's level of dissatisfaction in a way that defacing a ballot does not.

A ‘write-in’ candidate is not a valid substitute either and serves no purpose other than dividing the opposition even further. It cannot halt the election of unsuitable candidates, or incentivize politicians to maximize the common good, and is therefore not a substitute for NOTA.

2. NOTA is negative or ‘anti-politics’

This objection is usually offered by those already involved in party politics, and one can see that from their point of view, NOTA would be a hindrance as it brings all sorts of new complexities into their lives. To them, that would be a negative.

The reality is that NOTA, rather than being a hindrance, would provide both a reliable indicator of the electorate’s dissatisfaction as well as the means to bring about change in one package. Moreover, it would undoubtedly allow people who usually disengage from the political process to finally engage with it meaningfully. How is that a negative?

NOTA is an elegant and simple reform that would have profound implications if implemented properly. At a minimum it would provide vital feedback to guide those who are in office.

Voters who choose NOTA, because they genuinely feel that an election cannot provide them with adequate representation, will simply be doing their duty as a voter, just as all those who choose to vote for actual candidates.

People who voice this objection often couple it with the suggestion that you can always stand yourself. In reality, this is a re-statement of *‘lead, follow or get out of the way’* and represents the undemocratic model that NOTA is there to change. It also runs contrary to the ethos behind representative democracy: we elect people to govern on our behalf as we lack the expertise to do it ourselves. Anyone suggesting “run yourself” would appear not to understand the point of a representative democracy.

Any serious examination of the reform will find only positives. Suggestions that giving electors the ability to say “NO” is “negative” or “anti-politics” are designed to shut down any serious debate on the issue.

3. It will not be used.

This is the only relevant objection. Will people use it? First, let’s take a step back and examine the assumption behind the objection.

It is saying that democracy does not work.

Let us look at the mind-set behind the objection.

This is a quote from a research associate at Democratic Audit, an independent research organization based at the London School of Economics:

*...simply being in a position to choose it (NOTA) requires a level of political engagement that is unthinkable for millions of citizens.*¹⁵

Is that right? I think we have to accept that some people will never be interested in voting but there are many reasons to think that this option will draw many non-voters into voting and that there is a desire for such an option.

In 2015, the Political & Constitutional Reform Committee (PCRC) found that the NOTA option had one of the highest levels of interest of all proposed electoral reforms in a study they carried out. 72% of more than 15,000 respondents were in favour of including NOTA on the ballot, yet many academics see this option as controversial and of little use because they misunderstand its role in the electoral system.¹⁶

A survey conducted in 2013 found that the top reasons for not voting were:¹⁷

- **My vote doesn’t make a difference (27%)**
- **The parties / candidates are all the same (25%)**

- **I'm not interested in politics (19%)**
- **I didn't have enough information or knowledge to choose (18%)**
- **My views were not represented by the parties or candidates on offer (17%)**

Note that the total percentage does not tally with 100% as respondents were allowed to choose more than one reason. This data clearly suggests that many of those who did not vote could be brought to vote by the presence of a meaningful, formal and binding NOTA option.

Increasing political participation requires increasing people's political power. Many people will not participate in an activity within which they feel powerless and voiceless. But they will participate in one that empowers them and gives them a voice.

So, will it be used? Firstly, it should be noted that the aim is for it to be used as little as possible. If people don't choose it, it could just as easily be a sign of success, rather than failure, if this is a result of parties waking up to the power of NOTA and aligning their approaches with the common good.

Secondly, if you refer to the widespread use of 'toothless' NOTA in the 2016 Brazilian municipal elections, you can see that it has a massive potential to make a difference if implemented 'with teeth' (*Refer to Appendix D: 'None of the Above' – Brazil Case Study*). Clearly, people do choose it when it is there.

For example, an option similar to NOTA was previously present in Russian regional elections and forced 200 re-runs out of 1500 contests by achieving a plurality.¹⁶

There are no guarantees of course. There is no doubt, however, that levels of dissatisfaction with politics are high all around the world and it is hard to imagine why an option that sets out specifically to measure this dissatisfaction by giving voters more power will not be used if the option exists right there on the ballot.

4. There is already enough choice on the ballot

In a FPTP system all these choices do is split the opposition so that the plurality required to win becomes smaller. That doesn't serve voters, it serves the large parties.

The appearance of 'choice' on the ballot does not mean that NOTA is not required (see the survey above). It clearly doesn't matter that there are plenty of choices on the ballot, if your choice has no chance of winning or if you don't want any of those likely to win to represent you. It is only right and proper for you to withhold your consent by choosing NOTA in this situation.

The election must produce a winner that you think is fit to represent you and if it cannot you must be able to withhold your consent. Not being able to withhold your consent is oppressive and authoritarian and has no place in a real democracy.



APPENDIX B

Does Every Electoral System Require a NOTA Type Option?

Yes. For an electoral system to be democratic it does, as this is what ensures that the state adheres to the will of the people. Without it, the monopoly status that parties often have with their supporters allows them considerable leeway in creating entrenched political establishments that are isolated from their voting base. (*Refer to Appendix C: Iron Law of Oligarchy*)

The only limitation we envisage currently is that NOTA should not be used in elections to such executive positions as mayor, governor or president as someone must be elected to exercise those positions' executive functions. It is still not impossible but would require constitutional changes beyond the scope of this paper.

For elections to legislative assemblies, on the other hand, there is no such difficulty. In fact, to fulfil constitutional requirements, a NOTA option is a necessity.

In the UK, even if 50% or more of the seats were temporarily vacant due to NOTA, parliament could still theoretically elect a PM and cabinet and have an opposition. They would simply not be able to enact legislation until the numbers were in their favour after by-elections, which would be dependent on them addressing NOTA voters' concerns and committing to maximising the common good.



APPENDIX C

The Iron Law of Oligarchy

“The iron law of oligarchy states that all forms of organization, regardless of how democratic they may be at the start, will eventually and inevitably develop oligarchic tendencies, thus making true democracy practically and theoretically impossible, especially in large groups and complex organizations [...]

According to the “iron law”, democracy and large-scale organization are incompatible”.¹⁸

It is important to understand this concept as it has had a great impact on our politics.

This is a political theory by Robert Michels, a German sociologist, that states that rule by an elite or oligarchy is inevitable within any large-scale organization, no matter how democratically it began.

According to his theory, all organisations come to be dominated by a leadership class and, as this class has the power to reward loyalty, it is inevitable that they will shape an organization to suit them.

For this reason, he felt that representative democracy will never work and can only ever merely serve as a façade to legitimize the rule of a particular elite. The process by which this occurs is summarized as follows:

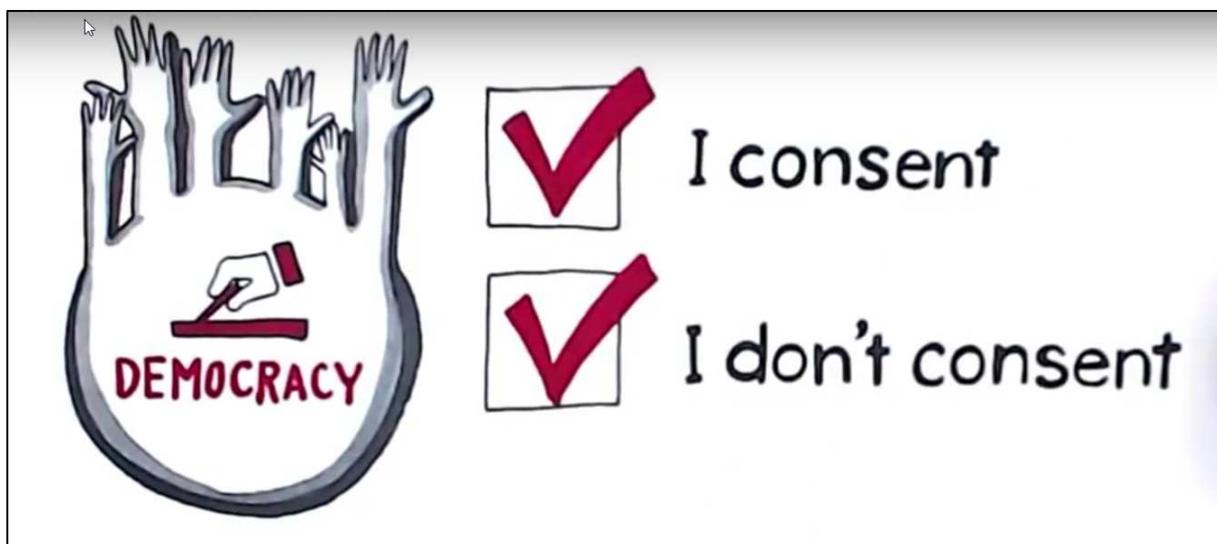
“Bureaucracy happens. If bureaucracy happens, power rises. Power corrupts”.¹⁸

This theory merely formalizes the experience many people have of out of touch political elites forcing their views on the rest of society for better or worse. Without the NOTA option there is no easy way to remove or direct this elite when they fail to benefit the common good.

NOTA, properly implemented, would significantly diminish the power of any given ruling elite.

The Iron Law of Oligarchy is a very important way to conceptualise why representative democracy is often anything but representative.

The ability for voters to formally say 'NO' is a critical component in any truly democratic society, as without it we are destined to be dominated by whatever cliques capture our main political parties.



APPENDIX D

‘None of the Above’ – Brazil Case Study

The 2016 municipal elections in Brazil provide a glimpse into how important a well implemented NOTA option could become in transforming a political landscape.

It is important to note that while Brazil did have this option on the ballot for these elections, it was toothless, as it could not alter the election outcome. In this form, it is merely a symbolic form of abstention. What we are proposing is properly implemented formal and binding NOTA 'with teeth'.

Yet, even in this powerless form, NOTA achieved wide-spread use in Brazil in 2016. It averaged 30% nationwide and nearly 50% in some cities. It should be noted that turnout was exceptionally low, with 17% not turning out and willing to risk being fined rather than choose a candidate (as voting in Brazil is compulsory).¹⁹ These figures speak loudly of the need for a NOTA with teeth. The political process in Brazil was broken and real NOTA was needed to fix it.

The background to the election was that the anti-establishment Worker's Party was engulfed by corruption, incompetence and abuse of power scandals, so they were seen to betray their voting base. However, none of the 'establishment' parties could take its place, so many voters literally had no worthwhile candidate for whom to vote.

This situation is exactly what an effective NOTA option 'with teeth' can resolve. As outlined elsewhere in this proposal, the Iron Law of Oligarchy and a lack of incentive to maximize the common good leads to political establishments becoming out of the control of their voters.

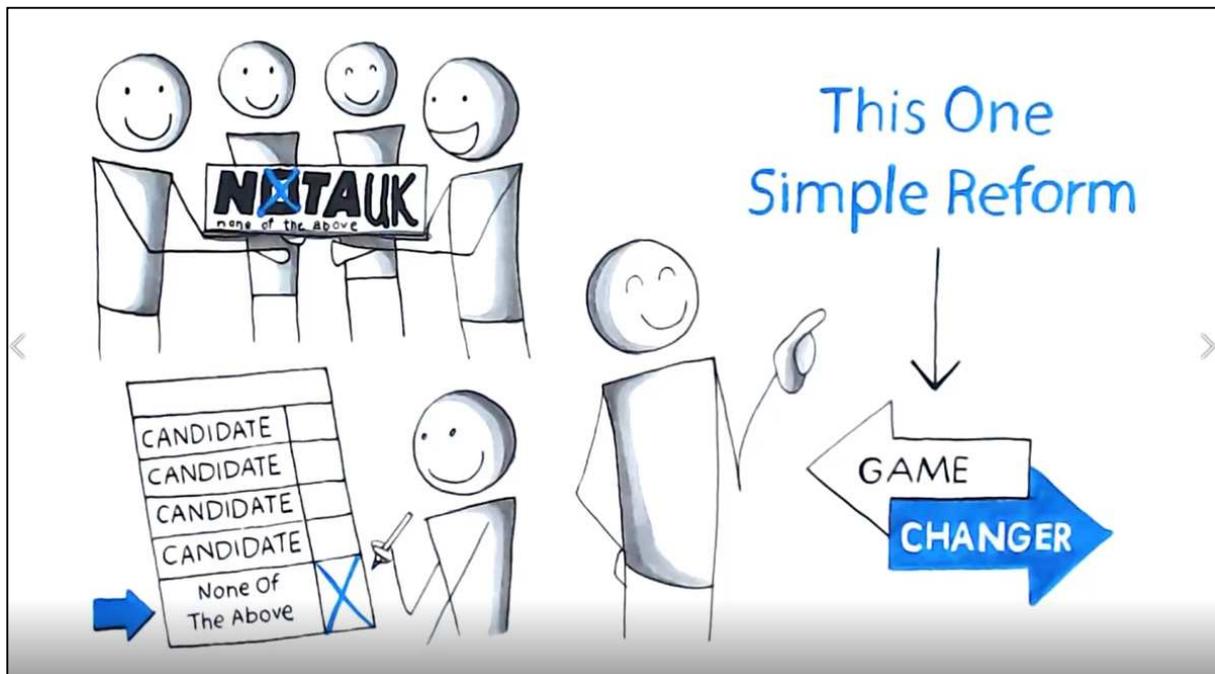
If voters could withhold their consent formally, they could hope to prevent these abuses from occurring in the first place, and if they still occurred, they'd have an effective means by which they could engage in a wholesale re-set of the political

establishment without much effort and continue to exert pressure on it to maximize the common good.

All they need do is tick a box in numbers and allow that choice to have its democratically valid consequence. It is criminal not to allow voters this simple fix. With an effective NOTA option in place, many elections over the years would have had to be re-run and candidates who were not corrupt would have been necessary to achieve the consent of the voters. This power could be transformative for a country such as Brazil.

And it begs the question: could the presence of a meaningful and binding NOTA option have prevented betrayal of the electorate in the first place?

NOTA can bring stability to the political process as it provides voters with the ability to voice their dissatisfaction along with the ability to bring about change in a straightforward, simple and robust manner.



Contact Details

Website: <https://nota-uk.org/>

Video Series: <https://nota-uk.org/nota-video-series/>

Facebook: <https://m.facebook.com/groups/notauk/>

Petition: <https://you.38degrees.org.uk/petitions/inclusion-of-an-official-none-of-the-above-option-for-all-uk-elections-2>

Email: stan@mailmanstan.co.uk
rohin_vadera@hotmail.com



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