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## The Icelandic Federalist Papers

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No. 5: On the Frequency of Elections

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# The Icelandic Federalist Papers

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## No. 5: On the Frequency of Elections

### To the People of Iceland:

In *Icelandic Federalist #1*, we closed with a reference to the frequency of public appeals. If appeals are too frequent, the citizenry may become exhausted. If appeals are too rare, legislators, it is said, may become corrupt. At the least, they may lose their fear of public censure when they have acted against the public interest.

In that essay, we were primarily concerned with matters of direct democracy: how often should the public have the opportunity to speak on matters of public policy, and in what fashion should direct democracy provisions be constructed? In this essay, we are concerned with the frequency of elections. We should not make the mistake of assuming that elections are synonymous with democracy; they are in many ways a particularly blunt way of gauging what the public wants. Yet concerns regarding the frequency of elections—and correspondingly, the length of legislative terms—are in many ways more important than those regarding the process for direct democracy. In the case of direct democracy, citizens may have the opportunity to speak, but they are not necessarily required to do so. In the case of elections, on the other hand, political campaigns and elections are foisted upon the citizens on a more or less regular schedule, whether they want them or not. Even if they choose not to vote, they cannot fully escape the imposition of political campaigns upon their lives—the advertisements, the media coverage, and the civil spectacle. Elections, moreover, establish a rhythm for governance. They set the parameters on when politicians will try to make difficult choices; when work will get done; and when political adversaries will compromise.

The proposed constitution includes two articles regarding the length of elected terms. Article 40 establishes that elections to Althingi will take place every four years, and Article 79 establishes a four-year term for the president. The constitution mandates that the presidential election be held in June or July and that the term runs from August 1 to July 31. No dates are established for the terms of Althingi, leaving open the possibility of separating elections to Althingi from presidential elections. Article 51, which concerns party finance regulation, leaves open the possibility of limiting spending by candidates, parties, and nonparty groups, such that spending regulations might conceivably be used to establish a “campaign season” of a particular number of weeks or months prior to the election.

Why four years? Why not more? Or less? For guidance on this, we can consider the discussion of the frequency of elections in the U.S. *Federalist Papers* 52 and 53. Those essays are chiefly concerned with two things: arguing for the adoption of biennial rather than annual elections, and emphasizing the importance of periodic elections so as to make the House of Representatives “dependent on the people alone,” as opposed to being dependent upon state governments, lobbyists, or members of other branches of the government.

The concept of annual elections likely strikes most contemporary observers as a little much, but the basic issues raised here, regarding the frequency of elections, remain. Legislators must be given a certain amount of time to learn how to do their jobs. Any time term lengths are set, there is a trade-off. That is, while infrequent elections may have the effect of distancing legislators from the public, this fear must be balanced against the prospect that some experience in office

will actually make legislators more skilled at translating the public's views into policy. Publius (the pseudonym used by the authors of the Federalist Papers) also sought to draw a link between the size or diversity of one's constituency and the knowledge required to represent that constituency: if one represented a very small number of voters, perhaps frequent elections would be good because legislators would not have to spend as much time learning about that constituency as would legislators who represented more people.

It is also assumed in *Federalist #52* that a long gap between elections will mean that legislators are more productive; rather, Publius makes reference to legislators in the colony of Virginia, who were at one time called into session once every seven years, but were only actively in session for one or two of these years. The lack of legislative activity during the remaining years can, Publius warns, give too much power to the other, less democratic, branches of government. A dissenting prediction can be found in the work of Montesquieu: in *The Spirit of the Laws* (Part III, Book 19, chapter 5) Montesquieu was certain that legislators would always find things to do, so that long legislative sessions might lead to overlegislating—that is, legislators would spend their time thinking about laws to pass and would ultimately restrict freedom simply because they were having a good time writing laws that might not be particularly necessary.

How relevant are these concerns today? In the United States, concerns have arisen that the House of Representatives, which is elected biennially, has in fact become less representative of the public than are senators, who serve staggered six-year terms. Frequent elections, some have argued, can actually make a legislative body less representative. The origins of this concern have something to do with Publius's fears: it is possible that members of the House are less able to develop an expertise in the subjects of concern to their constituents. Although American states are certainly more diverse than congressional districts, this is not necessarily the cause of the problem. Instead, many contemporary scholars have pointed to an issue Publius could not have foreseen—more frequent elections prompt legislators to spend as much time as they can in their districts, and too little time in Washington.

One of the reasons Publius disliked one-year terms is that, during the late 1700s, it took a substantial amount of time for legislators simply to get to the capital. Once they arrived there, they were there until the session was over. Today, of course, all but a very small number of American members of Congress are within a six-hour plane flight back to their districts. The fear of electoral defeat, accompanied by public hostility toward Washington, has meant that three-day work weeks have become the norm, and most members of Congress head for the airport on Thursday evening, not to return until the following Tuesday morning. Legislators thus do not get to know each other, and they do not have time to actually attend the hearings of the committees on which they serve, let alone to actually read anything about the consequences of the votes they will take. This can have the same effect that Publius worried about—bureaucrats, lobbyists, and other full-time denizens of the nation's capital are the people who actually know about policies. Without ties to other legislators or clear knowledge of policy matters, legislators may fall back on partisanship as their guide in how to vote.

This is not a universally accepted story of American political dysfunction, but it is an illustration of the contemporary problems of frequent elections for governance. And there is a risk for voters. The United States has more frequent elections than most other democracies, but it also has lower voter turnout. It has been posited that voters become fatigued if they have to vote too often. When voter turnout is low, the voters who do show up tend to be unrepresentative of the electorate as a whole—they tend to be more ideologically extreme, and they tend to be older and wealthier than the average citizen. Low turnout can also produce “see saw” elections, in which

the electorate in one year is different than the electorate in another, and thus legislators are pulled in different directions over a short period of time. The American system, where presidential elections are held every four years but congressional elections are held every two, has been said to have both of these problems.

How does this brief history lesson apply to the Icelandic constitution? Iceland is a small country, Althingi's districts are small, and thus one might argue that if there is anything to the story about time spent learning about one's constituents, Iceland should have less of a problem than Publius had worried about. One virtue of this smallness is that the work/home distinction should be slight. Icelanders may not, in fact, want their representatives to spend all of their weekends campaigning.

The virtues of ensuring that legislators have the chance to get to know their colleagues, though, should not be underestimated. While there are legitimate concerns that too much distance from the voters can corrupt, there is in fact little evidence that legislators who serve longer terms are any more corrupt than those who serve shorter ones. In fact, frequent elections may increase the pressure on legislators to engage in corrupt activities for the sake of electoral gain. There is no perfect balance to the exact number of years that should be in a term, but four-year terms seem, based on other nations' experience, to strike an adequate balance between responsiveness to the voters and responsible legislating. Will Althingi legislate too much, or too little? In the past, many legislatures (in the U.S. and elsewhere) met irregularly. But the tendency in most of the modern world is toward full-time legislatures, and charges of too much legislating do arise, but these charges seem rooted more in people's political philosophy than in characteristics of the electoral calendar.

The regularity of elections—that is, the fact that they occur every four years—can also create a form of accountability that is not always present in systems where elections are called. Legislators will know how long they have until their next election, and they can evaluate legislation with the knowledge of how long it will take them to explain it to the voters. The direct democracy provisions in the draft constitution serve as a check on unpopular legislation, but a rhythm of legislating and campaigning is likely to develop. If some policies are likely not to show results for a year or two, legislators will know the political costs of these policies, and voters will have more information about the consequences of the policies when they must pass judgment upon them.

Campaigning is very different from legislating. We have noted above that the proposed constitution leaves open the prospect of formally demarcating the campaign period. Iceland has also had a variety of laws that prevent political campaigns from becoming long-running, exhausting spectacles. The four-year calendar provides politicians and voters a clear understanding of when campaigning is expected to occur. Although we have raised some criticisms of the U.S. constitutional structure here, one of the virtues of that structure, in our opinion, is that everyone who has an interest in electoral outcomes can agree on what should happen, and when. Not only will legislators be able to determine how to spend their time, but their prospective opponents will know exactly when they might be able to defeat them.

Finally, we note that the draft constitution does not specify whether legislative and presidential elections will occur on the same day. There are pros and cons to this decision. We are agnostic about whether it would be preferable for these elections to share the same day or not, but we encourage debate about this matter. Because the president is a more visible figure than the legislators, simultaneous elections may lead citizens to cast their legislative votes based on their views on the president's political party, thus potentially giving the president more of a mandate

to govern. If elections are separated, the electorate in the two elections may be different in important ways. Separate elections may also, however, provide a check on presidential power and important feedback to the president on his or her performance in office. Turnout tends to be higher in simultaneous elections, but at the price of muddying the message voters send to legislators.

It is perhaps natural to assume that more frequent elections mean more democracy. Democracy, however, requires accountability—it requires that we allow our legislators to do things for which they can be held accountable. And this returns us to the issue of trade-offs: it requires that we grant legislators some time in office removed from the demands of campaigning before we are asked to pass judgment upon their actions.

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