Compulsory voting in Australian national elections

Compulsory voting has been part of Australia's national elections since 1924. Renewed Liberal Party interest and a recommendation by the Joint Standing Committee on Electoral Matters that voluntary and compulsory voting be the subject of future investigation, suggest that this may well be an important issue at the next election. This research brief refers to the origins of compulsory voting in Australia, describes its use in Commonwealth elections, outlines the arguments for and against compulsion, discusses the political impact of compulsory voting and refers to suggested reforms.

Scott Bennett
Politics and Public Administration Section

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Executive summary

Australia is one of at least 20 nations which require their citizens to vote in national elections. Despite the use of compulsory voting in Australia since 1924, there have always been opponents of the system. In the aftermath of the 2004 election, some Liberal Party members spoke of removing compulsory voting from the electoral legislation, though the Prime Minister later stated that a move to voluntary voting would not be contemplated before the next election. It is therefore likely that compulsory voting will be an issue at that election.

Critics say that compulsory voting is undemocratic, that it illustrates a tendency for over-government, that it is unfair for voters who have no preference between the parties, that it has made life easier for the parties than it should be, that it causes parties to ignore their safe electorates, and that it forces to the polling booth those whose views are not worth having and whose votes tend to increase the informal tally. To those concerned that the abolition of compulsory voting would see a drop in turnout, the critics point to what they describe as 'healthy' turnouts in other democracies which have voluntary voting systems.

Defenders of compulsory voting say that it increases turnout, and in doing so helps legitimise governments in Australia. They also speak of the many obligations that Australians are required to undertake, such as paying taxes or serving on juries, and ask why voting should be regarded any differently. It is claimed that in nations where voting is voluntary, a great deal of party activity (and cost) in elections is devoted to getting out the vote rather than engaging in public debate. Supporters also refer to the familiarity of compulsory voting for Australians, and ask why something that has worked well for over 80 years should be abolished.

What impact does compulsory voting have on Australian politics? What might be the consequences of its removal from Australia's electoral arrangements? The debate focuses on turnout, informal voting and the impact on parties.

Academic analysis shows that compulsory voting is likely to produce a high turnout of voters, wherever it is used. There is no doubt that the Australian arrangements produce a high figure, for Australia's is one of the most consistently high turnouts anywhere in the world—an average of 94.5 per cent in the 24 elections since 1946. The Netherlands averaged a turnout of 94.7 per cent before compulsory voting was abolished in 1971, and a turnout of 81.4 per cent in the years since. A similar drop in Australia would amount to about 1.5 million fewer voters in a national election. In the older democracies that have voluntary voting, the turnout has usually been in the order of 70 to 80 per cent, though in recent elections such countries have actually experienced a marked decline in turnout.

Critics of compulsory voting have claimed that an increase in informal votes in recent elections is an indication of voters reacting against compulsion by choosing to leave their ballot papers unmarked. It is impossible to be certain about why a voter chooses not to mark a ballot paper, though Australian Electoral Commission studies have shown that it is defective

numbering that has been the major cause of informals, rather than the voter leaving the paper unmarked.

Some analysts believe that conservative parties tend to be the most favoured by low turnouts of voters—in Australia more Labor voters would stay away from the polls than Coalition voters. The Australian evidence is inconclusive, however. Compulsory voting has been used for many decades, and after such a long time in use no group or party can be sure of how, or if, it would be affected by the abolition of compulsory voting.

Although some Australians no doubt resent having to attend a polling place, opinion polls have long shown that there is a solid amount of community support for compulsory voting. Might there be a voter backlash if it were to be removed?

Are there any grounds for reforming the compulsory voting arrangements, rather than removing them from the legislation completely? Reform suggestions that have been made include: the clarifying of what 'compulsion' actually means, the recognition that some people may be conscientious objectors, the placing on the ballot paper of an 'abstention box' for people who reject all candidates, the introduction of optional preferential voting, allowing voters over the age of 70 to abstain, and not requiring a vote by people living a great distance from a polling booth.

Introduction

Since 1924, Commonwealth electoral legislation has stated that 'it shall be the duty of every elector' to vote 'at each election'[1]—popular usage refers to this as 'compulsory voting'. Within a few days of the 2004 election a press report speculated about the Howard Government using its newly-won Senate majority to rid the electoral system of compulsory voting.[2] Senator Nick Minchin (Lib) spoke of his support for such a move, but acknowledged that not all in his party supported this view: 'I wouldn't continue to push the proposition if it resulted in internal [Liberal Party] divisions'.[3] He also acknowledged that he could not press the case for the time being, 'because our Government has regrettably never gone to the people with such a proposal'.[4] The Prime Minister also acknowledged that he would prefer to see voluntary voting introduced, but noted that his view was in the minority in his party: 'it is not something that I want to have an argument about … I think actually we will stay with the present system'.[5] Mr Howard has since stated that a move to voluntary voting would not be contemplated before the next election.[6] In 2005 the Joint Standing Committee on Electoral Matters (JSCEM) recommended 'that voluntary and compulsory voting be the subject of a future inquiry by the JSCEM'.[7] It is therefore likely that this will become a major issue for public debate within the next two years. As Minchin has said:

> … it will be the task of those of us who want to rid our voting system of the blight of compulsion, to persuade the Coalition to take such a policy to the '07 election, for implementation if we are once again re-elected.[8]

This Parliamentary Library Research Brief takes a fresh look at the compulsory voting issue, replacing a paper published over a decade ago.[9] It is neutral on the question of whether compulsory voting should be abolished, simply outlining the main aspects of the debate between those who support compulsory voting and those who would make voting voluntary.

The emergence of compulsory voting in Australia

It was a Liberal government which sponsored the first Australian use of compulsory voting—for the 1915 Queensland state election. In the same year the Royal Commission into Commonwealth Electoral Law and Administration recommended the introduction of compulsory voting for Commonwealth elections.[10] This was not taken up immediately, though the *Compulsory Voting Act 1915* provided for compulsory voting in referenda held under s. 128 of the Constitution. The provisions of this legislation were applied to the conscription plebiscites held in 1916 and 1917.

The Nationalist MP, Sydney Sampson, proposed an amendment adding compulsory voting for Commonwealth elections to the Electoral Bill 1918, noting that compulsory voting had been 'frequently discussed' around the country. He lamented that many voters would not vote unless carried to the polling booth 'preferably in a motor car', and he stated that if all people were to have equal electoral rights there was an obligation upon them to record their votes. In support of Sampson's amendment, William Maloney (ALP) spoke of voting being 'a sacred duty, and Democracy demands its performance'.[11] In reply, however, opponents spoke of compulsory voting putting voters 'still more surely under the power of the party machine', and of the pressure this would put upon rural voters who were often resident some distance from polling places. The Minister for Home and Territories, Patrick Glynn (Nationalist), noted that there had been a steady increase in voting turnout in Commonwealth elections. He believed that the 78.3 per cent achieved in 1917 showed that there was no need for such a change. Sampson's amendment was defeated comfortably.[12]

Glynn was correct in his assessment of turnout to that time. The first four Commonwealth elections had produced a 55.3 per cent average turnout, but this had jumped to a 74.3 per cent average for the next four. There was therefore surprise and dismay when the 1922 figure plummeted to only 59.4 per cent.[13] This seemed to change the attitudes of many; as one senator noted, there was now 'a spirit abroad that something should be done to compel people who are indifferent … to go to the poll'.[14] It is clear that people were impressed by the changed voting habits of Queenslanders. In the 1914 Commonwealth election the turnout of people in Queensland had been within 2.9 per cent of the national figure; after compulsory voting was introduced for state elections, the Queensland vote in Commonwealth elections had invariably been much higher than the national average. The conclusion seemed inescapable—that Queenslanders' willingness to turn out to vote in both state and Commonwealth elections had been improved by the introduction of compulsory voting for state elections (see Table 1):

Table 1: Turnout in Commonwealth elections 1914–22

	1914 (%)	1917 (%)	1919 (%)	1922 (%)
New South Wales	66.1	71.2	67.0	58.0
Victoria	80.4	84.2	76.5	57.3
Queensland	**76.4**	**89.0**	**84.9**	**82.7**
South Australia	79.9	72.2	66.4	53.2
Western Australia	71.6	78.2	63.1	50.0
Tasmania	77.4	76.2	58.7	45.6
Commonwealth	73.5	78.3	71.6	59.4
Queensland vote in relation to national average (percentage pts)	**+2.9**	**+10.7**	**+13.3**	**+23.3**

Source: Hughes and Graham, *A Handbook of Australian Government and Politics 1890–1964*

Many people, such as Senator Herbert Payne (Nationalist), were struck by the fact that the Queensland vote had altered very little in the 1922 election (-2.2 per cent), a year in which there was an average fall of 15.5 percentage points in the other states. Payne cited this as an important factor in his decision to introduce the private member's bill in 1924 that proposed the introduction of compulsory voting for Commonwealth elections.[15] The Nationalist-Country Government had no inclination to introduce such legislation, but were happy for Payne and Edward Mann (Nationalist) to sponsor the bill in each house.[16] The deed was quickly done, and the *Commonwealth Electoral Act 1924* slipped into the statute books 'like a thief in the night',[17] causing a later historian to comment that this has been seen as 'a victory for machine-managers across the party system, happy to avoid any possible odium in the matter'.[18] The first Commonwealth election held under compulsory voting was that of 1925, when the turnout figure climbed to 91.4 per cent, an increase of 32 percentage points on the previous election.

Three of the states soon moved to introduce compulsory voting for their own elections. Victoria (Country-Nationalist government) did so in 1926, and New South Wales (Nationalist-Country) and Tasmania (Nationalist) two years later. Western Australia (ALP) did not move until 1936. South Australia (Liberal Country League) was the last state to act, introducing compulsory voting for the House of Assembly in 1942, but not introducing it for Legislative Council elections until 1985. In all states the turnout figure increased substantially once compulsory voting was in use (Table 2):

Table 2: Turnout in State elections before and after introduction of compulsory voting

State	Turnout before compulsory voting (%)	Turnout after compulsory voting (%)	Increase in turnout (%)
New South Wales	82.5 (1927)	94.9 (1930)	12.4
Victoria	59.2 (1924)	91.8 (1927)	32.6
Queensland	75.5 (1912)	88.1 (1915)	12.6
South Australia*	50.7 (1941)	88.5 (1944)	37.8
Western Australia	70.1 (1936)	91.6 (1939)	21.5
Tasmania	81.9 (1928)	95.0 (1931)	13.1

* House of Assembly only.
Source: Hughes and Graham, *A Handbook of Australian Government and Politics 1890–1964*

Compulsory voting has remained the norm for Commonwealth and state elections, as well as for the Northern Territory and the Australian Capital Territory since their attainment of self-government. Over the years there has been a clear impact on the turnout of registered voters, since the turnout in all but Northern Territory elections has usually been in excess of 90 per cent.[19] The major factor in lower turnout seems to be the geographical size of the electorates and the sparseness of population in some parts of rural Australia. The Northern Territory has not yet achieved a 90 per cent turnout, and Queensland and Western Australia have slightly lower state-wide turnouts than the more closely-populated states, due to lower turnouts in their more sparsely-populated electorates (Table 3):

Table 3: Average turnout rates, Australian State and Territory elections 1985–2005

State or territory	Turnout (%)
New South Wales	93.2
Victoria	93.5
Queensland	91.8
South Australia	93.4
Western Australia	91.0
Tasmania	94.4
Northern Territory	78.9
ACT	90.8

Sources: C. Hughes, *A Handbook of Australian Government and Politics 1985–1999*; state and territory electoral bodies

From time to time politicians have spoken of removing compulsory voting from the law, but only in South Australia has there been a formal attempt to do so. In 1994, Liberal Government legislation was blocked in the Legislative Council by the Labor and Australian Democrat parties.[20]

Compulsory voting elsewhere

Australian sources occasionally suggest that Australia is unusual in using compulsory voting, but according to the Stockholm-based elections adviser, International IDEA, 20 other nations require their citizens to vote. Five of these are in Europe (Belgium, Cyprus, Greece, Liechtenstein, Luxembourg), seven are in South America (Argentina, Bolivia, Brazil, Chile, Ecuador, Peru, Uruguay), three are in Central America (Costa Rica, Dominican Republic, Panama), two are in Asia (Singapore, Thailand), two are in Oceania (Fiji, Nauru) and one is in Africa (Egypt). In some nations, such as Austria and Switzerland, some regional elections have compulsory voting arrangements.[21]

International IDEA notes that simply to say a country has compulsory voting does not necessarily tell us much, for the way it is used varies across the nations. In some, compulsory voting is strictly enforced, as in Australia and three of the five European nations (Belgium, Cyprus, Luxembourg), in some it is weakly enforced (six of the seven South American nations), and in some the provision is not enforced at all (Costa Rica, Thailand). Even when compulsory voting is strictly enforced, however, the level of sanction varies a great deal. The Australian fine of $20 is much more lenient than the fine of 200 pounds in Cyprus, for instance. Apart from differences in fines, there are varying levels of government-engendered sanction that affect the degree of punishment. In Belgium a citizen who fails to vote in at least four elections within 15 years will probably be disenfranchised; a Peruvian without a stamped voting card is unable to receive some services from public offices; in Greece a non-voter may have difficulty in obtaining a new passport or driver's licence.[22]

Administration of compulsory voting in Australian national elections[23]

It has long been accepted that the 'compulsory voting' provision of the *Commonwealth Electoral Act 1918* requires that the polling arrangements be made as simple as possible. This can be seen in various ways. Australia is relatively unusual in nominating Saturdays as the polling day, and it provides a large number of easily-found polling stations. In addition, the elector may cast a 'declaration vote', which may be a postal vote, a pre-poll vote, a provisional vote or an absent vote. Since the 1980s, mobile polls have also been used to make it easier for pensioners, for those in hospital, and for people in remote areas to lodge their vote.

If the voter attends a polling place, he or she is required 'without delay', to retire 'alone' to an 'unoccupied' booth, where 'in private' a vote is marked on the ballot paper. The elector must then fold the ballot paper, 'so as to conceal his or her vote' and place it in the ballot box provided for that purpose.[24] 'Compulsory voting', as applied to Commonwealth elections, is a misnomer, for there is no requirement to mark the ballot paper correctly so as to register a valid vote—or even to mark the ballot paper at all. Despite this, the term 'compulsory voting' will continue to be used in this paper, due to its long-standing and widespread usage in the Australian community.

Within three months of polling day, Divisional Returning Officers must post a penalty notice to every elector whose name appears on the list of those who seem not to have cast a vote. Having pointed this out to the elector, the notice must also inform the elector that if he or she does not wish to have the matter dealt with by a court, he or she may advise of the circumstances in which a vote was actually cast. If that is not possible, a 'valid and sufficient reason for the failure' must be given—or else an administrative penalty of $20 must be paid. If the outcome continues to be unsatisfactory, the *Commonwealth Electoral Act 1918* states that if the citizen 'fails to vote at an election without valid and sufficient reason for such failure', or else 'makes a statement … that is, to his or her knowledge, false or misleading' in a material particular, he or she is guilty of an offence, for which the penalty is currently $50.

After each election some voters are fined for their failure to vote; occasionally some are gaoled for failure to pay the penalty. After the 1993 election, for example, at least 43 non-voters who had failed to pay their fine received sentences of one or two days in gaol (for 2004 figures, see Appendix).[25] Occasionally there is publicity given to an individual who makes a stand over the compulsory nature of the process. One such case was Melissa Manson of Knoxfield, Melbourne, convicted on 18 April 1994 for a failure to vote at the 1993 Commonwealth election, and fined $40. On 1 April 1997 Manson was similarly found guilty of failing to vote at the 1996 election and fined $20 with $30 in costs. In neither case did she pay the fine.[26]

To retain or reject compulsory voting?

There have always been critics seeking to have compulsory voting removed from the *Commonwealth Electoral Act 1918*, just as there have been many determined that it should be retained. The main assertions for and against compulsory voting are outlined briefly in the following two parts of this paper.

Opposition to compulsory voting

Essentially, opponents of compulsory voting see it as an unfortunate flaw in the Australian system of government:

- many question whether it is democratic to force people to cast their vote. Professor Verity Burgmann of the University of Melbourne has claimed that the right not to vote 'is an important freedom denied Australians'[27]

- former New South Wales MP, Jim Cameron (Lib), lamented society's 'penchant' for over-government,[28] a view put rather more colourfully by British MP, Ferdinand Mount (Conservative), who has called compulsory voting 'an anti-social behaviour order by another name'[29]

- a stronger view, expressed by former Senator Warwick Parer (Lib) has been the claim that compulsion represents a failure of democracy.[30] An extreme view is the claim that the use of compulsory voting makes Australia akin to South American dictatorships[31]

- the claim that compulsory voting is an accepted part of the Australian way of running elections (see p. 11) has been challenged. It has been pointed out that compulsory voting is not practiced in many other institutions in this country, such as the annual general meetings of companies or the deliberations of trade unions. It has also been noted that the political parties that defend compulsory voting do not practice it in their own internal ballots. Why, then, should it be used for national, state and territory elections?[32]

- compulsory voting is said to be unfair to the voter who is not attracted to any candidate or party. How can people comply honestly with a requirement to put preferences when they may have none? Surely such people should be able to stay away if no candidate or party attracts them?[33]

- Amy McGrath, of the H. S. Chapman Society, has described compulsory voting as a system that rewards the dishonest and punishes the honest:

  > The dishonest electors … turn up at the polling booth to have their names marked off and are thereby seen to have done their 'duty' even if they voted informal or threw their vote away. The honest, who stays away out of conscience, is punished.[34]

- a common theme is that compulsory voting has made life easier for the parties than it should be. The JSCEM noted in 1997 that the political parties have 'conspired to use the law' to maximise voter turnout at elections—something that in other countries is done by the political parties themselves[35]

- getting voters to polling stations in countries with voluntary voting requires of the parties that they have many members dedicated to this work. Professor Don Aitkin, formerly of the University of Canberra, has claimed that a consequence of compulsory voting in Australia has been parties' lack of a need for mass memberships. The parties have preferred to leave the political jobs for the few: 'the parties have become career structures for the politically active'[36]

- the publisher and newspaper columnist, Peter Ryan, took this further, seeing compulsory voting as trivialising campaigns. He claimed, for example, that the 1984 election produced no real discussion of national problems:

  > What took us to the polls was little more than a duel of hairdressers, competing on the merits of the blue-rinse-and-blow-waved Mr Hawke and Mr Peacock.

  Ryan concluded:

  > That's what you get from compulsory voting.[37]

  A logical consequence of introducing voluntary voting would therefore be for the parties to have to work harder in their policy enunciation. According to pollster Rod Cameron, there would be a higher level of political debate, 'because you could actually talk policy'[38]

- it is claimed that, because of compulsory voting, parties tend to ignore safe electorates when campaigning. This means that most Australians have 'little contact before polling day with the democratic process', something that could only improve under voluntary voting[39]

- in 1924, Senator Albert Gardiner (ALP) objected that 'the opinions of the negligent and apathetic section of the electors are not worth obtaining'.[40] In the years since, there have been others who have taken a similar tough view: Bert Kelly MP (Lib), Senator Janine Haines (AD), Professor Geoffrey Blainey and Rod Cameron, for example.[41] For Senator Don Chipp (AD), compulsory voting simply ensured that the 'morons' in society would stir themselves to travel to the polling booth[42]

- some opponents, such as former South Australian Attorney-General, Ken Griffin (Lib), claim that compulsory voting produces a large informal vote from people who resent being dragged to the polling place[43]

- some believe that the practice of 'donkey voting'—voting either from top to bottom of the paper, or the reverse, 'is particularly apparent under compulsory voting'[44]

- others have stated that the quality of MPs' representation of their electorates would improve if voting was voluntary, largely because they would have to be 'closer' to their constituents due to their need to work harder to get out, and to maintain, their personal vote.[45] According to former Senator Jim McClelland (ALP), in this way politicians would be coaxed out of their 'marbled palace', and be forced 'to sell their wares in the real world', [46] and

- finally, Australia is often portrayed as 'out of step with the world' by requiring its citizens to vote.[47]

Support for compulsory voting

Defenders of compulsory voting talk of the benefits given to Australian society:

- a standard view deals with obligations. Why should people object to being required to vote, asks journalist Laurie Oakes. They are required to pay taxes, serve on juries and send children to school. Surely a requirement to vote is another obligation that the state has the right to expect from its citizens?[48] Such a view accords with article 48 of the Italian Constitution, which describes the exercise of the vote as 'this civic duty'

- some note that critics are not opposed to compulsory enrolment, nor to compulsory allocation of all preferences, yet, contradictorily, they are opposed to the compulsion to attend a voting station and have one's name signed off as having attended[49]

- many note that whereas compulsory voting increases turnout, voluntary voting depresses turnout[50]

- a large turnout means that the sample of public opinion will therefore be high—94.3 per cent of the electorate in the most recent Australian election, compared with 80.9 per cent in the most recent New Zealand election, for example. According to the Freedom of Light: 'the practical reality is that compulsory voting produces a better indication of the opinion of the people than voluntary voting'[51]

- some believe that the legitimacy of a government is more likely to be accepted by its citizens if there has been a large turnout in the preceding election. Although the Australian government returned to office in 1998 gained fewer votes than its main opponent, there was no apparent questioning of its legitimacy—due to there being a turnout of 95 per cent. By contrast, just four years earlier John Howard had described a 38 per cent congressional election turnout in the USA as 'largely meaningless as a reflection of American political opinion in 1994'[52]

- some believe that compulsory enrolment requires a system of compulsory voting to be put in place. The sponsor of the 1924 legislation spoke of compulsory voting as 'the natural corollary to compulsory enrolment'[53]

- overseas election authorities such as Arendt Lijphart believe that compulsory voting, as used in Australia, 'equalises participation and removes much of the bias against less-privileged citizens'.[54] As the *Sun-Herald* puts it, compulsory voting at election time 'provides a stimulus for voters to apprise themselves of the issues', something far better than voluntary voting, which 'favours the better educated and the better off', and is 'elitist and thereby anti-democratic'[55]

- a variant of this 'enhanced democracy' point is the suggestion that compulsory voting increases citizen interest in politics and government—former Prime Minister Malcolm Fraser (Lib) has said that the present system 'gets people asking questions more than they probably would'[56]

- some defenders of compulsory voting see a safety in numbers on election day. As former Queensland Liberal leader, Sir William Knox, has put it, the highest possible turnout of voters helps ensure that at least once every three years the silent majority must think about elections. In doing so, the people provide 'a safeguard against extremism'—what Labor's Wayne Swan has described as anchoring Australian politics 'in the centre'[57]

- some maintain that voluntary voting arrangements make elections more expensive and less participatory. Former JSCEM chair, Christopher Pyne MP (Lib) has warned of parties having to devote a great many resources to 'getting out the vote'—estimated in the USA to be between 18 per cent and 25 per cent of the total Republican and Democratic campaign budgets. Pyne has also warned of the dangers of corruption: '… people being paid to turn up and vote. It would be illegal, but it would be hard to police'[58]

- Lijphart notes that the guaranteed high turnout associated with compulsory voting produces a reduction in the incentives for the high degree of negative advertising that one sees in the USA[59]

- some Australian supporters of compulsory voting note its familiarity for Australians. There is a high degree of public compliance with the system, its use creates no administrative problems, there is no obvious public demand for its removal, little boycotting of elections, and all opinion polls over the years have shown solid support (see p. 21). Why, then, should there be a change?

- associated with this is the 'Australian way' argument. Australians now have a long familiarity with key aspects of our electoral system—with preferential voting, with proportional representation, with compulsory voting. One writer has called compulsory voting as Australian as eating Vegemite.[60] Another former JSCEM chair, Petro Georgiou MP (Lib), believes that such an iconic part of our political system ought not to be tampered with, because it has become 'ingrained in our political traditions',[61] and

- the view that compulsory voting is an integral part of Australian political culture has been extended by the claim that compulsory voting plays a part in the socialisation of immigrants, once they have become naturalised and gained the vote. A 1995 Australian Broadcasting Commission programme on voters from ethnic backgrounds opened with the words:

  > Australia's system of compulsory voting is especially important to voters born outside of Australia. Compulsory voting is a major civic activity, and being able to participate is a way for migrant Australians to know that they belong to the Australian family.[62]

The political impact of compulsory voting

Much of the discussion of compulsory voting over the years has thus been marked by 'passionate clashes of points of view' between critics and defenders of the system.[63] Much of the passion is undoubtedly related to perceptions of how compulsory voting affects Australian politics. Supporters and critics of compulsory voting speak in terms of principle, but many observers would claim that it is difficult for such people to separate their principles from their politics. According to Northern Territory academic Alistair Heatley, 'The higher-flown rhetoric should not … be allowed to cloak what is, at bottom, a question of party interest and power'.[64] It must be asked, therefore, what are the aspects of compulsory voting that impact upon Australian politics?

Turnout

Academic analysis shows that wherever compulsory voting is used it increases the turnout of registered voters. One American scholar who has studied elections in the Netherlands, Austria and Australia has concluded that 'mandatory voting laws very effectively raise turnout', though he also noted that such laws 'are not a necessary condition for high levels of

participation'.[65] Another American analyst has stated that in the countries that make voting obligatory, compulsory voting 'apparently increases turnout by 6–7%'.[66] The British scholar, Pippa Norris, currently of Harvard University, analysed the turnout of registered voters in older democracies during the 1990s, and found that those with compulsory voting experienced a turnout about 14 per cent higher than nations with voluntary voting (Table 4):

### Table 4: Compulsory Voting and Electoral Turnout

	Turnout (%)	**No. of nations**
Compulsory	86.9	7
Non-compulsory	72.7	32

Source: Pippa Norris, *Electoral Engineering: Voting Rules and Political Behaviour*, Cambridge University Press, Cambridge, 2004, p. 169

Australia

There is no doubt that the Australian arrangements produce a high figure—in fact, Australia's is one of the most consistently high turnouts anywhere in the world, averaging 94.5 per cent in the 24 elections since 1946 (Chart 1):

Chart 1: Turnout, Australia 1946–2004
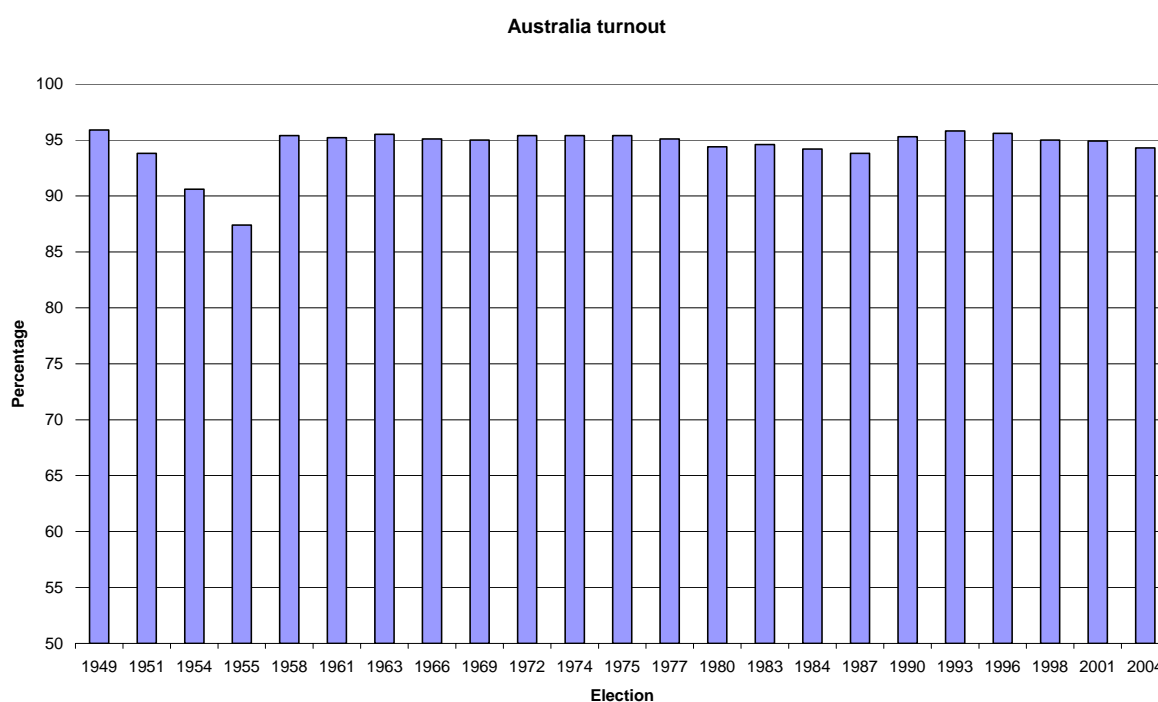
Source: Gerard Newman, 'Federal election results 1949–2004', *Research Brief*, no. 11, Parliamentary Library, Canberra, 2004–05. Newman notes that turnout in the 1951, 1954, 1955 and 1963 elections was affected by a significant number of uncontested electorates.

Belgium

Australia's figures are comparable with those for Belgium, another democracy which has strictly-administered compulsory voting arrangements, and where turnout has averaged 92.7 per cent in nineteen elections since 1946 (Chart 2):

## Chart 2: Turnout, Belgium 1946–2003

Belgium turnout
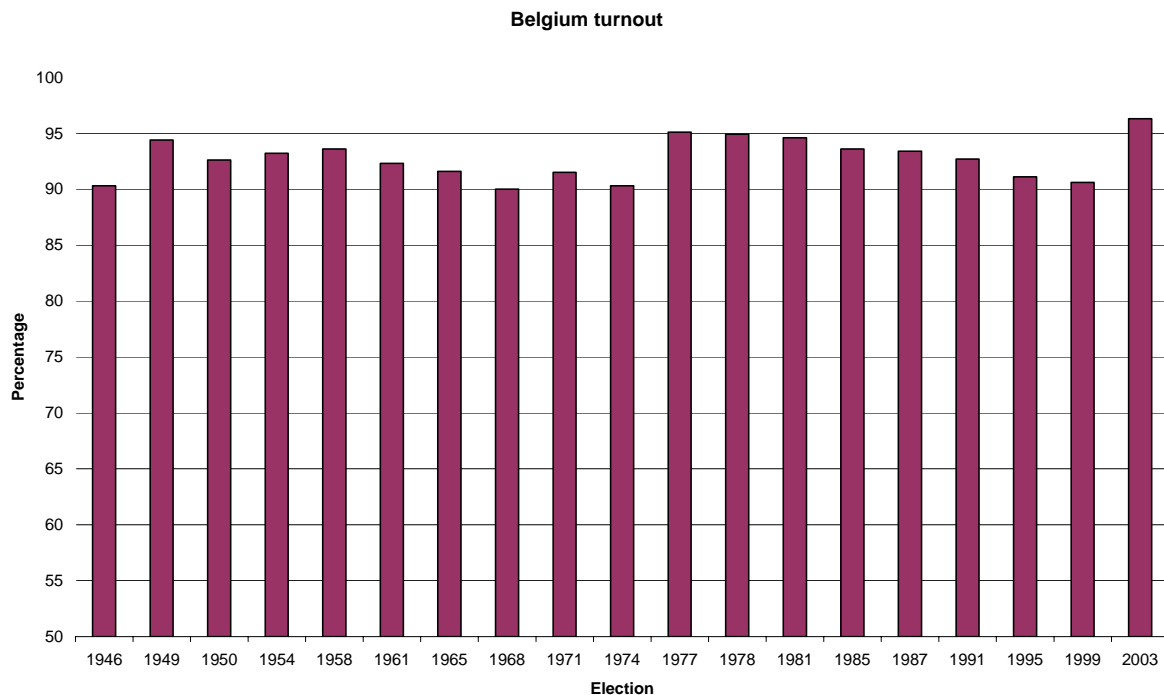
Source: International IDEA

Australian and Belgian figures have remained constant despite evidence that turnouts have been declining in most democracies.[67] Various countries' returns show this quite clearly.

New Zealand

New Zealand long enjoyed a high rate of voter turnout despite its having voluntary voting. For many years Australians could look across the Tasman and claim that abolition of compulsory voting would produce similar figures to New Zealand—according to current JSCEM chair, Tony Smith MP (Lib), New Zealand's turnout 'has remained high all the way through'.[68] Indeed, the picture did remain healthy for many years—until the last two elections surprised many political analysts (Chart 3):

Chart 3: Turnout, New Zealand 1946–2005

**New Zealand turnout**
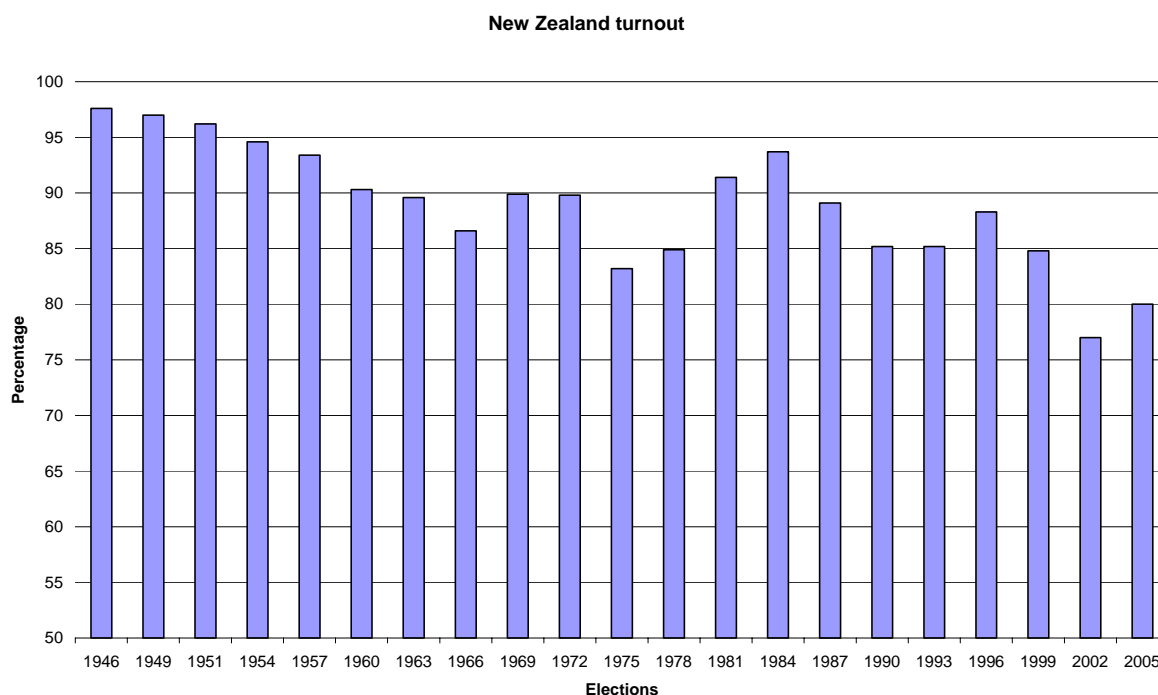
Source: International IDEA

The extraordinary fall to 77 per cent in 2002 was disturbing for observers, who noted that it was the lowest turnout since electoral registration was made compulsory in 1924. It was 7.8 percentage points lower than in the previous election (1999), 11.3 percentage points lower than in the first Mixed Member Proportional election of 1996, and 20.6 percentage points lower than in the election of 1946. Judgment was withheld as observers waited for the 2005 election to see if the 2002 result was an aberration, or a sign that New Zealand was experiencing the type of fall experienced in other democracies.[69] In fact, with only 80.9 per cent turning out in 2005, New Zealand has now recorded its two lowest figures in the last sixty years. The average figure between 1946 and 1999 was 90.3 per cent; the last two elections have averaged 79 per cent.

United Kingdom

The turnout in the 1950 British general election was 83.6 per cent; the turnout in the 2001 general election was 24.2 percentage points lower (Chart 4). The 2001 figure (59.4 per cent) and that for 2005 (61.3 per cent) were the two lowest returns since the 58.9 per cent in the war-time election of 1918:

Chart 4: Turnout, United Kingdom 1945–2005
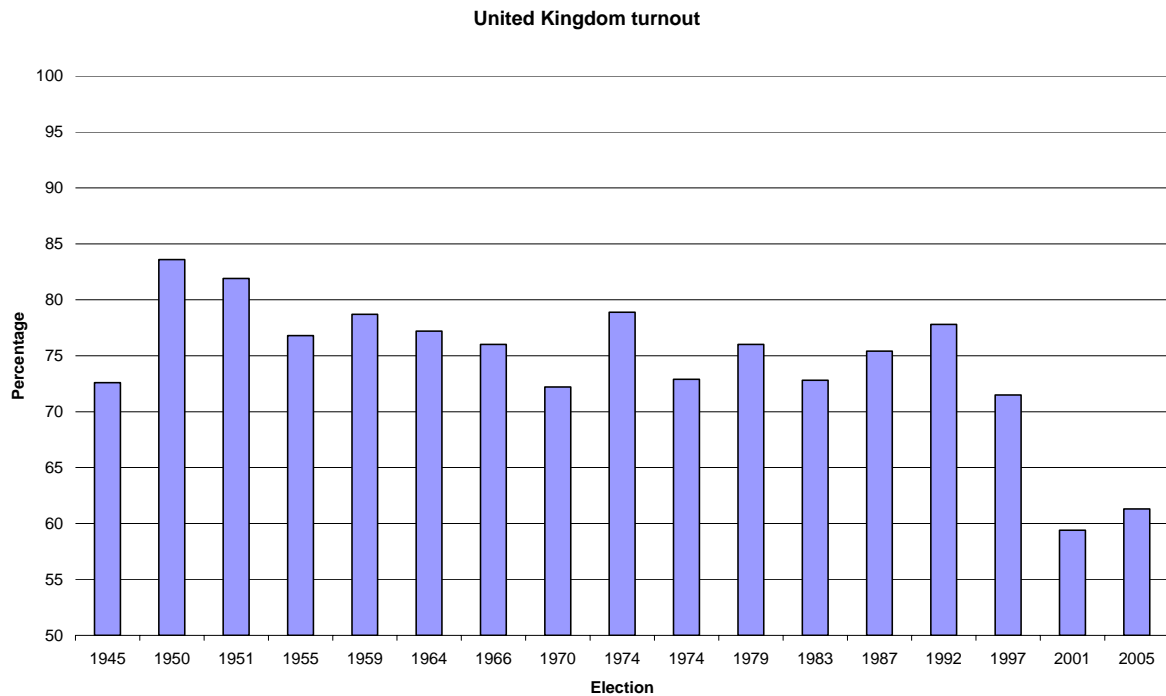
Source: International IDEA

In just over fifty years, the United Kingdom figure has thus gone from being an impressive illustration of how turnout can remain high when voluntary voting is used, to producing calls for the introduction of compulsory voting.[70] In 2001 a private member's bill was introduced into the Parliament for this purpose, and after the 2005 election the Lord Privy Seal, Geoff Hoon, called for compulsory voting to be introduced in an effort to deal with political alienation, restore a feeling of community, and address what he called the dangerous issue of 'serial non-voters'.[71] Claiming that international experience pointed to compulsory voting being the most effective way to increase turnout, Hoon expressed his fear that

> as the older, more regular voters die, we will be left with a significant number of people for whom voting is neither a habit, nor a duty.[72]

In 1991 a MORI poll actually indicated that more British voters were in favour of compulsory voting than were against.[73]

Canada

In Canada between 1945 and 1997, about three-quarters of the voters went to the polling place. The last two elections, however, have produced the lowest figures on record (Chart 5):

Chart 5: Turnout, Canada, 1945–2004
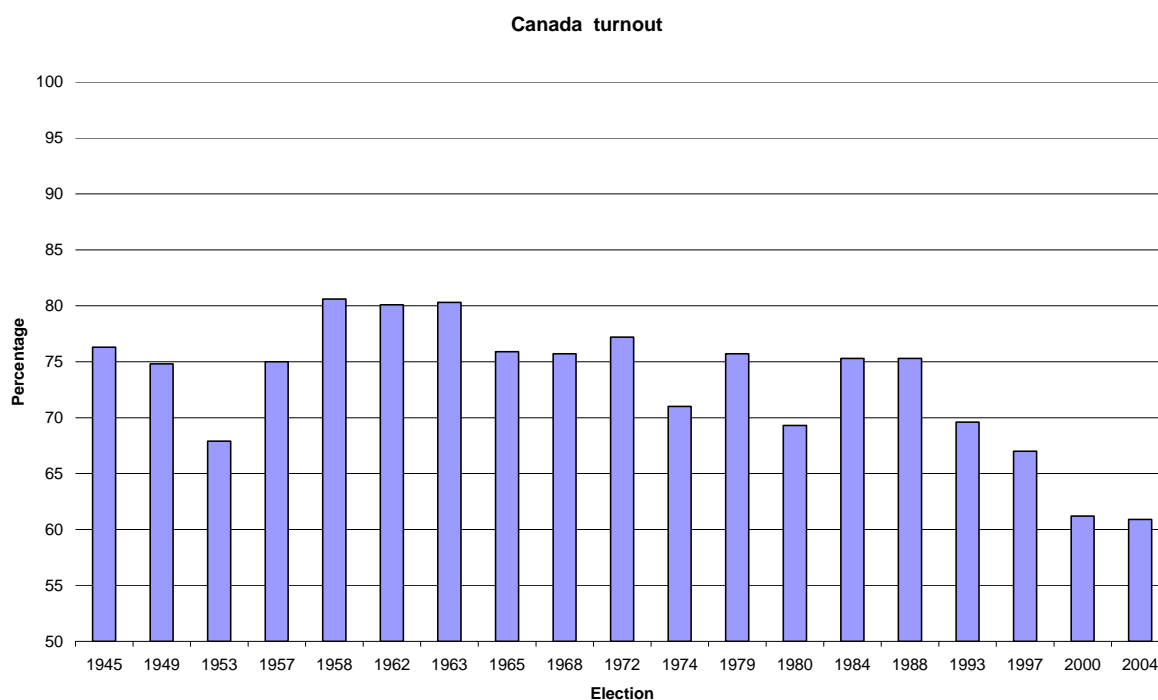
Canada turnout
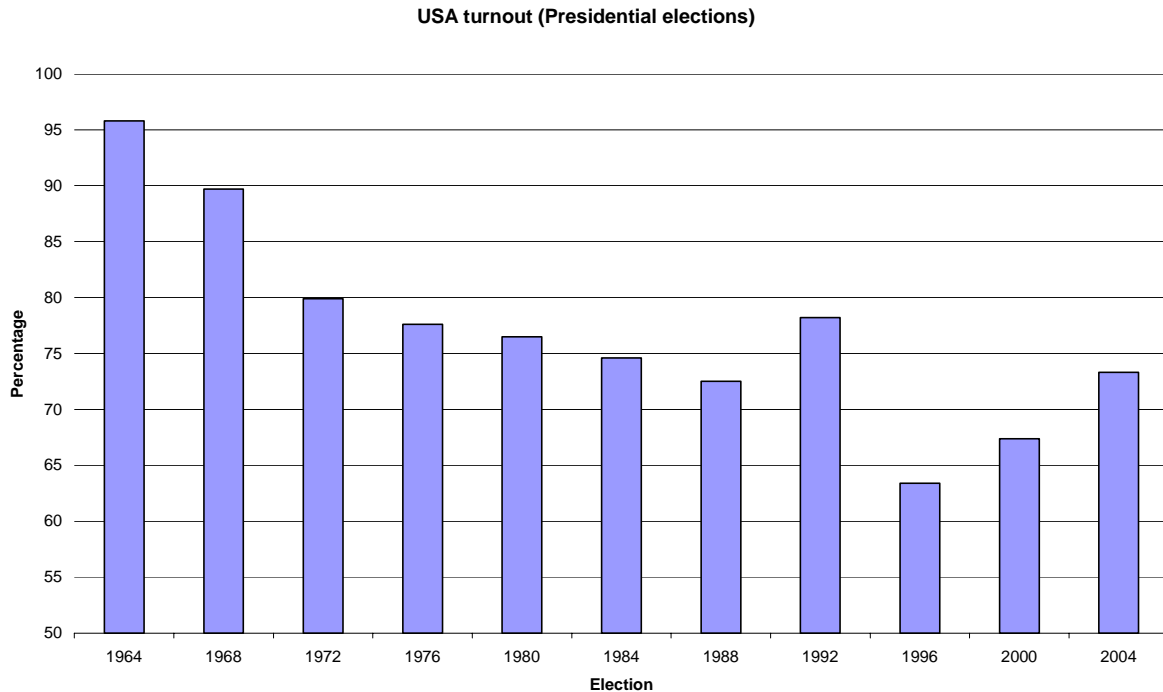

Source: International IDEA

As in the United Kingdom and New Zealand, Canadians are concerned about this sudden slump in turnout figures. According to Fair Vote Canada, a group of concerned citizens formed in 2000 with the aim of building a nationwide campaign for voting system reform, in the 1990s Canada ranked 109th among 163 nations in voter turnout.[74] In February 2005, a private senator's Bill to establish 'mandatory voting' was introduced in the Parliament, with the proposer stating:

> While analysts cite a variety of reasons for the voting decline including, sadly, disdain for politicians, apathy about the issues and the hectic demand of modern life, I believe that the most important factor is a fading sense of civic duty when it comes to voting participation in our democratic institutions.[75]

USA

In the USA, 95.8 per cent of registered voters turned out in 1964 to vote in the presidential election; in 1996 this had fallen to 63.4 per cent. Although the turnout figure improved in 2000 and 2004, the average was still barely 70 per cent (Chart 6). The average turnout since 1964 has been 77.2 per cent; congressional elections have been even lower, averaging only 66.6 per cent.

Chart 6: Turnout USA, 1968–2004 (Presidential elections)

USA turnout (Presidential elections)

Source: International IDEA

Would abolition of compulsory voting produce a fall in turnout?

Would Australian turnout fall if compulsory voting were abolished? Academic analysis suggests that it would. Some have noted the voluntary postal election for the 1999 Constitutional Convention as boosting their case, since only 46.9 per cent bothered to vote for members of the Convention.[76] On the other hand, Tony Smith has said that he does not believe that it would decline very much, and to assume that it would, 'does the Australian people an incredible disservice'.[77] Smith may be correct, but, apart from the general international decline in turnout referred to above, the experience of one European nation suggests otherwise. Netherlands made voting compulsory between 1917 and 1967, during which time its turnout was similar to that for Belgium and Australia, comfortably above 90 per cent. The change to voluntary voting for the 1971 election produced an immediate fall of 15.8 per cent, with the first six elections after abolition (1971–86) producing a turnout average of 84.1 per cent; the average for the most recent five elections (1989–2003) has been 78.3 per cent (Chart 7):

Chart 7: Turnout, Netherlands 1946–2003

Netherlands turnout
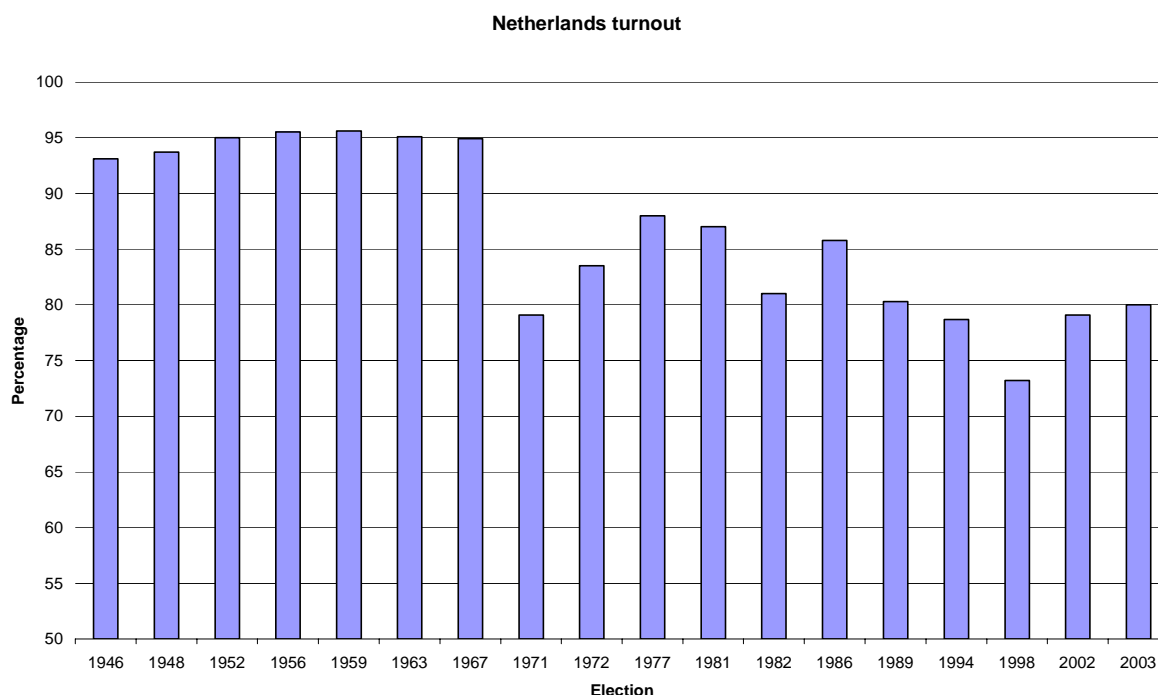
Source: International IDEA

It has been observed that it is unlikely that the Dutch would have made the change to voluntary voting had they foreseen the 'disastrous plunge in their voter turnouts'.[78]

The Netherlands figures suggest that were compulsory voting to be abolished in Australia, it is likely that the turnout of voters would fall by 10–20 per cent—about 1.2–2.4 million fewer voters.

Informal votes

Senator Minchin has claimed that an increase in informal votes in recent elections is an indication of unhappy voters choosing to vote informally by leaving their ballot papers unmarked:

> The rising informal vote suggests that there are thousands of Australians who do not want to vote but are forced to.[79]

By contrast, the Australian Electoral Commission (AEC) stated in a submission to the JSCEM that 'the link between compulsory voting and informal voting is difficult to prove'.[80]

Both views are a matter of speculation, for it is impossible to be certain about why a voter chooses not to mark a ballot paper. What is clear, however, is that ballot papers left blank

account for fewer informal votes than Minchin's view suggests. Studies by the AEC have shown that it is defective numbering—either non-sequential numbering, an allocation of just the number '1', or the placing of a tick or cross—that has been the major fault, rather than no vote at all being placed on the paper. In 1984, for instance, ballot papers containing ticks, crosses or some numbers, or with defective numbering, amounted to 75.3 per cent of all informal votes, whereas ballot papers left totally blank amounted to just 16.9 per cent.[81] In 2001, blank papers amounted to about one-fifth of all informals (Table 5):

Table 5: Informal voting, 2001 Commonwealth election (% by state and territory)

Category	NSW	Vic	Qld	SA	WA	Tas	ACT	NT
Blank	20.4	25.0	15.7	24.5	23.4	27.9	30.8	20.7
No. '1' only	32.5	26.0	46.4	36.6	29.9	23.6	28.8	28.0
Ticks & crosses	12.6	13.0	11.5	15.2	9.9	15.8	9.0	10.6
Non sequential	22.5	14.2	10.5	13.8	21.8	13.2	7.7	15.1
Other	12.0	21.8	15.9	9.9	15.0	19.5	23.7	25.6

Source: Australian Electoral Commission

So, about one informal voter in five is prone to leave the paper unmarked. Some, no doubt, do so as a protest, but whether or not this is due to opposition to compulsory voting cannot be proven.

Ballot-paper considerations may have more of an effect on informality. Dr Sally Young, of the University of Melbourne, believes that confusion over voting procedures at state and Commonwealth level may be an important factor—certainly the high number of papers with just a number '1' in Queensland and New South Wales, where optional preferential voting is used for state elections, gives weight to her view.[82] Another possible cause is the impact of voter fatigue in those electorates where large numbers of candidates nominate. In the 2004 election, the New South Wales electorate of Greenway had the largest number of candidates (14) and it also had the highest informal vote (11.8 per cent). In the past two Commonwealth elections, the results from electorates where six or more candidates nominated give weight to this theory—as the number of nominations rose, so, generally, did the informal percentage (Table 6):

Table 6: Informality per number of nominations, 2001, 2004 elections

Number of candidates per electorate contest	% informal 2001	% informal 2004
<6	4.1	4.4
6	4.5	4.7
7	4.6	4.9
8	5.3	5.6
9	6.1	5.7
10	6.1	5.8
>10	5.8	7.8

Source: Australian Electoral Commission

Another factor might be the high proportion of voters of non-English speaking backgrounds in particular electorates, particularly in western Sydney:[83]

> When compulsory voting is combined with a complex electoral system and a high proportion of non-English speaking immigrants, it is not surprising that the net result is one of the highest levels of spoilt ballots found in any Western liberal democracy.[84]

The AEC had believed this to be a problem in Fowler and Prospect in 2001, and the Commission ran information sessions at migrant resource centres in an effort to improve electoral literacy. The Commission's David Farrell claimed that the 2004 fall in informal voting in Fowler was a consequence of these sessions.[85] The figures for other electorates in outer Sydney, though, suggest that much more still needs to be done.

In such a scenario, informality caused by resentments against compulsory voting is likely to be relatively minor. It may well be that it is the compulsory allocation of all preferences on the ballot paper that has a greater impact on informality.

Does compulsory voting aid or hurt particular parties?

For the political parties, the most important question associated with the retention/abolition of compulsory voting is personal: does compulsory voting help or hurt our cause? Over the years, many observers have claimed certainty on this question, but the evidence remains inconclusive, making any estimate very difficult. As the earlier Parliamentary Library paper on compulsory voting put it, 'no group or party can be sure of how it would be affected by the abolition of compulsory voting.'[86]

A University of Western Australia study investigated the question of which citizens would be most likely to vote if not compelled to do so—and, by extension, who would be least likely to vote. The conclusion was that variables indicating a high likelihood of turning out included: being born in Australia or the United Kingdom, being a professional worker, being employed by government, being over 65 years of age, being a long-term resident of a 'high-status' suburb, having a high income, and being in possession of tertiary qualifications.[87] This may

be accurate, but it does not necessarily tell us whether any particular party is likely to gain from this.

The common supposition, though, has been that conservative parties tend to be the most favoured by low turnouts of voters, due largely to people from low socio-economic backgrounds being those most likely to stay away from the polling booths. According to Lijphart, international research indicates that high turnout is not in the partisan self-interest of conservative parties, because low and unequal turnout favours the voters who are privileged.[88] In Australia, it has long been supposed that the introduction of voluntary voting would probably result in more Labor voters staying away from the polls than Coalition voters. However, the emergence in 2001 of the so-called 'Howard's battlers'—lower socio-economic voters shifting their votes to the Coalition—suggests that the Liberal Party might be harder hit by the abolition of compulsory voting than was once considered likely.[89] Petro Georgiou is one Liberal who believes that 'there is no real evidence that we [i.e. the Liberal Party] would benefit from a transition to voluntary voting', a view shared by the JSCEM.[90] On the other hand, Georgiou believes that the party would face significant political costs were it to attempt to abolish 'a system that has the overwhelming endorsement of the Australian public'.[91]

There have been Nationals who agree with Georgiou. Former National Party Queensland President, Sir Robert Sparkes, for instance, was sure that the abolition of compulsory voting would cost the conservative parties many votes, and was therefore keen for it to be retained.[92] Nationals Senator Ron Boswell has noted that his party supports compulsory voting, and has expressed his concern about Australians switching off from their civic responsibilities:

> We believe that if compulsory voting's not in, then there will be a disconnect with the people of Australia and the Parliament. We believe that everyone should vote in Australia, and that gives them some type of ownership of the government. We would hate to see what happens in America, where between 38 and 56 per cent of the people turn out. I mean, there is enough cynicism about politics now, if people don't have any ownership of it, then I think that would get worse.[93]

Does compulsory voting affect minor-party performance? It has been suggested that compulsory voting helps cement the support for major parties from election to election, thus making it much more difficult for minor parties and independents to get any sort of solid and consistent electoral support.[94] With a high proportion of minor-party support coming from politically-aware voters, such parties are likely to gain most voters under a voluntary voting regime. On the other hand, when One Nation appeared to be threatening the Coalition vote, Senator Minchin claimed that compulsory voting was 'aiding and abetting One Nation-style destructive politics'. Minchin saw compulsory voting acting as a prop to minor parties, and he believed that one way to 'starve' such parties was 'to end our singularly undemocratic system of compulsory voting'.[95]

To repeat, though, the political impact of the abolition of compulsory voting would be uncertain, not least because of the long gap since Australians last voted under a voluntary

regime, as well as changes over time in the underlying party allegiances/voting patterns of Australians.

What do voters think?

Although some Australians no doubt resent having to attend a polling place, opinion polls have long shown that there is a solid amount of community support for compulsory voting:

> The majority of Australians endorse compulsory voting and could be said to consent to the obligation to vote, not merely because they feel bound to obey the laws of a relatively just society, but because they apparently regard this particular law and its entailed obligations as a reasonable imposition on personal autonomy.[96]

According to Malcolm Mackerras and Professor Ian McAllister, polls taken over the years have consistently shown a community support of between 60 and 70 per cent: 'never less than six out of every 10 voters have supported compulsory voting'.[97] The figures have indeed been remarkably stable (Table 7):

Table 7: Opinion poll findings

Date of poll	Pollster	In favour of compulsory voting (%)	Opposed to compulsory voting (%)
1943	Gallup	60	35
1969	Gallup	69	29
1974	Morgan	60	36
1996	Herald McNair	72	25
2004	Australian Election Study 2004	74	26
2005	Morgan	71	28
2005	Ipsos-Mackay	74	24

Sources: Australian Gallup Polls, October 1943; *Bulletin*, 12 September 1995; *Sydney Morning Herald*, 9, 11 November 1996; *Australian Election Study 2004*; http://www.roymorgan.com/news/polls/2005/3901; Joint Standing Committee on Electoral Matters 2004, op. cit., p. 197.

Currently there seems to be little difference between major-party voters on the question. In 2005, Morgan found 73 per cent of Coalition voters and 74 per cent of Labor voters supporting compulsory voting, while according to Ipsos-Mackay figures, 79 per cent of Liberal voters and 75 per cent of Labor voters do so.[98]

In 1982, Victorian Premier Jeff Kennett (Lib) said the abolition of compulsory voting should only be attempted when there was widespread community support, something which he did not believe was evident to that time.[99] There is no opinion poll evidence yet of such support.

While not denying opinion poll findings, Senator Minchin suggests that they reflect two understandable, though irrelevant and erroneous, views held by those being polled. On the one hand, most people believe that people *should* turn out at election time, a view which colours their poll response, though it is not really relevant to the compulsory voting question. Added to this is what he describes as the 'dim view' held by many Australians, who believe that their fellows would not bother to vote at all if not coerced by the compulsory voting requirement. Minchin believes they are incorrect, noting that turnout without compulsion reaches 70 to 75 per cent in many democracies which have voluntary voting.[100]

Reform of the system?

Compulsory voting has been a battlefield in which opponents express arguments which essentially never meet—assertion rather the submission of evidence is the norm. Whether or not compulsory voting is retained for Australian national elections therefore seems likely to be a question of who has the numbers and the political will to prevail, rather than a calm analysis of what would be the best arrangements for the nation. Interestingly, there seems to be no consideration of whether it might be possible to improve the product currently in use. Is it possible that compulsory voting could be retained, but with several alterations to make it more acceptable to the opponents of the system? There do seem to be some possibilities for change.

Clarifying 'compulsion'?

A criticism of Australia's electoral arrangements is that they are 'neither fish nor fowl':

> Voting can't be said to be voluntary, because it purports to be compulsory. But it can't truly be described as compulsory because it is not, in fact, compelled.[101]

Critics believe it is not good enough for the defenders of the system to point out that people are not *really* forced to fill out a ballot paper, for the term 'compulsory voting' is the understanding of the great majority.

A solution to this would be to take a leaf out of South Australia's election arrangements. Section 85 of that state's *Electoral Act 1985* says that 'it is the duty of every elector to record his or her vote at each election in a district for which the elector is enrolled'. However, the compulsory nature of this is watered down: '[an elector], who leaves the ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of the duty'. Such an alteration to *Commonwealth Electoral Act 1918* might make the national voting arrangements more acceptable to some critics. Another possibility would be to follow the Belgian model, where it is clear that the only compulsion for the voter is to attend the polling place.

Conscientious objectors?

Lisa Hill of the University of Adelaide has suggested that the electoral arrangements could be amended by the insertion of a provision to allow for conscientious objectors, who hold 'genuine, sustained and politically principled objections to the compulsion'. She notes, though, that such an arrangement should mandate that some effort be required of the voter before the status of conscientious objector is granted. This would avoid the possible problem of mass abstention. In short, the effort of registering should be 'far greater' than the act of voting itself.[102]

An 'abstention box'?

House of Representatives ballot papers have a box placed next to the name of each candidate wherein voters must place a preference against the name of each candidate. One defence made by Australian non-voters has been that if none of the candidates on the ballot paper attracts the voter, the voter may prefer not to vote at all. The problem, though, is that this is not a defence that the courts have been prepared to countenance.[103]

One solution to this would be to add an extra box to the ballot paper, which Professor Mark Cooray calls an 'abstention box':

> In this way [they] voters could demonstrate their disapproval of all political parties and candidates, or the confusion and failure to understand what the political parties are about.[104]

This would allow a voter who objects to all candidates to abstain from allocating any preferences at all, as is permitted in elections for the Italian Parliament and the Russian presidency. When Geoff Hoon suggested that compulsory voting should be introduced in the United Kingdom (see above, p. 19), he was asked if ballot papers under a compulsory voting system should include a box for 'none of the above'. In reply, Hoon claimed this to be 'absolutely vital'.[105]

Optional Preferential Voting?

Some voters object to 'giving preferences', no matter how low, to particular candidates. An example which caused anguish for many Canberra voters was in the May 1970 by-election for the ACT House of Representatives seat. A Nazi nominated as one of the seven candidates, causing many people to express resentment that they had to preference such a candidate, no matter how low the preference:

> No one with any comprehension of political ideas or of 20th century history should be under compulsion to vote for a Nazi. Giving the lowest number on the voting paper cannot release one from moral degradation.[106]

Today, these voters could leave a blank against such a candidate's name rather than allocate the final preference, and still have their vote regarded as formal, but there would presumably be still some who would regard this as 'giving a preference' to a detested candidate.

The obvious way around this is to introduce Optional Preferential Voting (OPV) for House of Representatives elections. This is used in New South Wales and Queensland Legislative Assembly elections and also for elections to the Tasmanian Legislative Council.

When voting in a New South Wales or Queensland OPV election, an elector may

- vote for just for one candidate, leaving all other squares blank—sometimes called 'plumping'

- give preferences to some, but not all, candidates, or

- give preferences to all candidates.

Clearly, this would enable a voter to effectively by-pass a nomination (s)he preferred to ignore. The downside, however, might be the fact that many New South Wales and Queensland voters now choose to lodge only one preference. In a study conducted in 11 of the 89 electorates after the 2004 Queensland election, it was found that 62.2 per cent of voters allocated only a first preference, with only 31.7 per cent of voters in the sample casting a full preferential vote.[107] Critics have dubbed this 'First Past the Post by stealth'; it certainly is not a vote made in the spirit of Preferential Voting. One, perhaps unfortunate, spin-off is that it is quite likely that in close New South Wales or Queensland contests that fewer than half of the voters in an electorate will be represented in the winner's tally. In the seat of Gympie in the 2004 Queensland election, only 45.5 per cent of the total number of voters preferred the winner, Elisa Roberts (Ind) over the Labor runner-up. By contrast, in House of Representatives contests where a full set of preferences must be cast, over half of all voters will have expressed a preference for the winner over the runner-up.

This aspect of OPV can be modified to some degree by requiring more than one preference to be cast. For example, in an OPV election for the Tasmanian upper house:

- when two or three candidates are contesting a seat, a voter must record a vote for all candidates in order of preference, but

- with more than three candidates, the voter may record a maximum of just three preferences, or more than three preferences may be allocated if desired.

In the Tasmanian case, it is very likely that over half of the voters will have expressed a preference for the winner over the runner-up.

The use of OPV would presumably lessen the incidence of the donkey voting referred to above (see p. 9). This is probably linked to the requirement
that every square must be filled on the House of Representatives ballot papers.

Consideration for the aged?

Defenders of compulsory voting describe voting as a 'duty' for which all must bear equal responsibility. If that is so, it is possible to argue that this 'duty' need not be regarded as a lifetime commitment. Just as we have always accepted that age lessens the requirement to be employed, so we might concede that at a certain stage in their lives the elderly have 'done their bit' electorally. It has been argued that because many frail and elderly Australians are unable to attend the polling place, voting ought to be voluntary for people who have turned seventy.[108] This would be analogous to the provision in s. 226 of the *Commonwealth Electoral Act 1918*, which excuses the seriously ill from voting. Were Australia to take this path, it would not be alone. In Ecuador voters over sixty-five are not required to vote, while in Brazil and Luxembourg the age is seventy.

Distance

Although Australia has been using mobile polling for over 20 years, some voters still have trouble getting to a polling place. Perhaps Australia could make voting voluntary for those people who live a great distance from polling places and who are beyond the reach of a mobile poll? In Greece voting is voluntary for people who live more than 200 km from a polling place.

On the other hand, with the postal votes system having been shown to be so fallible in the 2004 election,[109] perhaps a limited form of electronic voting could be introduced for isolated voters.

This and the other examples listed above, show that the compulsory voting arrangements need not be set in stone, and could be modified in the hope of accommodating the criticism made by the opponents of compulsory voting.

In conclusion

Major alterations to national voting systems are rarely made. Since the passage of the *Commonwealth Electoral Act 1902*, there have been only three significant alterations to Australia's electoral arrangements: the change from first-past-the-post voting to preferential voting (1918), the introduction of compulsory voting (1924), and the introduction of proportional representation for Senate elections (1948). An important reason for such caution is uncertainty about the consequences of such important changes. Australia may well rid itself of compulsory voting for national elections in the near future, but if it does so, some aspects of its politics may alter. Whether this would matter, is difficult—if not impossible—to predict.

Appendix: Non-voters, 2004 election

Description	Number	Comment
Total number of apparent non-voters	685,937	
Total number of apparent non-voter notices issued	458,952	
Total number of notices not issued	226,985	Notices are not issued to voters who are covered by section 245(4) of the Electoral Act. This includes electors who were overseas, have died, hospitalised electors where a medical practitioner forbade voting due to medical reasons, and other electors from whom the Divisional Returning Officer had already received a valid and sufficient reason for not voting. The number of notices not issued for these reasons in 2004 is consistent with past elections.
Total number of replies received	296,755	
Total number of notices returned undelivered	108,382	In these cases further enrolment follow-up activity, including objection action, was undertaken.
Total number of notices not answered.	53,815	In these cases further enrolment follow-up activity, including objection action, was undertaken.
Total number of reasons for not voting accepted as valid and sufficient	234,552	Replies to non-voter notices are processed in Divisional Offices. Each case receives individual analysis.
Total number of warnings issued	8,236	In these cases, the reason for not voting was deemed not valid and sufficient, but a warning was issued.
Total number of $20 penalties paid	52,796	The number of non-voters who chose to pay the $20 penalty in 2004 increased significantly from previous elections. This can probably be attributed to the introduction of a BPAY system for penalty payment.
Not yet finalised	79	
Replies not accepted.	1,092	In these cases, a penalty notice was issued.
Fine notices finalised by $20 penalty payment	847	
Replies indicate no further action	76	
Returned undelivered	22	
Answered and chose to appear in court	7	Summonses were issued for each of these 7 cases

Description	Number	Comment
Not answered	140	Summonses were not issued for each of these cases
Summonses issued	33	
Dismissed	1	
Conviction recorded	22	
Case proven but no conviction recorded	1	
Still to be heard	9	

Source: Australian Electoral Commission (as at 6 October 2005)

Endnotes

1. *Commonwealth Electoral Act 1918*, s. 245.

2. Mark Metherell, 'Howard's way clear to push own agenda', *Sydney Morning Herald*, 11 October 2004.

3. Lenore Taylor, 'Minchin wants voluntary voting in federal polls', *Australian Financial Review*, 4 November 2004.

4. Senator Nick Minchin, 'Challenges and opportunities come with Senate majority,' *Capital Comment*, Autumn 2005.

5. Toni O'Loughlin, 'PM rejects voluntary vote call', *Australian Financial Review*, 22 November 2004.

6. Jason Koutsoukis, 'Coalition set to change the way we vote—for its own good', *The Age*, 11 June 2005.

7. Joint Standing Committee on Electoral Matters, *The 2004 Federal Election: Report of the Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto*, Joint Standing Committee on Electoral Matters, Canberra, September 2005, Recommendation 36, p. 204.

8. Minchin, *Capital Comment*, op. cit.

9. Margaret Healy and James Warden, 'Compulsory Voting', *Research Paper*, no. 24, Department of the Parliamentary Library, Canberra, 1994–95.

10. Report from the Royal Commission upon the Commonwealth Electoral Law and Administration, *Papers Presented to Parliament*, 1914–15–16–17, vol. II, part 1, no. 180, p. 10.

11. Sydney Sampson (Nationalist), House of Representatives, *Debates*, 7 November 1918, p. 7565; William Maloney (ALP), ibid., p. 7568.

12. John Lynch (Nationalist), Arthur Rodgers (Nationalist), Patrick Glynn (Nationalist), House of Representatives, *Debates*, 7 November 1918, pp. 7565–70.

13. This has been blamed on the fact that polling day was only nine days before Christmas Day. It must be noted, though, that the previous election was only twelve days before Christmas Day yet had seen a turnout 12.2 percentage points higher.

14. Senator Albert Gardiner (ALP), Senate, *Debates*, 17 July 1924, p. 2182.

15. Senator Herbert Payne (Nationalist), Senate, *Debates*, 17 July 1924, p. 2180.

16. Gavin Souter, *Acts of Parliament: A narrative history of the Senate and the House of Representatives, Commonwealth of Australia*, Melbourne University Press, Melbourne, 1988, p. 203.

17. Shaun Major, *To Vote Or Not To Vote? Compulsory Voting in Australia*, Western Australian Electoral Commission, Discussion Paper, 1995, p. 23.

18. Michael Roe, 'Herbert James Mockford Payne', *Biographical Dictionary of the Australian Senate*, vol. 2, p. 183.

19. There are two measures of turnout: the proportion of voters to registered voters and the proportion of voters to those of the voting age population. Throughout this paper the former measure is the figure given. For a discussion of Australian turnout based on the latter measure, see Peter Tucker, 'Voter turnout, voter ignorance and compulsory voting', *On Line Opinion*, 19 October 2005, http://www.onlineopinion.com.au/view.asp?article=3822.

20. For a more detailed history of compulsory voting, see Healy and Warden, op. cit.

21. 'Compulsory Voting', http://www.idea.int/vt/compulsory_voting.cfm.

22. ibid.

23. The information in this section comes from the Australian Electoral Commission, 'Compulsory Voting', *Electoral backgrounder No. 17*, Canberra, August 2004.

24. *Commonwealth Electoral Act* 1918, s. 233.

25. Joint Standing Committee on Electoral Matters, *Report of the inquiry into all aspects of the conduct of the 1996 Federal election and matters related thereto*, Joint Standing Committee on Electoral Matters, Canberra, June 1997, p. 23.

26. *The Age*, 30 March 1999; see also Australian Electoral Commission, *Media Reports—Melissa Manson: Prosecution for Failure to Pay Fine*, media release, Canberra, 31 March 1999.

27. Verity Burgmann, 'Voting just helps encourage them', *Herald*, 19 February 1990.

28. Jim Cameron, 'The right not to vote', *Sydney Morning Herald*, 1 January 1979.

29. Ferdinand Mount, 'Politicians like Hoon are the problem—not the alienated voters', *Daily Telegraph* (London), 6 July 2005.

30. Quoted in Stephen Mills, 'A compelling argument for voting laws', *Australian Financial Review*, 16 December 1991.

31. 'Compulsory voting "undemocratic"', *Sun* (Sydney), 28 November 1978.

32. Ian Farrow, 'Compulsory Voting—The Australian Anachronism', *Policy*, Summer 1997–98, http://www.cis.org.au/policy/summer%209798/sum979807.htm.

33. Les Hollings, 'Washing our hands of soapy politics', *Sunday Herald*, 11 March 1990.

34. Joint Standing Committee on Electoral Matters 1997, op. cit., p. 24.

35. Joint Standing Committee on Electoral Matters 1997, op. cit., p. xix.

36. Don Aitkin, 'Compulsory vote means few party members', *Bulletin*, 13 November 1984.

37. Peter Ryan, 'Get rid of blow-wave politicians', *The Age*, 30 November 1991.

38. Quoted in Michelle Grattan, 'Compelling reasons for a voluntary vote', *Australian Financial Review*, 19 June 1997.

39. Joint Standing Committee on Electoral Matters 1997, op. cit., p. 26.

40. Senator Albert Gardiner (ALP), Senate, *Debates*, 17 July 1924, p. 2183.

41. Bert Kelly, 'How to stop the donkey vote', *Bulletin*, 12 February 1985; Mike Seccombe, 'Haines criticises compulsory voting', *The Australian*, 1 July 1987; Geoffrey Blainey, 'The quaint custom of compulsory voting', *The Australian*, 21 February 1990; Cameron quoted in Mills, op. cit.

42. Don Chipp, 'Only some of us have a true vote', *Sunday Telegraph*, 25 March 1990.

43. '"Argument" put for voluntary voting', *Canberra Times*, 6 January 1985.

44. Joint Standing Committee on Electoral Matters 2004, op. cit., p. 189.

45. Editorial, 'The optional voting option', *Sydney Morning Herald*, 20 April 1990; see also Jim Cameron, letter to the editor, *Sun-Herald*, 4 March 1990.

46. Jim McClelland, 'Benefits for the electorate in non-compulsory voting', *Sydney Morning Herald*, 17 November 1988.

47. Joint Standing Committee on Electoral Matters 2004, op. cit., p. 192.

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53. Senator Herbert Payne (Nationalist), Senate, *Debates*, 17 July 1924, p. 2180.

54. Arendt Lijphart, 'Compulsory Voting is the Best Way to Keep Democracy Strong', in Robert E. DiClerico, *Political Parties, Campaigns, and Elections*, Prentice Hall, Upper Saddle River, 2000, p. 150.

55. 'Defending our voting system', *Sun-Herald*, 26 May 1991.

56. Quoted in Mills, op. cit.

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