

The Right to Expressive Voting Methods

Pierre-Étienne Vandamme, FWO & KU Leuven

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In mass democracies, voting – in elections or referendums – is the main way in which most citizens express their political preferences. And yet this means of expression is sometimes perceived by them as highly frustrating. Some voters are frustrated because they dislike the available options. Others because they think elections are pointless and never lead to significant social change. Others because the voting method does not allow them to express their genuine preferences or the nuances of their preferences – and it is this latter form of dissatisfaction that will be the focus of this article. My ambition is not to study this dissatisfaction empirically¹. I do not know how widespread it is. Whatever its empirical significance, however, I believe that it is based on good reasons.

The problem I would like to address from a normative perspective is that dominant voting practices are extremely poor instruments of expression. Choices faced by citizens are often binary. Voters usually face high pressure to make tactical choices, often at the cost of expressing their genuine preferences. They cannot express through their vote what they really think about the candidates, parties, or options. They cannot express anything about the reasons supporting their vote, or about their policy priorities (in elections). And because we use secret ballots, they are not incentivized to justify and explain their choices.

After having explained these problems associated with dominant voting methods (section 1), I argue that citizens do not merely have the right to vote; they have a right to voting methods that allow for more opportunities for expression (section 2). In the public deliberation about the best collective decision-making mechanism, this right should be put in balance with considerations such as the best way of representing citizens' actual preferences, fairness, accessibility, transparency, and cost of the voting process (section 3). To illustrate this, I argue that an alternative voting method such as evaluative voting, allowing voters to assess all candidates or options rather than picking only one, scores better in terms of expression than traditional voting methods without jeopardizing other important values (section 4).

These issues have largely been neglected by moral and political philosophers (Gay-Para & Vandamme 2023). Since Condorcet, it is mostly social choice theorists – economists in particular – that have discussed them. This neglect is surprising and regrettable, given that voting is one of the most significant means of democratic expression² for most citizens and that it raises important and interesting ethical questions when considered from a citizen's perspective (Mráz & Lever 2021). Furthermore, what is at stake is undeniably important: it is citizens' attachment to representative democracy because the experience they make of representation and the image of it that they form as a result are highly influenced by their experience of voting. And this experience, sadly, is often unnecessarily frustrating.

¹ For a broader and empirically-based view on citizens' frustration with their political institutions, see Harrison 2023.

² My focus will be on what voters express through their votes, and not on what the practice of voting in itself expresses. On the latter, see Winkler 1993; Poama & Theuns 2019.

Unnecessarily, because alternative voting methods exist that allow for more expression. Hence, because citizens' satisfaction with their democratic institutions has an important instrumental value for the stability of democracy, we should all care about this problem and philosophers should bring their contribution to this necessary public debate.

1. What's wrong with dominant voting methods?

To be sure, voting is far from being the *only* means of expression for citizens in a democratic society. Talking, writing, protesting, signing petitions, joining associations, and disobeying are also extremely important for a healthy democracy. For many citizens, however, voting will be the *main* means of public expression, as argued below. There are many ways, however, in which this means of expression can be disappointing from the perspective of voters.

The reduction of options

First, the choices they face are often binary, excluding alternative options and excessively reducing complexity. It is most clearly the case in traditional referendums – although non-binary referendums exist (see Wagenaar 2020). Yet even in elections with a plurality of candidates (and the blank vote option), voters face high incentives to reduce their options to a binary or ternary choice between the candidates most likely to win. This occurs most visibly in majoritarian electoral systems, where two parties tend to occupy the central stage and where the incentives to vote for minor candidates or parties are very low. It can occur as well under proportional representation, although to a much lesser extent: when voters' preferred party is non-mainstream and therefore unlikely to join a governing coalition, they have strong incentives to vote for one of the main parties if they want to weigh on the formation of the ruling coalition.

This tendency towards a reduction of the viable options available to voters brings about some benefits. In a sense, choices are simpler for voters, who do not need to acquire information about a high diversity of alternatives. In an election without a preselection by political parties, for example, it is very difficult for citizens to obtain the information they need about all the candidates, as was for example the case in the years following the French Revolution (Gueniffey 1993: 331-332). Furthermore, there are benefits related to the ease of aggregation: binary choices reduce the risks of cycling pointed out long ago by Condorcet, i.e., the risk that the winning option among a plurality could be defeated by another option in a binary vote.

Despite these benefits, the reduction of options available to voters also has important normative costs from a democratic perspective. Political scientists have long pointed out that majoritarian systems – which have that strong reductive effect – may lead to governments or parliaments being less representative of the diversity of interests and viewpoints of the electorate (Lijphart & Grofman 1984; Powell 2000). Yet the expressive cost for voters is often neglected. When the choice is strictly binary, it forbids them to express a preference for a neglected alternative. And when it is not strictly binary but there is high pressure to consider only two options, the cost of expressing an alternative preference is too high for the alternative to count as a viable one. Yet in many situations, an option not offered to voters or not genuinely available might be preferable for many of them. Think about the choice between Brexit and no-

Brexit, or between Donald Trump and Hilary Clinton, for example. Many people might prefer an alternative such as partial independence from the EU or a viable candidate (with a reasonable chance to win) who is neither a racist and misogynist nor a member of the establishment.

The pressure to vote tactically

When the choice is not strictly binary – like in a first-past-the-post election with a plurality of candidates –, the problem is not so much the absence of alternatives; it is the high pressure faced by voters to make tactical choices, thereby giving up the opportunity to express their genuine preference. For people who do not identify with the two main candidates, a sincere (sometimes also called “expressive”) vote risks being “wasted”³ – in the sense of not expressing any judgment on the main contenders. As a result, whatever they decide, they will be frustrated: either because they have given up their chance to support or oppose the winner, or because they have sacrificed their genuine preference. Worse, in many cases, voting for a minor candidate or party can have the counter-productive effect of facilitating the win of the opposite political side by dividing one’s side. Hence, these voting methods create burdensome (apparent) ethical dilemmas (Wodak 2019; Mráz & Lever 2021). This, I believe, has not been sufficiently taken into account in the literature on voting methods. Tactical voting has been blamed for giving an unfair advantage to well-informed voters (Satterthwaite 1973: 10; Dummett 1997: 180), but it is also to be blamed for being burdensome and constraining for many voters.

One might think that this is regrettable⁴ yet unavoidable. Is it not part of what it means to choose to sacrifice alternatives? Sure, but as we shall see later, the existence of alternative voting methods that do not generate the same problem makes such normative costs *avoidable* and hence worth questioning.

The ambiguity of voter’s approval

A different problem is related to the paucity of the message conveyed through votes. Some voters are frustrated by the fact that their votes, in elections, are interpreted as a strong form of support for a candidate or party when it may just express a small preference for one result over another one, or a choice for the least unappealing option. Voters cannot say what they really think about the candidates, parties, or options.

Admittedly, they can express all sorts of things through other means, including media interventions, petitions, demonstrations, etc. Yet it remains true that votes can be interpreted by electoral winners as a strong approval even when this is very remote from reality. This happens quite frequently in two-round elections. In the second round, voters who saw their favorite candidate eliminated in the first round may be torn between their willingness to vote to oppose a candidate they strongly reject and their reluctance to strengthen the perceived legitimacy of

³ For criticisms of common understandings of this contested notion, see Dummet 1982; Barry 1986, 88-128; Dummett 1997: chap. 10. On my definition given above, a voting system avoids wasting votes when it allows voters to express judgments about all the candidates.

⁴ Although some have argued that the incentive to vote tactically is a good thing, because it encourages voters to learn about the functioning of their electoral system and about the views of their fellow citizens (Dowding & Van Hees 2008: 10).

the other candidate. Some people abstain because they do not want their choice between the lesser of two evils to be interpreted as a form of support. Were they presented with a voting method allowing them to reject one candidate instead of approving the other, they might be less reluctant to vote.

In referendums, the problem might be seen as less salient, because the question asked to voters is usually clear, thereby reducing the possible interpretations of their vote. Nevertheless, they might want to specify the reasons grounding their vote or to make clear that they support the measure though not the government proposing it, for example.

The whole package or nothing

Finally (yet with no claim to be exhaustive), votes in elections can be frustrating insofar as voters are asked to approve a whole package – the full program of a candidate or party – without any means of expressing a more nuanced form of support. For example, they might agree with one key aspect of a party’s program but strongly reject another part of it. Or they might want to express their policy priorities. Yet dominant voting systems – in contrast with alternatives – do not allow such refinements.

This, however, will be seen as a problem mostly by those supporting a “delegate” conception of representation, where voters empower representatives to pursue a specific mandate, and less so in a “trustee” conception which relies on citizens trusting representatives to act in their best interest because they know better (see Pitkin 1967) or in a “gyroscopic” conception (Mansbridge 2003), where voters select representatives with whom they identify enough to assume that they share their values and will therefore act to promote them. In opposition to the delegate conception, the other two are more trust-based and do not require much expression on the citizens’ side. Yet it remains true that some voters might want to give a clearer mandate to their representatives and that, at least for them, dominant voting methods are frustrating in this respect.

In sum, there are different ways in which dominant voting methods can frustrate citizens’ desire for political expression. They tend to reduce the complexity of citizens’ judgments in a way that does not seem justified, given the availability of more expressive voting methods. What is more, citizens’ votes are shrouded in secrecy, which could be seen as strengthening the problem by disincentivizing the public expression of justifications for (or clarification of) one’s vote⁵.

2. The right to expression in voting

Can we make the case that voters have a right to voting methods that allow for more opportunities for expression? I believe that we can if we dig deeper into the foundations of the right to vote. The right to vote is one of the cornerstones of modern representative democracies.

⁵ This is a distinct issue that I will not take up here, having discussed it in previous work (Vandamme 2023). Voting secrecy was already questioned by John Stuart Mill (1861) among others, and has more recently been challenged by Brennan and Pettit (1990), Engelen and Nys (2013), and defended by Lever (2015).

It embodies the idea that key decisions regarding collective affairs must be made by all those who have the status of citizen, on an equal footing. Votes are necessary to allow us to collect the opinions of a large number of people on a given question. They are to be conceived as an *expedient*: if we had enough time (and an appropriate method of aggregation), we would prefer to hear people's articulated opinions, allowing them to express them with nuance and in their full complexity. Yet in large-number democracies, we simply do not have the time. Hence, a diversity of methods have been invented and experimented to simplify people's expression of their opinion, from raising hands or shouting to secret ballots (Déloye & Ihl 2008; Christin 2014). Nothing, however, in the foundational justification of voting practices, indicates that citizens' expression should be reduced to its *most simple* form. We just need to be able to collect opinions 1) relatively quickly, in order not to burden citizens excessively, 2) simultaneously, because fairness requires equal information at voting time (Thompson 2004), and 3) in a way that is relatively transparent and does not make room for undue influence by people in charge of aggregating opinions. This arguably excludes many options for collecting opinions, like speaking in turn or writing down one's preferences in a free format. Nevertheless, given the first best option presented above (hearing everyone), if there are ways to collect opinions quickly, simultaneously, and transparently while allowing for greater complexity in the expression of these opinions, it seems that these should be our preference.

Citizens do not merely have a right to vote. More fundamentally, they have 1) a right to express their political preferences on key political issues; and 2) a right to a procedure by which their preferences are equally taken into account. The first component corresponds to the *deliberative* dimension of democracy; the second to its *aggregative* dimension, both dimensions being necessary (Goodin 2008: chap. 6; Chambers & Warren in this special issue). Nevertheless, there is no reason to think that the two components should be kept apart, that the demand to allow for political expression is relevant only for the period that precedes the vote, as Goodin's formula "First talk, then vote" may suggest. The right to political expression would be weak if it were not understood as a *right of citizens to express their preferences, on key issues, as much as⁶ is compatible with the exercise of this right by their fellow citizens*.

In large-number democracies, the possibility of expressing one's opinion through speech at the time of decision cannot be guaranteed to all. All are free to express their opinion in public debates whenever they want, but people cannot be guaranteed a tribune allowing them to address their message to the whole population. Furthermore, the option to address one's opinion to the whole public cannot be offered to all either, as would be the case in an assembly democracy. Or at least it cannot be offered at a single point in time – at decision time. Therefore, an expedient is needed. However, there seems to be no reason why the right to political expression would stop being relevant in the choice of the best expedient.

From this fundamental *right to political expression*, one can therefore derive a right to expressive voting methods. This should be understood as a *pro tanto* claim right, to which would correspond a duty for public authorities to provide an expressive voting method⁷ *unless*

⁶ This is not to be understood in the sense of "as frequently as possible", but in terms of the richness of expression on a scale ranging from a yes/no answer to a full speech.

⁷ And not just any expressive voting method: a more expressive voting method better honors the right than a less expressive one.

there is a prevailing reason not to. I shall consider countervailing reasons in the next section. Let me first defend this *pro-tanto* right to expressive voting methods.

Considering the perspective of the right to political expression, it would seem odd to settle for a very weakly expressive voting method without having considered more expressive alternatives first. One might believe that this is what happened historically: designers considered and tried several options before opting for the most appealing one. This, however, misses the fact that mass democracy is fundamentally an experimental endeavor. The designers of the institutions we inherited from simply did not have full knowledge of the different possible ways to organize democracy at a large scale (see Przeworski 2010). They certainly did not have the political knowledge now available to us. As a result, they took many shots in the dark, and we inherited from their choices sometimes because they happened to have desirable consequences, but sometimes also merely through path dependency, without any good reason to remain dependent on these choices. Each generation should therefore reconsider its political institutions in light of the newly available knowledge and new alternatives that have been or can be imagined⁸.

Before we consider how this right to expressive voting methods should weigh in our reflections on electoral design compared to other virtues of voting methods, let us consider one objection to the recognition of such a right. Why should the more abstract right to political expression be realized through *votes* when other means are usually available that offer citizens richer forms of expression? Indeed, democracy is not reducible to voting. One of the key principles of representative democracies is the freedom of expression enjoyed by citizens “at all times” (Manin 1997: 167). This expression is unconstrained (except by legal limits to freedom of speech): citizens can, if they want and are able to do so, write a full book to express their complex political opinions. They can support initiatives, petition their government, take the streets, and write op-eds. Could we not say that these freedoms already realize to a sufficient extent the right to political expression? Or that a society offering *genuine* opportunities of expression to all (through citizenship education and media regulation for example) can realize this right without richly expressive voting methods? I see two problems with this view. First, voting is a (or even the most) *significant* means of political expression in a democracy. Second, it is the most *accessible* one.

Significant: however important other means of political expression are, it is hard to deny the importance of voting (whether in a referendum or an election). What makes it particularly *significant* compared to other means of political expression is its impact, collectively measured. Although citizens are free to express themselves by other means, they have absolutely no guarantee that their opinions will be taken into account or even contribute to shaping collective decisions. When they vote, in a sufficiently democratic system, they do have this guarantee. Their vote might not shape the collective decision the way they intended to, but it will be taken into account and partially determine – with other votes – the decision at stake. The fact that votes are bound to be like a drop in the ocean does not make voting less significant, because

⁸ In his interesting *Principles of Electoral Reform*, the Oxford philosopher Michael Dummett rejects the vision of electoral reform as shopping in a supermarket where the various systems on the shelves are those that exist in different countries. He emphasizes that there is room for more creativity: we can try new systems that have only been imagined yet never experimented or design new ones to meet our democratic aspirations (Dummett 1997: 8).

the *average* political expression other than voting will not have more impact on collective decisions. Any form of expression by an individual will be a drop in the ocean. Yet votes have this particular characteristic of being an institutionalized form of expression, which means that their impact is predetermined and that they cannot be ignored the way other forms of expression can. Hence, even with many other opportunities for expression available, citizens would be justified in complaining if their voting method is poorly expressive *for no good reason*.

Most accessible: admittedly, the rich and highly educated may achieve more political influence through other means than voting. For them, surely, voting is not the most significant means of expression. Think about lobbying, ownership of media, party financing, or acting as a public intellectual for example. These means of expression, however, are enjoyed only by a privileged minority. Therefore, it would be odd to discard the question of how much voting methods allow for citizen expression under the pretext that the wealthiest and most educated enjoy sufficient other means of expression. What matters, in a spirit of democratic equality, is the realization of the right to political expression for *all* the members of the political community. From this viewpoint, if for many (or even a few) citizens voting is the most significant and accessible means of political expression, it matters how much this means realizes the right to political expression. It is not the only thing that matters, but I cannot see any good reason to ignore this consideration when assessing different voting methods.

3. How important is this right?

This right to political expression and its translation into a right to expressive voting methods should not be understood as the only consideration worth attention to when choosing a voting method. As mentioned above, there is, first, a practical constraint: the method must enable to collect a very large number of opinions quickly and simultaneously. This already excludes speech acts from the practical ways of collecting opinions.

Second, comes a normative constraint: a good voting method, to count as a democratic one, should allow to identify a winner or set of winners that is *as representative as can be of citizens' actual preferences* – taking into account the fact that revealed preferences can be highly influenced by the voting method. For social choice theorists, this is often the primary concern, if not the only one (as in Dummett 1997: 11-12). The purpose of this article is to point to another normative concern (opportunities for expression) that we should have in mind when choosing voting methods.

Luckily, quite often, these two normative concerns – representing citizens' actual preferences and offering them maximal opportunities for political expression – will go hand in hand. It is natural to think that the richer the means of expression, the more likely it is that we identify citizens' actual preferences. Nevertheless, this harmony does not hold by necessity. We can easily imagine a voting method allowing for so much expression that the aggregation process becomes more difficult and leads to undesirable results. This would be the case, for example, if citizens were allowed to write their particular answers (beyond “Yes/No” or “I vote for x”) to a question submitted to them in a referendum.

Or consider this concrete example (figure 1), to which we will come back later: in a referendum, to allow voters to express more complex views than a binary choice, the ballot

initiators offer them four options, among which they are asked to pick their single preferred one.

Figure 1: single-choice multi-option referendum

<i>Should we introduce an unconditional basic income of 1500 €/month?</i> ○ No. ○ Yes. ○ Yes for a universal basic income, but of 1000 €/month. ○ Yes for a basic income, but not unconditional; only for those performing a socially useful activity.

Now, imagine (however silly it sounds) that it has been decided that the option gathering the most votes would win⁹. The “No” camp might win just because the “Yes” camp’s votes are more dispersed, with a result such as 30 % for “No”, 25% for Yes, 23% for the third option, and 22% for the fourth. Thus “No” could win even with 70% of voters in favor of a form of basic income and believing that any form is preferable to no basic income. In such a case, we would face the following issue: this multi-option referendum scores better than a binary referendum in terms of expression, but worse in terms of representing citizens’ actual preferences.

As we now see, the two aims may sometimes conflict. So, what weight should be given to the right to expressive voting methods when such conflicts occur? There is no reason to see it as a trump card, taking priority over any other concern. The aim to represent citizens’ actual preferences seems at least as important, from a democrat’s perspective. One could argue that the two aims – representing citizens’ actual preferences and offering them opportunities for political expression – have the same foundation. This foundation is the widely accepted principle according to which, *in a democracy, key decisions should reflect the preferences of citizens* (those of the majority if there is disagreement among citizens). It is because we want citizens’ preferences to prevail (among other aims) that they need to be able to express these preferences. And because these preferences may be complex, it is important to offer rich means of expression, as far as possible. Yet, consistently with the foundational principle italicized above, in the quest for richer means of expression, we should not make it harder to identify and represent citizens’ preferences. Hence, it seems sensible to conclude that the two aims should as much as possible be pursued together. We should try to increase opportunities for expression without jeopardizing the representation of their actual preferences, which is why the kind of multi-option referendum imagined above should be avoided.

What other concerns should we have when choosing or designing a voting method? One of them is certainly a principle of *fairness: the method should not be biased in favor of one of the options*. Again, the multi-option referendum imagined above is a clear example of such a

⁹ If it sounds silly, note that first-past-the-post system should sound as silly. Vote-splitting is a frequent phenomenon, dramatically illustrated by George W. Bush’s 2000 victory thanks to a splitting of progressive votes between Al Gore and Green challenger Ralph Nader (see Poundstone 2008: 59-91 for a short history of vote splitting in the USA). Two-round systems run a broadly similar risk.

bias: the process would be biased in favor of the “No” option because of the expected splitting of votes on the “Yes” side. Another, less apparent bias in favor of the Center affects voting systems like Borda’s or Condorcet’s (Balinski and Laraki 2010: 340-342), whereas two-round uninominal systems are biased against the Center.

This concern with fairness, however, can be integrated into the aim to represent citizens’ actual preferences – with the stipulation that these preferences should be given *equal weight*¹⁰. As mentioned earlier, citizens not only have a right to express their political preferences on key political issues; they also have a right to a procedure by which their preferences are equally taken into account. As a result, the candidates or parties of the Center, or Right, or Left, or of a minor party should win or lose only if that genuinely reflects most citizens’ preferences; not because of some in-built feature of the voting method.

Another concern is the *accessibility* or ease of use of the voting method. If citizens do not understand what is expected from them or struggle to express their preferences with a given method, this should certainly count against that method. Again, this is related to the aim to represent people’s actual preferences while giving them an equal weight. If only part of the voters succeed in making appropriate use of the method (be it conveying their actual preferences or understanding how to vote tactically), it fails the “equal weight” requirement.

As quickly mentioned in the first section, we could also recognize a demand for *transparency*, understood as the understandability not of the ballot itself, but of the aggregation process. Laslier (2019b: 95), for example, argues in favor of voting methods whose counting system is intuitive. When this is not the case, voters may not understand how the result is achieved and hence may not display the same level of trust in the process. As we shall see in the next section, this is a consideration counting against a voting method – majority judgment – that satisfies the other requirements quite well. How much weight should be given to this concern is harder to establish, as it is not grounded in the same foundational principle as the others. It seems closer to a prudential consideration about the perceived legitimacy of the voting process.

Finally, one could compare voting methods based on their respective *cost*. The cost (financial and in time) can vary depending on the number of people required to count the votes and the time it takes. If electronic voting were to generalize, this concern would lose a lot of its importance, but it does not seem avoidable in the meantime. It is hard to see how one could argue that this concern should take priority or that it is as important as the other ones, which are matters of right (to expression and to equal consideration of one’s preferences), but it cannot be discarded either. It certainly weighs at the margin. No one would say that we should choose the best voting method whatever its financial cost or whatever the burden it imposes on volunteers in charge of aggregating the votes.

This list of considerations is not meant to be exhaustive, and it does not provide a method for arbitrating between competing considerations. The aim of this section was rather to give an idea of the comparative importance of the right to political expression (and to expressive voting methods) in the choice of an appropriate voting method. What we see more clearly now

¹⁰ This would mean, here, an equal probability to prevail (when considering probabilities in the absence of knowledge about citizens’ actual preferences).

is that it is not the only consideration that matters, although it is probably one of the most important ones.

4. The example of evaluative voting

What is the implication of recognizing a right to an expressive voting method, based on a right to political expression? It is, first, to point out the fact that states picturing themselves as democratic fail – in one important dimension – when they keep a voting method that falls short of honoring this right. Second, recognizing such a right allows citizens to demand an electoral reform – and to demand it with more strength than would be the case if they were just expressing a *preference* for more expression, given that it is one of the foundational democratic rights that is at stake.

The reader may wonder in which direction this electoral reform should go. It is not the purpose of this article to offer a definite answer to this question. Debates on the ideal voting method have been agitating specialists for decades (see Pacuit 2019). What can already be said, at this stage, is that if one accepts the argument in section 2, one should be more favorably inclined towards voting methods that are more expressive, *ceteris paribus*. This includes voting methods that allow for the expression of a wider set of preferences (parties *and* individual candidates in open or flexible list proportional representation (Papp 2022)), or preferences about more candidates (like preferential voting methods (Farrell & McAllister 2006)), or that include the provision of justifications for one's vote (Vandamme 2018).

For example, the following voting methods can be classified from the least expressive to the most expressive:

- Uninominal suffrage (one can choose only one candidate)
- Open list suffrage (one can support only one party, but also several candidates within the party)
- Preferential (or “ranked”) voting (one can rank the candidates or options)
- Evaluative (or “score”, “range”, “grade”) voting (one can grade all the candidates or parties)
- Open list evaluative voting (one can grade all the parties *and* candidates on parties' lists)
- ...

What I would like to do in this last section is to consider more closely one example – evaluative voting – that seems at first sight better than existing ones in light of the normative considerations discussed in section 3 and of the problems diagnosed in section 1. The aim is not to provide a full-fledged defense of this method, but simply to illustrate the case at hand and to show the kind of implications that recognizing a right to expressive voting methods can have. If there were no appealing alternatives to dominant voting methods, this would be much ado about nothing. Yet I hope that this section will show that it is not the case.

Evaluative voting refers to a set of voting methods allowing voters to evaluate separately the different candidates in an election, or options in a referendum, by giving them points or an appreciation mark (see figures 2, 3, and 4 below). The most basic (and least expressive) form

is “approval voting”, where voters give either 1 or 0 to each candidate (Brams and Fishburn 1983; Laslier and Sanver 2010). The most complex (and expressive) is probably the range voting with a 0-99 scale promoted by the Center for Range Voting in the USA¹¹. In between, there is “majority judgment”, inviting voters to evaluate each candidate with one of the following marks: “Excellent”, “Very Good”, “Good”, “Acceptable”, “Poor” or “To reject” (Balinski and Laraki 2010) and its equivalents with points instead of appreciation marks. Although most variants work with a summing of the points to determine the winner, the winner under majority judgment is the candidate or party with the best median grade (and the highest percentage of grades above that grade in case of tie). Although these evaluative methods are familiar to people taking part in wine contests or ice-skating competitions, they are currently not used in politics – at least not in general national elections (Laslier 2019b: 17)¹².

In terms of opportunities for expression, all forms of evaluative voting score *much* better than prevailing voting methods – be it first-past-the-post or open-list proportional representation. Evaluative voting scores better than both because it allows one to express an opinion about *each* candidate or party¹³. Voters are not *required* to have an opinion on each, but they have the *opportunity* to express it if they do. Furthermore, more complex forms of evaluative voting (such as majority judgment or point-summing alternatives) allow voters to express the *intensity* of their approval or disapproval of each candidate, and this intensity will weigh on the final result¹⁴. The three figures below illustrate how evaluative voting could be used respectively in a presidential, strongly personalized election, in a parliamentary, party-centered election, and a referendum. The main argument for using qualitative appreciations instead of points is the risk that voters associate different meanings to different scores (see Balinski & Laraki 2010: chap. 17). I do not, however, want to take a firm stance on this debate, which is why I present the two alternatives in the figures. Yet, point summing seems more transparent when the aim is to allocate seats in Parliament (figure 3).

¹¹ See www.rangevoting.org

¹² Majority judgment was nonetheless used in the 2022 Primaire populaire in France, a grassroots (unsuccessful) initiative to select a unifying presidential candidate for the Left. And open-list systems may be seen as incorporating a form of approval voting – within the selected list (Baujard et al. 2018: 14-15).

¹³ Evaluative voting is usually thought to be appropriate to identify a single winner, as in a first-past-the-post election, rather than composing a Parliament. Research is ongoing on its possible applicability in Parliamentary elections with proportional representation. One option is simply to sum points and allocate seats in proportion to the percentage of points obtained by each party, possibly with a threshold to avoid excessive fragmentation. One problem that must be dealt with, however, is the incentive this would create to fragment parties in smaller yet coordinated units. See Dummet 1997: 169-173.

¹⁴ This is the most salient advantage of this method compared to preferential methods such as the one recommended by Jean-Charles de Borda in the 18th century, and still defended by some voting theorists (such as Dummett 1997), in which voters can only rank candidates. Another is that tactical voting is less hazardous. For some interesting criticisms of preferential voting, see Barry 1986.

Figure 2: majority judgment in a presidential election (adapted from Balinski & Laraki 2010: 17)

Election of the President of the United States of America 2008

*To be the President of the United States of America,
having taken into account all relevant considerations,
I judge, in conscience, that this candidate would be:*

	<i>Excel- lent</i>	<i>Very Good</i>	<i>Good</i>	<i>Accept- able</i>	<i>Poor</i>	<i>To Reject</i>	<i>No Opinion</i>
Michael R. Bloomberg, Ind.							
Hillary R. Clinton, Dem.							
John R. Edwards, Dem.							
Michael D. Huckabee, Rep.							
John S. McCain, Rep.							
Barack H. Obama, Dem.							
Colin L. Powell, Ind.							
W. Mitt Romney, Rep.							

You must check one single grade or *No Opinion* in the line of each candidate.

Figure 3: evaluative voting in a legislative election with proportional representation

Legislative Election

*To compose the Parliament, I would like to give these
political parties the following number of points
(please tick only one box per party) :*

	5	4	3	2	1	0
Liberals						
Socialists						
Democrats						
Greens						
Communists						
Nationalists						

Figure 4: majority judgment in a referendum

Referendum							
<i>To select judges for the Supreme Court, having taken into account all relevant considerations, I judge, in conscience, that this option would be:</i>							
	<i>Excellent</i>	<i>Very good</i>	<i>Good</i>	<i>Acceptable</i>	<i>Poor</i>	<i>To reject</i>	<i>No opinion</i>
No change to current appointment system							
Appointment by the legislative assembly with party quotas							
Merit-based selection (through examination organized by judicial authorities)							
Election by all lower-court judges							
Election by citizens among merit-based preselected candidates							
Random selection among merit-based preselected candidates							

The two main features of majority judgment and comparable forms of evaluative voting¹⁵ (evaluating all the options and taking intensity into account) are major improvements compared to traditional voting methods. They address at least three out of the four issues pointed out in the first section – and potentially all four.

The reduction of options

Because in elections with evaluative voting, voters can approve a plurality of candidates or parties, there will be no forced reduction to a binary choice. Voters can give a good grade to a minor or less well-known candidate or party without any risk of “wasting” their vote. As a result, there is room for more candidates and no need for a second round with a binary choice. Hence, a wider set of parties have a chance to win, and voters’ options are increased.

In a referendum, it is easy to see how things are improved with evaluative voting. The fact that voters do not need to select one single option opens the possibility to offer them many more options without exposing the procedure to the absurd effects of the multi-option referendum with single choice imagined in Figure 1 above, where an option could win thanks to the splitting of votes in the opposite camp. This form of multi-option referendum is sometimes called “preferendum” (el-Wakil & Cheneval 2018).

¹⁵ For example, those using points instead of qualitative appreciations, as in figure 3, or a different scale (e.g. 0-3).

The pressure to vote tactically

Evaluative voting strongly reduces the pressure towards tactical voting. It seems that no electoral system can avoid tactical voting (Gibbard 1973; Satterthwaite 1973). Yet because “different systems vary greatly in the degree of incentive they give for tactical voting” (Dummett 1997: 12), the interesting question is how much it is (dis)incentivized.

Under evaluative voting, voters may decide to give the best grade to their most preferred candidate and none to all the others, to give that candidate a strong advantage. This would count as tactical rather than sincere if they like some of the other candidates as well. Yet the incentive to do so is not high: by doing so, they give up an opportunity to express a preference between the other candidates in case their preferred one is not popular enough to win. Hence, they have quite strong reasons to grade them all. Yet they might also have strategic reasons to exaggerate their evaluations (Nuñez and Laslier 2014).

The important feature of evaluative voting, however, is that if voters like several candidates equally, have ranked preferences, or want to strongly reject another candidate, they are allowed to express all these kinds of preferences. They face no or little pressure to focus on their most preferred candidate or on the one they prefer among the ones leading in opinion polls. Importantly, they do not risk helping the other political camp win by supporting a minor candidate in addition to a moderate one. Hence, they are largely freed from a burdensome ethical dilemma, although some tactical considerations are bound to remain. And more generally, they are more likely to express their sincere or genuine preferences and to feel satisfied about this.

The ambiguity of voter’s approval

Here, the problem diagnosed was that voters could not (under prevailing methods) say what they really thought about the candidates or parties. They may elect a person that they actually dislike. With an evaluative voting method (majority judgment in particular, but also point-summing versions), they can express what they think about each and even express their complete rejection of some of them (“To reject”, or “0”). It also becomes possible for someone who is largely frustrated with the current political class to express a preference for one candidate over others while giving that candidate a bad grade, thereby expressing both comparative support and absolute disapproval. No doubt some current abstentionists could be seduced by such expressive opportunities. It must be acknowledged, however, that tactical considerations might still make such a way of voting less appealing (because opponents might make use of the full scale to give an advantage to their candidate).

The whole package or nothing

In theory, one could even imagine a system of evaluative voting where voters would be allowed not only to evaluate all the candidates or parties but also some of their policy proposals. This would clearly be more time-consuming (and burdensome, as discussed below), but with electronic voting, the cost would remain reasonable.

As we can now see, evaluative voting methods potentially offer much more opportunities for expression than prevailing methods. Therefore, it seems plausible to believe their use would better realize the right to political expression.

Other values

Moving now to the considerations put forward in the third section, we must ask whether it is at the cost of other values that evaluative voting better realizes the right to political expression compared with dominant voting methods.

There are good reasons to expect evaluative voting to offer a better (though maybe not the best possible) representation of voters' actual preferences by avoiding the problems associated with vote splitting and by taking intensity into account. Regarding vote splitting, it is the contrast with first-past-the-post elections that is the clearest. In the latter system, a candidate who is the first choice of only 25 % of the voters and is very strongly rejected by a larger number of voters could win in cases where votes are so dispersed that passing the "post" first does not require large popular support. The election of such a weakly representative candidate would not occur under evaluative voting. Besides, the fact that intensity is taken into account also makes an important difference. Candidates who are strongly opposed by a significant part of the voters – as was the case of Donald Trump in the 2016 presidential election which he won – have a very low probability of winning (see Balinski & Laraki 2010). In voting experiments run during the French presidential elections of 2007 and 2012, and the US presidential election of 2016, Marine Le Pen and Donald Trump, for example, had much lower scores under evaluative voting than under first-past-the-post (Laslier 2019b: 67-78). And it seems that these lower scores are a better representation of the actual preferences of the voters since it is revealed by a method that gives them few(er) incentives to express a preference differing from their actual preference and that takes into consideration an aspect of their preferences (intensity) that other methods ignore.

What is more, it seems that evaluative voting conforms better than traditional methods with the way citizens form their electoral judgments. In an interesting study of the psychology of voters, Rosema (2004) describes voting as a two-stage process. The first stage is an evaluation of the different parties, and the second is about making a choice in a specific election, taking into account the prospective consequences of one's choice. As Rosema explains, this second stage upsets judgments formed in the first stage, by forcing one to make a single choice. Interestingly, he is not discussing or even considering evaluative voting, but just describing how voters behave in a context of proportional representation (The Netherlands)¹⁶. It thus seems that evaluative voting would be more "natural" concerning how voters form their political judgments (at least in those contexts) and that it would thereby improve the representation of their actual preferences.

Evaluative voting also seems to score well in terms of *fairness* towards candidates by being less biased against candidates from non-dominant parties than first-past-the-post systems, which tend to crystallize around two main parties (although changes occur, as recently happened in France, Italy, or Spain, for example). This means that it is easier for challenger

¹⁶ It is unclear to what extent this model applies in more personality-centered elections.

parties to appear and contest the prevailing hegemony or even the cartels that dominant parties tend to form (Katz & Mair 1995). As a result, the representative system might also become more responsive to changes in public opinion. Besides, majority judgment seems less biased in favor of the Center than Borda or Condorcet methods, for example (Balinski and Laraki 2010: 340-342). Instead, candidates of the Left, Right, or Center can win, provided that their positions are not too extreme. One could see this as a bias against the extreme, but it is just the result of trying to select popular candidates while taking intensity into account. If they hold extreme positions, candidates risk being strongly rejected by a large part of the population, which makes them less desirable as representatives. Yet it does not mean that “radical” candidates cannot win, as simulations with evaluative voting in the 2016 US presidential elections testify, by giving Bernie Sanders as the winner (Laslier 2019b: 45).

There is one aspect of fairness, however, in which majority judgment and other forms of evaluative voting other than approval voting score worse than their more traditional alternatives: individual votes may not weigh equally, especially when scales are wide because strategic or extreme voters can weigh more on the result than moderate or sincere voters (Baujard, Igersheim & Lebon 2021). This is the case because strategic voters may decide to give the highest grade to their preferred candidate while sincere voters do not think anyone deserves such a high grade. And extreme voters, even if they vote sincerely, will express stronger approval and/or rejections, thus influencing candidates’ total or median score more than moderate voters. If the intensity of preferences were correlated with the degree of affectedness, one could see this as a legitimate departure from equality (Brighthouse & Fleurbaey 1996). However, there is no reason to believe that extreme voters are more affected (in a relevant sense) by the decision than moderate voters. They may, for example, have stronger preferences because they are racist, and it is unclear why these strong racist preferences should weigh more. Similarly, there is no reason to believe that voters with stronger preferences are more likely to be on the right side of the decision, however that is defined (Barry 1986: 39). Besides, as already mentioned, the advantage for strategic voters is also inegalitarian. It means that citizens who understand the voting method better would have a procedural advantage. This makes the method arguably deficient¹⁷.

Is it thereby less fair than dominant methods? This is far from obvious. Under prevailing methods, citizens who vote tactically already tend to exercise stronger influence than others, as they may have a bigger chance of seeing their candidate win and rule¹⁸. With evaluative voting, things are ambivalent. On the one hand, voting tactically offers somewhat more influence over the result than voting sincerely. Yet on the other hand, those voting sincerely under evaluative voting still have more chances to weigh on the final result than under dominant methods, because minor parties have a much higher chance to win. Hence, there is an inegalitarian aspect in evaluative voting at the expense of the sincere voters, but they might still be better off than under prevailing systems. And the same goes for moderate voters: yes, in one respect they are disadvantaged compared with extreme voters because their votes may weigh less if they vote

¹⁷ Note that the problem seems more salient for point summing versions, especially with wide scales, than for majority judgment. See Balinski & Laraki 2010: chap. 17 and Balinski 2019.

¹⁸ I follow Goldman’s (1999) causal responsibility approach: even if “an individual’s vote is not decisive for a given candidate’s victory, such a vote can still qualify as a partial cause of that victory” (217).

sincerely. Yet they might still be better off overall, *qua* moderates, because the method favors widely supported candidates or parties, at the expense of extremist ones (Baujard et al. 2014).

The last considerations mentioned in Section 3 were accessibility, transparency, and cost. Evaluative voting seems generally *accessible* to voters, that is, quite easily understandable. One could worry that its higher complexity compared to uninominal voting methods could be off-putting for some voters who would thereby be tempted to abstain. I think that this criticism applies to particularly demanding versions, such as the version imagined above where voters are invited to also evaluate candidates' policy proposals. This would require a lot more information on voters' side and would make the voting process more complex and burdensome. Besides, it is worth pointing out that in the choice of the value scale (from 0 to 1, or 0 to 5, or more), there might be a trade-off between the finesse of expression and the accessibility or ease of use, approval voting (0,1) being probably the most accessible method (Laslier 2019b: 110). That said, the fact mentioned above that voters already spontaneously tend to form evaluations of the different options before voting under prevailing methods suggests that the adaptation to evaluative voting should not be difficult or perceived as burdensome. There is also empirical evidence that voters are generally satisfied with more opportunities for expression in their vote (Laslier et al. 2015). Finally, it is worth insisting on the fact that it is never *required* for voters to express all of their preferences. They would still be allowed to merely give the highest grade to their preferred candidate or party and to leave the voting booth as fast as they used to do before.

In terms of *transparency*, some forms of evaluative voting also score better than others. Approval voting and other points-counting methods are quite transparent: the winner is the one with the most points. In the majority judgment version (at least when selecting a single winner, as in Figure 2), the winner is the candidate with the best median grade, not the one with the highest number of points. In addition to being a matter of theoretical debate (Laslier 2019a; Balinski 2019), this method is not very intuitive and therefore likely to alienate some voters (Laslier 2019b), but this drawback is to be put in balance with the expected benefits of selecting the best median grade, which seem to be the reduction of the bias in favor of the Center and of the risks of strategic manipulation (Balinski & Laraki 2010: 280). Furthermore, common methods of apportionment of seats in Parliament such as the D'Hondt method are probably not more transparent to voters, without seemingly affecting the perceived legitimacy of the electoral process.

Finally, the *cost* of counting, under evaluative voting will be higher with paper ballots, but equal under electronic voting to prevailing methods.

Taking stock

What can we conclude from the examination of this example? First, it is clear that evaluative voting has imperfections, but it should be equally clear that most probably, no perfect voting method exists (Dummett 1997: 17). Second, there *are* alternatives. The lack of opportunities for expression offered by prevailing voting methods *is* worth pointing at, given that credible alternatives exist that do not suffer from the same shortcoming. Third, the fact that some alternatives offer more opportunities for expression without jeopardizing other important aims is a strong reason to support them, or at least to consider them more seriously.

Conclusion

It is only when considering the availability of credible alternatives that one realizes how poorly expressive dominant voting methods are. What the example of evaluative voting introduced in the fourth section of this article shows is that voting methods we are acquainted with *unnecessarily* reduce the complexity of our political expression. They lead to a reduction of options, they pressure us to vote tactically at the cost of the expression of our genuine preferences, and they fail to convey what we really think about different candidates, parties, or options. And unnecessarily so, given that more expressive alternatives need not come at the cost of other values we care about. On the contrary, they may even do a better job of representing our actual preferences.

Whereas representing opinions or preferences most accurately has usually been the focus of social choice theorists, to whom we owe considerable progress in the science of voting, my ambition in this article was to shift the focus to another aspect of the debate on the best voting method: citizens' democratic rights. As I have argued in section 2, we, voters, do not merely have a right to vote; we have a more fundamental right to political expression and a right to a voting method that offers the most opportunities for expression among those that satisfy other important requirements. As pointed out in Section 3, this right is not the only consideration worth attention when choosing the best voting method, but it seems to me that it should weigh more heavily than has so far been the case.

Recognizing this as a right deriving from more fundamental democratic rights allows citizens to invoke it and demand electoral reforms to which they can be seen as being entitled. It may also have other implications not explored in this article. For example, in the ethics of voting (see Beerbohm 2012; Maskivker 2019), this right could be invoked to oppose (or mitigate) a duty to vote tactically when expressive or sincere votes risk being "wasted". One could acknowledge, for example, that under prevailing voting methods, voters have a duty to vote tactically to maximize the prospects of desirable outcomes or to minimize prospective culpability for bad outcomes (for careful analysis, see Ridge 2021), but that they also have a right to a better voting method that would not force them to give up an opportunity to express their genuine preference when trying to honor their moral duties¹⁹.

Finally, let me point out that this right is not a pure abstraction; political expression is a real aspiration for many citizens, and increasingly so for younger generations (Inglehart 1990; Inglehart & Welzel, 2005). When informed about the different possible alternatives and asked about their preferred voting methods, citizens "express a preference for open systems, maximizing possibilities of expression" (Laslier et al. 2015; Laslier 2019b: 102). It is only because many people are insufficiently informed about the existence of alternatives that they can accept such poorly expressive voting methods as the ones we tend to use.

¹⁹ For pleas against reducing voting to its instrumental aspect, see Winkler 1993; Brennan & Lomasky 1997; Wodak 2019.

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