

Compulsory Voting

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Although numerous countries have compulsory voting regimes, only a few advanced democracies use the system.¹ Australia is the only English speaking country to do so. Mackerras and McAllister have suggested that, because voting is compulsory here, ‘politicians and electoral officials have gone to considerable lengths to make the system voter friendly.’ Their comment that ‘Australia probably is the most voter-friendly country in the world’ is probably a fair assessment. It would be hard to find another system with such low transaction and opportunity costs to voters. Certainly, the system enjoys high levels of community acceptance with the majority of Australians (around 70%) indicating that they consider it to be a reasonable imposition on personal freedom.

But compulsory voting has its critics. For example, Senator Nick Minchin has asserted that ‘compulsory voting is a fundamental breach of...civil liberties’ while Professor Joan Rydon has suggested that compulsion is unreasonable because it conflicts with democratic principles: ‘Genuine democracy requires that citizens be free to vote or not vote’. The assumption here is that the notion of ‘free elections’ encompasses the freedom to abstain from voting. Such beliefs often motivate attempts to repeal compulsory voting laws. On two occasions (1988 and 1993) the Liberal-National Party Federal Council (the Party’s peak forum) passed motions calling for a repeal of compulsory voting. In 1997, the Joint Standing Committee on Electoral Matters tabled a report in Parliament recommending that the compulsory voting requirement for federal elections and referenda be repealed. In 1994 in South Australia (under a Liberal government) a bill providing for a return to voluntary voting passed the South Australian Legislative Assembly in 1994, but failed to pass the State’s Upper House by one vote.

Actually the term ‘compulsory voting’ is a misnomer. It is only registration and attendance at a polling place (entailing having one’s name marked off the roll, collecting the ballot papers and putting them in the ballot box) that is compulsory. Because of the secret ballot the Australian Electoral Commission (AEC) may not seek to compel people to mark their ballot paper. Therefore it is the *opportunity* to participate rather than the voting participation itself that is actively sought by the state. Further, compulsion brings with it a complex raft of measures designed to ensure that all the obstacles normally experienced by abstainers in voluntary systems are removed so that every Australian, regardless of circumstances, restrictions and contingent status, is enabled to vote. These considerations may provide some comfort to anyone who regards compulsory voting as a violation of individual autonomy, provided s/he does not place a higher premium on choice over equality of political opportunity.

¹ The following countries use mandatory voting: Argentina, Belgium, Bolivia, Brazil, Cyprus, Dominican Republic, Egypt, Fiji, Greece, Liechtenstein, Luxembourg, Panama, Singapore, Switzerland (one canton only) Thailand, Uruguay and Venezuela. The author gratefully acknowledges the exhaustive efforts of Gillian Evans of the Australian National University in compiling and verifying this list.

Apart from its capacity to serve the value of equality of political opportunity, compulsory voting could be said to protect and enhance a number of other important values and qualities:

- Most obviously, compulsory voting serves to maintain high voting turnout in Australia. Whereas turnout in places like Britain and the US is rapidly declining Australia has maintained healthy levels (around 82% of voting age population (VAP) and 95% of registered voters) for many years. Compare this to the US Presidential election of 2000 where only 51.0% of Americans voted while Britain's General election of June 7th 2001 captured only 59.4% of the VAP vote).
- In addition, compulsory voting effectively closes the SES (socio-economic status) gap that operates in most (industrially advanced) voluntary systems. By ensuring that voting participation is not confined to the more prosperous members of society, compulsory voting serves to protect such important democratic values as representativeness, legitimacy, accountability, political equality and minimisation of elite power. In this way, compulsion could be said to engender good or at least better democracy.
- Finally, compulsion could be said to preserve political community and act as a buffer against social isolation. By ensuring almost complete inclusion, it provides a rare occasion for solidary participation and gives rise, temporarily at least, to a powerful, non-discriminatory, moral and political community.

Suggestions for Further Reading

Hasen, Richard L., 'Voting Without Law', *Pennsylvania Law Review*, May 1996, 144 (5), pp. 2135-2179.

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Lijphart, Arend, 'Unequal Participation: Democracy's Unresolved Dilemma', *American Political Science Review* 19 (1), 1997, pp. 1-14.

Mackerras, M. and McAllister, I., 'Compulsory Voting, Party Stability and Electoral Advantage in Australia', *Electoral Studies* 18, 1999, pp. 217-233.