



ELECTIONS, VOTING, TECHNOLOGY

A Century of Compulsory Voting in Australia

Genesis, Impact and Future

Edited by Matteo Bonotti · Paul Strangio

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Elections, Voting, Technology

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CHAPTER 1

Introduction

Matteo Bonotti and Paul Strangio

COMPULSORY VOTING IN AUSTRALIA

2025 will mark the hundredth anniversary of compulsory voting in national elections in Australia. The legislation to introduce compulsory voting passed through the Commonwealth Parliament in July 1924 and took effect for the first time at the November 1925 national election. Compulsory voting has in fact an even longer lineage in Australia: it was pioneered in the state of Queensland in 1915 and was preceded before that by the introduction of compulsory enrolment for national elections in 1911. Compulsory voting is not only a durable feature of Australian democracy, but it is also universally applied. In the wake of its adoption for national elections, compulsory voting progressively spread to all of the remaining seven subnational jurisdictions. Whenever an election is called across Australia, whether it be at the national, state or territory

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level, voters are obliged to turn out at pain of being fined or, in the last resort, being gaoled for failure to comply.¹

Compulsory voting is not a phenomenon unique to Australia. A precise calculation of how many countries worldwide practice compulsory voting is notoriously difficult and estimates vary—the calculation is complicated as much as anything else because in around a half of the countries where the practice exists in name it is not enforced. However, most estimates put the figure in the vicinity of 20–30, or around 15% of democracies.² Historically, compulsory voting has not been uncommon. In Europe, it became widespread in the early twentieth century and, according to a historian of compulsory voting, Sarah Birch (2009, pp. 24–25), ‘the British Isles and Scandinavia are the only major European regions where the legal obligation to vote never gained purchase’. The heyday of compulsory voting in Europe has long passed, however, and today it survives in only a tiny proportion of countries—Belgium, Luxembourg and Greece—and only in the former two is it enforced.³ Conversely, in Latin America, having taken strong root in that region during the course of the twentieth century, compulsory voting is still something of a norm, albeit rarely accompanied by sanctions for non-compliance. In Australia’s own region, only Nauru and Singapore require citizens to participate in elections (Fiji abandoned its brief experiment with the practice in 2014).⁴

If not unique, there are several features of Australia’s experience of compulsory voting that render it distinctive. First, how longstanding the system is: of those countries that currently legally oblige voting only Belgium (1893), Argentina (1912) and Luxembourg (1919) predate

¹ Compulsion is also common, if not universal, at the level of local government elections in Australia. See Orr (2019, p. 271).

² An illustration of the variability in estimates of the number of countries with compulsory voting can be found in respective studies by Sarah Birch (2009) and Ian McAllister (2011). Birch put the figure at 29 whereas McAllister identified 19 (see Birch [2009, pp. 1 and 36] and McAllister [2011, p. 20]). More recently, a 2018 report by the Commonwealth Parliament’s Joint Standing Committee on Electoral Matters inquiring into the 2016 federal election stated that ‘Australia was one of only 27 countries in the world that practices compulsory voting’ (JSCEM 2018, p. 53).

³ Compulsory voting also exists in a single canton in Switzerland, Schaffhausen, with the practice having been abandoned in other Swiss cantons in the 1970s.

⁴ Much of the information in this paragraph is based on Birch (2009) complemented by data found on the International Institute for Democracy and Electoral Assistance website (<https://www.idea.int/data-tools/data/voter-turnout/compulsory-voting>).

Australia's adoption of the practice. Second, the emergence of compulsory voting in Australia was consistent with the nation's larger tradition of precocious innovation and ready experimentation when it comes to electoral institutions and practices. This record is typically traced back to the pioneering in the 1850s of the secret ballot (sometimes called the 'Australian ballot') in a number of Australian states and the implementation of other advanced democratic measures in the colonial era, but also encompasses twentieth-century reforms such as preferential voting and non-partisan bureaucratic electoral administration (Sawer 2001; Brett 2019; Hill 2020). Third, Australia is alone in embracing compulsory voting among the Anglophone democracies to which it typically compares itself. The electoral systems of Britain, Canada, New Zealand and United States are all based on voluntary voting.⁵ Fourth, unlike many other compulsory voting countries, Australia does not pay lip service to its operation. Compulsory voting is enforced by electoral authorities, albeit leniently, has been strongly upheld by the courts, and is backed up by a regime of sanctions for non-compliance. Moreover, it is a regime not only of sticks but also of carrots. Australia boasts an electoral system featuring a whole raft of procedures to facilitate voting. To name but a few: Saturday election days, assistance for the ill and aged and those from non-English speaking backgrounds, mobile polling stations, postal, absentee and early voting, and active and regular updating of registration by electoral authorities (for further details see Hill in this volume). Indeed, Australia has been described as 'the most voter-friendly country in the world' (Mackerras and McAllister 1999, p. 223). Fifth, compulsory voting has had a consistent unambiguous success in achieving high rates of voter turnout. At the first national election held under compulsory voting in 1925 turnout dramatically increased from 59.38 to 91.38%. Though there has been a slight downtrend in voter turnout at the past three national elections (2013, 2016 and 2019), it has never fallen below 90% since the introduction of compulsory voting a century ago, and over the duration of that near hundred years it has averaged just under 95%. To put this into context, this is some 30% higher than the recent average voter turnout in countries with voluntary voting regimes and also well above the recent average in countries with compulsory voting systems.⁶

⁵ It should be noted, however, that it is compulsory to register to vote in New Zealand.

⁶ These turnout figures for national elections in Australia are for the House of Representatives (the lower house of the Commonwealth Parliament). They are obtained from

This widespread compliance points to a sixth striking feature of Australia's experience of compulsory voting: how broadly supportive of the practice has been the public. This has been demonstrated by any number of public opinion polls and decades of Australian Election Study survey data. The latter shows that the lowest support for the practice has fallen to is 64% and mostly it has hovered above 70% (Cameron and McAllister 2019, p. 73; see also Sheppard in this volume).

Before proceeding, we should say something about the basic mechanics of Australia's system of compulsory voting. As Birch explains:

Compulsory voting can be defined very simply as the legal obligation to attend the polls at election time...As is often recognised, the inherent constraints of the secret ballot mean that in most modern democracies (and even in many less-than-democratic settings) compulsory *voting* is, strictly-speaking, impossible. The state cannot typically monitor the behaviour of the elector in the privacy of the polling booth and can therefore do nothing to prevent him or her from casting an invalid or blank ballot. (Birch 2009, p. 2, original emphasis)

This reality has led to debate about whether the notion of compulsory voting in Australia—and for that matter elsewhere—is something of a misnomer. Indeed, the orthodox, but not universally accepted, assumption in Australia is that compulsion only extends to electors being obliged to attend a polling booth, where they must then have their name marked off the electoral roll, accept ballot papers, and deposit them in the ballot box.⁷

Rather than becoming tied down in that dispute, let us establish what the relevant provision (Section 245) of the *Commonwealth Electoral Act 1918* stipulates in relation to national elections. It states that 'it shall be the duty of every elector to vote at each election'. Further, it specifies

the Australian Electoral Commission, which is the independent statutory authority that manages Australia's electoral system and administers national elections. See, https://www.aec.gov.au/Elections/federal_elections/voter-turnout.htm. The comparative international figures are sourced from the International Institute for Democracy and Electoral Assistance, <https://www.idea.int/data-tools/data/voter-turnout>.

⁷For a discussion of this subject, see Pringle (2012). It should also be pointed out that 'attending a polling booth' should not always be understood in a literal sense. Postal voting and hospital mobile polling, for example, are ways in which Australian citizens can comply with their legal duty to vote without actually attending a polling booth.

that ‘it is an offence to fail to vote at an election without a valid and sufficient reason for the failure’. The legislation also prescribes an AUD\$20 penalty for not voting. Following every election, the Australian Electoral Commission (AEC) issues the equivalent to ‘show cause’ notices to those electors who did not have their names marked off the electoral roll. Those issued with such a notice are granted the option to provide an explanation for that failure or pay the \$20 fine to expiate their non-compliance. Explanations are assessed by electoral authorities as to whether they constitute ‘a valid and sufficient reason’ and, if deemed inadequate, then the elector will be liable to the \$20 fine. Should the elector fail to pay that fine, then the AEC has the option of pursuing the matter further. To put this into context, following the 2013 national election, of the 663,000 ‘show cause’ notices issued fewer than 3,500 of these cases proceeded to the courts. On the other hand, should the matter reach the courts then offenders can face a potential maximum (as of 2020) AUD\$210 fine and a criminal conviction may be recorded.⁸

Why then this study of compulsory voting in Australia? We think that there are at least four important reasons. First, we believe that the centenary of its practice affords a compelling opportunity to inquire into Australia’s experience of compulsory voting. Second, with the possible exception of Belgium, Australia is the best-known and arguably most successful example of compulsory voting globally. Third, as outlined above, there are a number of distinctive features to compulsory voting in Australia. Fourth, while compulsory voting in Australia has been the subject of a number of journal article length inquiries (the earliest example is Crisp 1950), has been a natural reference point in the larger body of literature on compulsory voting, and has now also become the subject of a historical study (Brett 2019), there is no previous book-length, multi-faceted inquiry into the Australian experience. In sum, this is a timely and much needed examination of a leading case study of compulsory voting.

There are a whole range of questions that arise from Australia’s experience of compulsory voting. Some have been previously well dissected, for example what advantage the system provides to either major side of politics. The conclusion of those studies (e.g. McAllister 1986; Mackerras

⁸This is based on the AEC’s own information on compulsory voting (see, https://www.aec.gov.au/About_AEC/Publications/voting/files/compulsory-voting.pdf) as well as its submission to the JSCEM’s inquiry into the 2016 federal election (JSCEM 2018, pp. 56–57). See also Orr (in this volume).

and McAllister 1999; Jackman 1999) has mostly been that it gifts a small advantage to the established left-of-centre party, the Labor Party (but see Sheppard in this volume for more recent data). More generally, the objective of this volume is to furnish a fresh and diverse insight into the development and functioning of compulsory voting in Australia through combining historical, empirical and theoretical perspectives.

OUTLINE OF THE BOOK

The questions that are addressed in the volume begin with how the practice emerged in Australia. Though legislated in remarkably rapid time (the measure passed through both houses of the Commonwealth Parliament in a single day and with scant debate), the idea had a gestation period in Australia stretching back more than half a century. Following on from this is the question of why Australia provided such a fertile ground for the practice. What were the characteristics of Australia's political and social development that enabled compulsory voting to take such tenacious root and come to enjoy relatively uncontroversial support? In her chapter, Judith Brett examines these questions and argues that the adoption of compulsory voting in Australia is best understood in the context of a majoritarian and bureaucratic political culture that had its genesis in the colonial era of the nineteenth century, in a propensity to experimentation in electoral matters, and in the desire to ensure that the votes of moderate, respectable citizens would balance those of radical partisans.

The long-standing general consensus in favour of compulsory voting does not mean, however, that it has been immune to criticism and opposition. Two of the contributions to this volume investigate dissent towards the practice and consider why the institution has remained so resilient in the face of that opposition. In his chapter Paul Strangio tackles this subject from a historical perspective, by exploring why attempts to kindle debate on compulsory voting in Australia have been largely fruitless. The answer, he argues, can be found in a number of contributing factors: that compulsory voting is compatible with the national political temperament; that it is buttressed by path dependency; that while there have been spikes of dissent about the practice in the Liberal Party (especially from the 1980s to the first decade of the twenty-first century) that opposition never attained a majority position on the right-of-centre side of politics; that the critics of compulsory voting have been reliant on abstract arguments in contrast to its readily demonstrable benefits (namely, the consistently

high voter turnout); that the way in which compulsory voting has been enforced by authorities has been generally lenient; and, most importantly, that compulsory voting has enjoyed sustained and widespread public support.

Lachlan Montgomery Umbers also examines the opposition to compulsory voting in Australia, though he does so from a more theoretical and normative perspective. He especially considers the objections that compulsory voting constitutes an unacceptable infringement of individual liberty; that it is unnecessary for high electoral turnout; that it is undemocratic; that it violates the ‘right not to vote’; that it has a detrimental effect upon the behaviour and composition of Australia’s political parties; and that it mobilises large numbers of disengaged voters, with potentially negative consequences for Australian democracy. Umbers provides a critical assessment of these objections and concludes that none of them comes anywhere close to showing that compulsory voting in Australia ought to be repealed.

But what do empirical data tell us about actual support for compulsory voting among Australians? In her chapter, Jill Sheppard answers this question by examining the correlates of support for compulsory voting in Australia and their implications for both electoral politics and democratic processes more broadly. The data analysed by Sheppard show that the level of support for compulsory voting among Australians is high, having remained above 64% since the first survey in 1967, and stabilizing at around the 70% since 1987. Furthermore, the percentage of Australians expressing a willingness to vote voluntarily also remains high, at around 80% in 2019 (after an 89% peak in 2007). Even if we allow for some degree of overestimation, Sheppard argues, these figures suggest that voter turnout rates under a voluntary voting system would still be quite high at around 50–60%. Sheppard also observes some level of heterogeneity in rates of support and a willingness to vote voluntarily. She especially highlights a decrease in willingness to vote voluntarily among women since 2007, and growing support for compulsory voting and willingness to vote voluntarily among youngest voters—aged between 18 and 24—over the past ten years. Interestingly, Sheppard also shows that no one party gains an obvious electoral advantage from compulsory voting in Australia. She therefore concludes that compulsory voting and democracy in Australia are still alive and well.

Though Australia might stand as an exemplar of compulsory voting, there is still scope to probe that ‘success story’, including in relation to

young voters' electoral participation. In his chapter, Nicholas Economou examines national election participation rates over the past two decades and identifies a recurring pattern of below average turn out in a small number of seats, suggesting that these constitute fault lines in the otherwise widespread consensus of public compliance with compulsory voting. These seats fall into two main categories. The first are remotes seats with comparatively high rates of Indigenous population. Low Indigenous participation in the electoral process is a chronic and well recognised issue of concern and has its origins in racist exclusionary policies of the past: most egregiously, disenfranchisement by early Commonwealth legislation (Stretton and Fennimore 1993; Chesterman and Galligan 1997; Sanders 2001).⁹ By contrast, the other class of electorate with comparative poor turnout is perhaps counterintuitive: these are relatively affluent inner urban seats in Australia's major cities of Melbourne and Sydney in which highly educated young people are clustered. Economou considers whether the latter pattern might presage a potential weakening in the public's support for compulsory voting. His analysis also suggests a tension between declared level of support for compulsory voting among young voters, as reflected in opinion surveys, and their actual willingness to turn out to vote.

Zareh Ghazarian and Jacqueline Laughland-Booy's chapter offers a critical perspective on one of the oldest and most consistent claims made for compulsory voting in Australia, namely that it would encourage greater citizen engagement with, and understanding of, the political system. Are people equipped to become informed voters in Australia? Ghazarian and Laughland-Booy focus on the development of political knowledge and skills of young citizens and how they become equipped to vote in elections once they turn 18. They first provide an international overview of political knowledge before analysing the types of political knowledge Australians require in order to make informed political choices. They subsequently consider how young people might access

⁹The *Commonwealth Franchise Act 1902* disenfranchised Indigenous Australians. 1949 legislation granted the right to vote in national elections to those Indigenous Australians who had served or were serving in the armed forces or who were entitled to vote in their states (i.e. New South Wales, South Australia, Tasmania and Victoria, but not Queensland and Western Australia). In 1962, Indigenous Australians were given the right to vote in national elections irrespective of their entitlement under state law. A distinction based on race remained, however, since it was optional rather than compulsory for Indigenous Australians to enrol to vote. This was not rectified until 1983.

this knowledge, and examine potential barriers to people's ability to become informed. They finally offer a critical discussion of current challenges and consider potential ways of improving the political knowledge of Australia's youngest voters.

Other contributions to the volume focus more closely on the legal and normative dimensions of compulsory voting in Australia. In his chapter, Graeme Orr examines what the practice has actually meant in law in the Australian experience: how have the courts interpreted compulsory voting and what are the judicial norms that have evolved around its practice? Ultimately, Orr argues, the courts have been extremely supportive of compulsory voting, although with a dismal, rather than optimistic, view of the role of compulsory voting in electoral democracy. Borrowing from literary sources, judicial rhetoric in Australia has painted compulsion not as a positive expressive act, but as something akin to choosing the manner of one's death or to military conscription.

Chapters by Lisa Hill and Matteo Bonotti explore theoretical debates over compulsory voting. Political theorists, philosophers and jurists have propounded a variety of arguments to justify compulsory voting, including the view that it contributes to greater representativeness (e.g. Lijphart 1997); that it helps to overcome the lack of coordination between political allies (e.g. Hill 2006); that it prevents non-voters from free riding on voters' active contribution to good governance (e.g. Lijphart 1997; Umbers 2018); and that it contributes to democratic moderation (Malkopoulou 2015, 2020). Yet these arguments are often advanced and criticised at a very abstract level, without considering the specific contexts in which compulsory voting exists or its introduction is advocated. Hill and Bonotti visit and reassess some of these arguments in the light of Australia's experience of compulsory voting.

More specifically, Hill argues that compulsory voting significantly enhances the legitimacy of Australian democracy by optimising the values of procedural democracy. According to Hill, compulsory voting, as it is practised in Australia, is better at fulfilling the standards of procedural legitimacy ('political equality', 'effective participation', 'enlightened understanding', 'final control of the agenda by the *demos*', and 'inclusiveness') than almost every other comparable voluntary-voting system due to its ease of use and access, capacity to deliver high and socially even turnout, and tendency to inspire a more informed, alert and critical public.

Bonotti's chapter also focuses on political legitimacy, by exploring the connection between compulsory voting and public reason, i.e. the view that laws and policies are politically legitimate only if they are justified by appealing to reasons that all citizens can accept at some level of idealization. According to Bonotti, in a polity like Australia, which presents many features typical of a parliamentary supremacy regime, compulsory voting can play a key role in guaranteeing public reason, by forcing public officials to take into account a broad variety of perspectives, interests and demands, and therefore refrain from appealing to sectarian non-public reasons when justifying political rules.

While the focus of this volume is unashamedly on the practice of compulsory voting in Australia, that experience is thrown into sharper relief through a comparative dimension. More specifically, in her chapter Anthoula Malkopoulou examines the history of compulsory voting in Europe by specifically revisiting the debates over the practice in Belgium and France at the turn of the twentieth century. Malkopoulou especially focuses on two principal arguments advanced in favour of compulsory voting in these historical debates: the ideas of 'true', 'exact', 'accurate' and 'mirror' representation, to which compulsory voting allegedly contributes; and the view that compulsory voting brings out the moderate vote. Furthermore, Malkopoulou argues, these arguments can also provide valuable conceptual resources for thinking about ways of countering the crisis of contemporary democracies.

Finally, in their chapter Shane P. Singh and Neil S. Williams turn their attention to North America by examining past and present debates over the practice in Canada and the United States, and by evaluating whether there is any possibility of compulsory voting achieving a foothold in those democracies, and considering what might be the effect of such a development. Singh and Williams also examine attitudes toward compulsory voting in both countries' publics, and consider the prospects for higher voter turnout in Canada and the United States, with or without compulsory voting.

The comparative dimension of this volume brings us to a final important imperative for this study. This is the context of widespread and deepening dissatisfaction with democratic politics. The symptoms of what has been described as a crisis of party democracy (Mair 2013; Invernizzi-Accetti and Wolkenstein 2017), and of democracy more generally (Papadopoulos 2013; Przeworski 2019), are typically seen to be headed by the phenomena of rising institutional distrust, the breakdown

of traditional party systems, a turning to populist leaders and policies, and declining voter turnout (The World Bank 2017). At a time of concern about sliding voter turnout and general disengagement from institutional politics, there have been no shortage of suggestions by scholars, commentators and even politicians that compulsory voting may be at least part of the solution. Perhaps most conspicuously, for example, President Barack Obama praised Australia's system of compulsory voting and suggested that 'mandatory voting' would have a 'transformative' effect on politics in the United States (Australian Associated Press 2016). Meanwhile, in the United Kingdom, against the background of poor voter turnout, there has been over the past decade sporadic debate about the merits of introducing compulsory voting, including an inquiry into the subject by a House of Commons parliamentary committee (Armstrong 2015). Similarly, in New Zealand, three of that nation's former prime ministers recently combined to give their endorsement to compulsory voting as a means to lift election participation (McCulloch 2017).

Does Australia's experience of compulsory voting afford any succour in the context of the contemporary democratic malaise? An immediate caveat is that Australia is not immune to the democratic distemper of the early twenty-first century. There is, for instance, a substantial body of evidence showing a decline in the Australian public's faith in politics and democratic processes (e.g. Cameron and McAllister 2019, pp. 98–103; Stoker et al. 2018). At the same time, compulsory voting has undeniably kept a firm floor under election participation. Moreover, despite the prevailing climate of disillusionment, according to some scholars (e.g. Brett 2019), by forcing Australia's major political parties to appeal to the majority of voters rather than a narrow tribal base compulsory voting has exerted a moderating effect on the nation's politics and contained the trend towards polarisation and grievance politics evident in other parts of the globe. In other words, the contention is that compulsory voting has meant that the centre has better held in Australia than elsewhere. Can we indeed learn something from Australia's experience of compulsory voting in the following pages that is instructive for the development of institutional bulwarks in an era when democratic politics is under pressure? Or is Australia's case *sui generis*—best understood in the final analysis as an intriguing outlier?

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How Australia Got Compulsory Voting

Judith Brett

INTRODUCTION

In his *Australian Federal Politics and Law*, Geoffrey Sawer says of the 1924 Electoral Act which established compulsory voting for national elections in Australia, ‘No major departure in the federal political system had ever been made in so casual a fashion’ (Sawer 1956, p. 237). His evidence for this is that the Bill went through all the stages in a single day, and that it was a private member’s bill, with not one of the government leaders speaking in the debate. Sawer’s implication is that the introduction of compulsory voting was done with little thought and without serious debate and his view has been unquestioningly accepted by later commentators. Scott Bennett, for example cites one writer describing the change as being ‘slipped into the statute books “like a thief in the night”’ (Bennett 2005, p. 4). Contrary to Sawer, I argue in this chapter that the shortness of debate implies just the opposite. Over the previous decade or so the arguments for and against had been thoroughly aired as the measure garnered support across the political spectrum. The paucity of debate

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