

Compulsory voting: Ensuring government of the people, by the people, for the people

***Voter turnout is at record lows in federal elections.
A review of non-voting penalties should be
undertaken and consideration given to
Scandinavian-style progressive penalties.***

Introduction

“Members of the Committee also regard compulsory voting as a corner-stone of Australia’s democratic system.”

Joint Standing Committee into Electoral Matters (2018) Report on the conduct of the 2016 federal election and matters related thereto

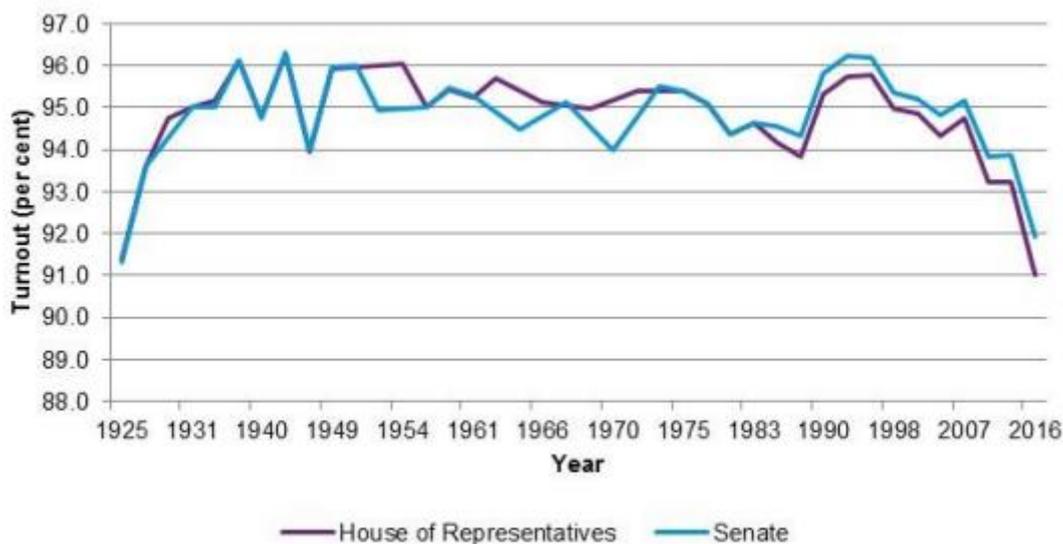
Compulsory voting is one of Australia’s most underappreciated assets, one that has made Australia a fairer and more democratic country. Without it, the wealthy and powerful would be even wealthier and more powerful, the rest of us poorer and less satisfied, and Australia left more conflict-riven.

Compulsory voting has ensured voter turnout at Australian elections has been the envy of the world, averaging around 95% since 1924 when introduced. In contrast, turnout rates in OECD countries averages 69%.¹

However, voter turnout has fallen in each of the last three federal elections, as shown in Figure 1 below:

¹ OECD (2018), *Better Life Index* <http://www.oecdbetterlifeindex.org/topics/civic-engagement/>

Figure 1: Voter turnout, 1925–2016 House of Representatives and Senate elections



Source: Australian Electoral Commission (2016) *Voter turnout – 2016 House of Representatives and Senate elections*, p6, https://www.aec.gov.au/about_aec/research/files/voter-turnout-2016.pdf

Figure 1 shows that the 91% turnout rate in the 2016 federal election for the House of Representatives was the lowest recorded since compulsory voting in federal elections was introduced.

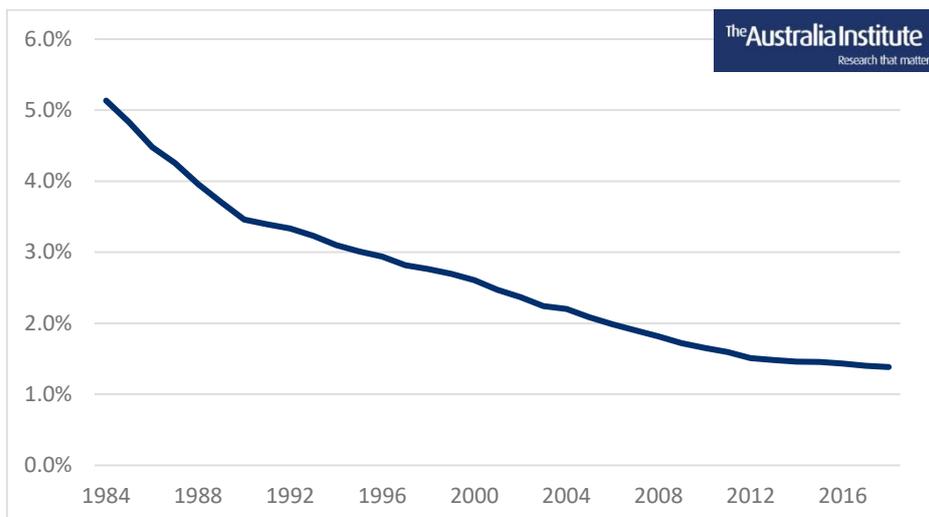
Penalties for failing to vote

The Parliamentary Inquiry into the 2016 federal election recommended that the Australian Government review the penalty for non-voting.² The Australia Institute agrees with this recommendation. Currently, the fine for not voting is only \$20 and this has not changed since 1984.

Male Total Average Weekly Earnings (MTAWE) is used to index pensions. As shown in Figure 2 below, the fine has fallen from 5.1% of Male Total Average Weekly Earnings in 1984 to 1.4% currently:

² JSCEM (2018) *Report on the conduct of the 2016 federal election and matters related thereto*, https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024085/toc_pdf/Reportontheco-nductofthe2016federaelectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf

Figure 2: Fine for not voting as a % of Male Total Average Weekly Earnings



Source: ABS (2019) 6302.0 - Average Weekly Earnings, Australia, <https://www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0>

Increasing the fine to the equivalent of the MTAWE in 1984 real terms would lift the cost to \$73 today, still much less than the real cost of two pounds as it was in 1924.³

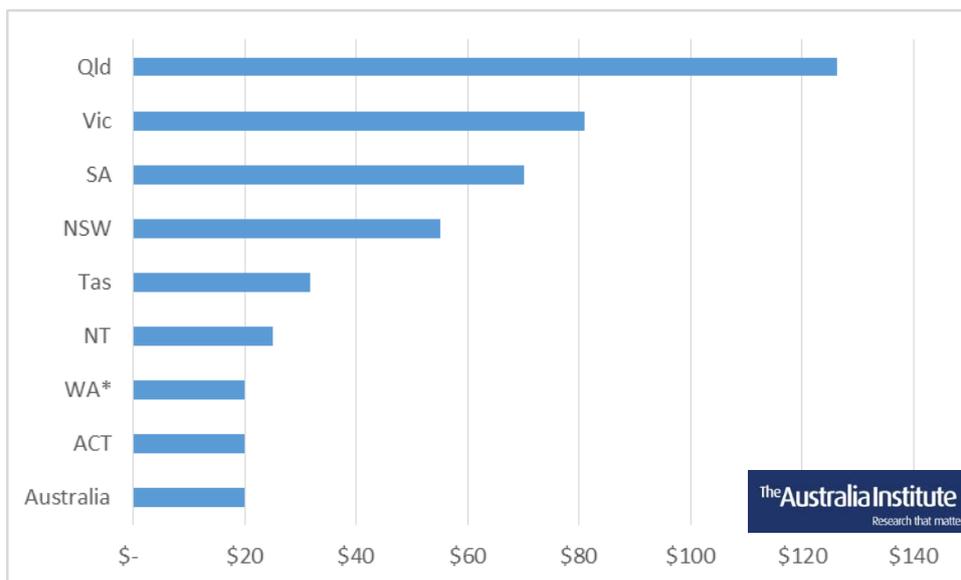
Indeed the two pound fine shows that the government took not voting very seriously when it made voting compulsory in 1924. In 1924, the average weekly male wage of Victorian factory workers was around four pounds, so the fine was equivalent to 50% of their weekly wage. The average male salary of Victorian factory managers and clerks was around six and a half pounds making the fine equivalent to 30% of their earnings.⁴

As shown in Figure 3 below, six state and territory governments have higher fines with the Queensland fine of \$126 being the highest.

³ Brett (2019) *From Secret Ballot to Democracy Sausage*, Text Publishing, p3.

⁴ Laughton (1924) *Victorian Year-Book 1923-1924*, Government Printer, Melbourne, p569
[http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/ED49EB72FDF04362CA257FA20014CEAD/\\$File/10_13012%20-Vic%20YrBook1923-24_Preface_Content.pdf](http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/ED49EB72FDF04362CA257FA20014CEAD/$File/10_13012%20-Vic%20YrBook1923-24_Preface_Content.pdf) The ABS series Male Total Average Weekly Earnings does not extend back to 1924.

Figure 3: Fine for not voting by jurisdiction



Source: Websites of the federal, state and territory electoral commissions.

* The WA fine for not voting is \$20 but rises to \$55 for repeat offences.

The \$20 federal fine for not voting ranks with the ACT as the lowest fine for not voting of the state, territory, and federal governments of Australia.

Discussion

There is conversation about whether Australia can keep voter turnout high without resorting to compulsory voting. Many factors do affect voter turnout, for instance holding elections on a weekend or holiday increases turnout by six percentage points. Proportional representation also raises turnout by between three and twelve percentage points. Yet none of these factors is as effective as compulsory voting.⁵

Compulsory voting increases turnout by a minimum of twelve to thirty percentage points. As Hill writes, when it is done well, as it is in Australia:

‘it is the most efficient and effective means for raising and maintaining high and socially even turnout. In fact, it is the only institutional mechanism that can achieve turnout rates of 90 per cent and above on its own. This tends to be the

⁵ Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press. Hill provides a number of references which discuss how “carrots” to encourage people to vote have not been as effective as the “stick” of compulsory voting. The Economist (2016) *Make me: Compulsory voting is hardest to enact in the places where it would make the most difference*, 28 May 2016, <http://www.economist.com/node/21699459>

case not just in prosperous, well-resourced settings but also in compulsory systems generally. Further, its effect on turnout is *immediate*'.⁶

Voter turnout is critically important, as when voter turnout falls, it is those with lower incomes and less education who are less likely to vote. Politicians understand who votes, and enact policies to attract the votes of those who do. For example:

- In Australia, compulsory voting led to a dramatic increase in participation. Politicians responded by increasing the age pension which reduced poverty among older people.
- After women got the vote in the US, there were 'immediate shifts in legislative behaviour and large, sudden increases in local public health spending. This growth in public health spending fuelled large-scale door-to-door hygiene campaigns and child mortality declined by 8–15%'.
- When the US *Voting Rights Act* (1965) fully extended the right to vote to African Americans, these communities saw improved public services, such as fire stations, recreational facilities, paved streets and garbage collection.⁷

As voter turnout falls, the government is less likely to reflect the will of the people and less likely to be regarded as legitimate. Instead of Lincoln's dictum of 'government of the people, by the people, for the people,' governments become 'government of the people, by the wealthier and better educated, for the wealthier and better educated' - or to use the in-vogue term, 'government of the people, by the elite, for the elite.'

Another advantage of compulsory voting is that high voter turnout reduces the power of minority groups who would still be motivated to vote if voting was not compulsory.

It also makes elections less conflict-driven. In countries where voting is optional political parties not only have to get people to support them, but make those people supportive enough that they bother to get to a polling booth. It makes sense then for politicians to find scapegoats and encourage conflict in order to make disengaged voters outraged enough to bother to vote.

⁶ Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 119.

⁷ Shields and Campbell (2016) *#democracysausage*, page 11, <http://www.tai.org.au/sites/default/files/P305%20Electoral%20matters%20committee%20submission%20FINAL.pdf>

Possible legislative change

To change the fine for not voting in federal elections would require parliament amending section 245 of the Commonwealth Electoral Act of 1918. The fine for not voting has not changed since 1984. Such a change could be put to the 46th Australian Parliament after the 2019 federal election.

Where to from here?

The Parliamentary Inquiry into the 2016 federal election called compulsory voting “a corner-stone of Australia’s democratic system” and recommended that the Australian Government review the penalty for non-voting.⁸ We endorse this recommendation.

The review should:

- Conduct a behavioural economic study into the effectiveness of increasing the penalty for non-voting and assess any socio-economic impacts. The problem of incarceration of low-income Australians for unpaid fines is a major issue. How to increase incentives to vote, while not compounding this problem, should be a focus of this review.
- Consider how the fine system could be made progressive. The impact of a fine is greater for lower income Australians – yet they are precisely the people who should be encouraged to vote. One approach could be to make non-voting penalties progressive, like our tax system. Such systems exist for fines in Scandinavia and the UK, and these have been proposed in Australia, particularly South Australia.⁹ The main hurdle for state-based proposals in Australia is that personal income data is collected at a federal rather than state level. Trialling this approach at federal elections could overcome the data issue and pave the way for further experimentation with progressive penalties.

⁸ JSCem (2018) *Report on the conduct of the 2016 federal election and matters related thereto*, p55, 58. https://parlinfo.aph.gov.au/parlInfo/download/committees/reportjnt/024085/toc_pdf/Reportonthecconductofthe2016federaelectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf

⁹ Linqvist (2016) *From Start to Finnish: Reforming South Australia’s traffic fine system*, <http://www.tai.org.au/sites/default/files/Reforming%20South%20Australia's%20traffic%20fine%20system%20-%20From%20start%20to%20Finnish%20%5BWEB%5D.pdf>

Linqvist and Amos (2016) *Finland’s fine example How to fix the regressive nature of traffic fines in Australia*, <http://www.tai.org.au/sites/default/files/TAI%20Discussion%20Paper%20-20Finland's%20fine%20example.pdf>