

# Government for the people

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

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Submission to the:

**Joint Standing Committee on Electoral Matters: Inquiry into and report on all aspects of the conduct of the 2019 Federal Election and matters related thereto**

**September 2019**



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# Summary

The Australia Institute welcomes the opportunity to make a submission to the Joint Standing Committee on Electoral Matters.

The Committee's *Report on the conduct of the 2016 federal election* recognised compulsory voting as a cornerstone of Australia's democracy and recommended a review of the penalty for not voting. This review appears not to have been conducted despite the Committee's recommendation.

With the \$20 penalty for not voting in a federal election unchanged since 1984 and now representing a record low of 1.4% of average weekly wage, this review is needed. 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. 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.

# 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%.<sup>1</sup>

The JSCEM Inquiry into the 2016 Federal election regarded compulsory voting as a cornerstone of Australia’s democratic system and recommended that the Australian Government review the penalty for non-voting. This recommendation has not been acted on and although voter turnout at the 2019 election rose slightly to 91.9% from 91.0% in 2016, the 2019 voter turnout is still the second lowest voter turnout on record since compulsory voting was introduced in 1925.

The Australia Institute’s submission to JSCEM’s 2016 Federal Election review recommended that research be conducted on changing the penalty for not voting, including behavioural economic research and on socio-economic impacts. The Committee’s report endorsed the importance of compulsory voting and recommended that the penalty be reviewed. To the best of our knowledge, the recommended review and our recommended research has not been conducted. The need for this research has not gone away. In this submission we update the data in our 2016 submission.

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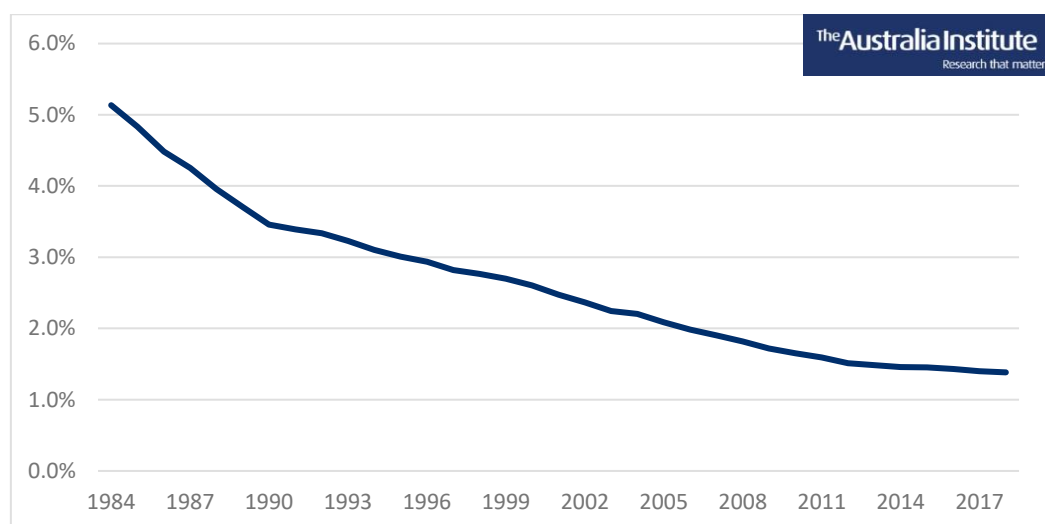
<sup>1</sup> OECD (2018), *Better Life Index* <http://www.oecdbetterlifeindex.org/topics/civic-engagement/>

# Penalties for failing to vote

The Parliamentary Inquiry into the 2016 federal election recommended that the Australian Government review the penalty for non-voting.<sup>2</sup> 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 government 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:

**Figure 1: 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.<sup>3</sup>

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

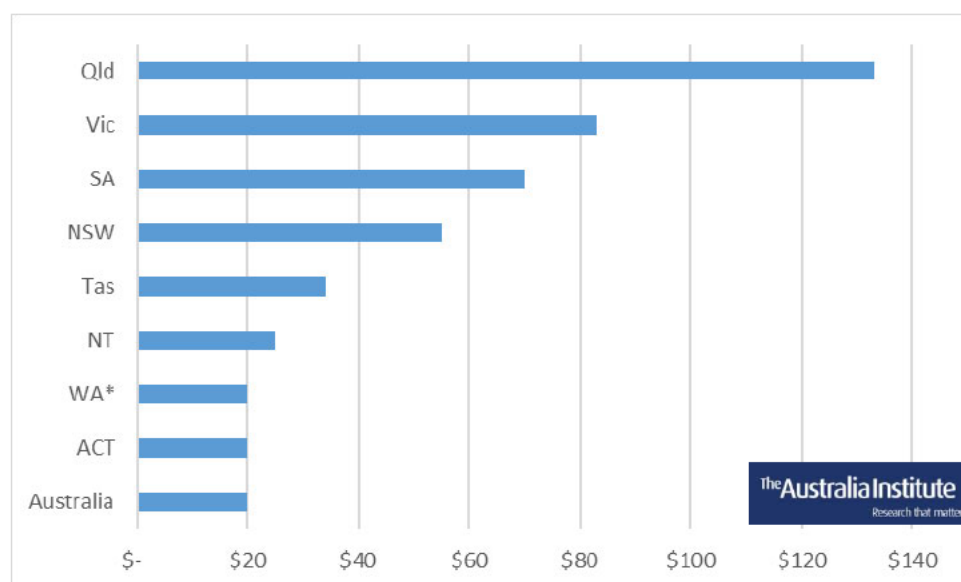
<sup>2</sup> JSCM (2018) *Report on the conduct of the 2016 federal election and matters related thereto*,  
[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportint/024085/toc\\_pdf/Reportontheco nductofthe2016federalectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportint/024085/toc_pdf/Reportontheco nductofthe2016federalectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf)

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

clerks was around six and a half pounds making the fine equivalent to 30% of their earnings.<sup>4</sup>

As shown in Figure 3 below, six state and territory governments have higher fines with the Queensland fine of \$133 being the highest.

**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 \$50 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.

<sup>4</sup> 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.

# Discussion

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.<sup>5</sup>

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

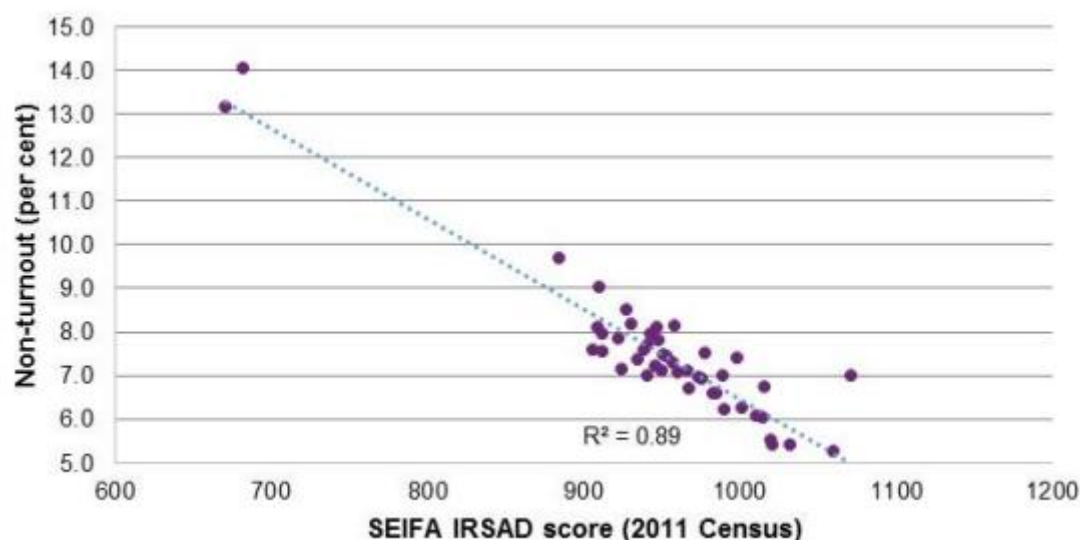
Voter turnout is critically important, as when voter turnout falls, it is those with lower incomes and less education who are less likely to vote. The AEC’s analysis of voter turnout at the 2016 federal election contained charts which clearly showed the link between lower incomes and lower voter turnout.

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<sup>5</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press. Hill provides several 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>

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

**Figure 11. Non-turnout rate and Index of Relative Socio-economic Advantage and Disadvantage, Macarthur polling booths, 2016 election**



Source: ABS (n.d.) *Voter turnout: 2016 House of Representatives and Senate elections*,  
[https://www.aec.gov.au/About\\_AEC/research/files/voter-turnout-2016.pdf](https://www.aec.gov.au/About_AEC/research/files/voter-turnout-2016.pdf)

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.<sup>7</sup>

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

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

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 special interest 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.

# Conclusion and recommendations

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.<sup>8</sup> 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.<sup>9</sup> 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.

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.

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<sup>8</sup> JSCM (2018) *Report on the conduct of the 2016 federal election and matters related thereto*, p55, 58.  
[https://parlinfo.aph.gov.au/parlInfo/download/committees/reportint/024085/toc\\_pdf/Reportontheconductofthe2016federalectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf](https://parlinfo.aph.gov.au/parlInfo/download/committees/reportint/024085/toc_pdf/Reportontheconductofthe2016federalectionandmattersrelatedthereto.pdf;fileType=application%2Fpdf)

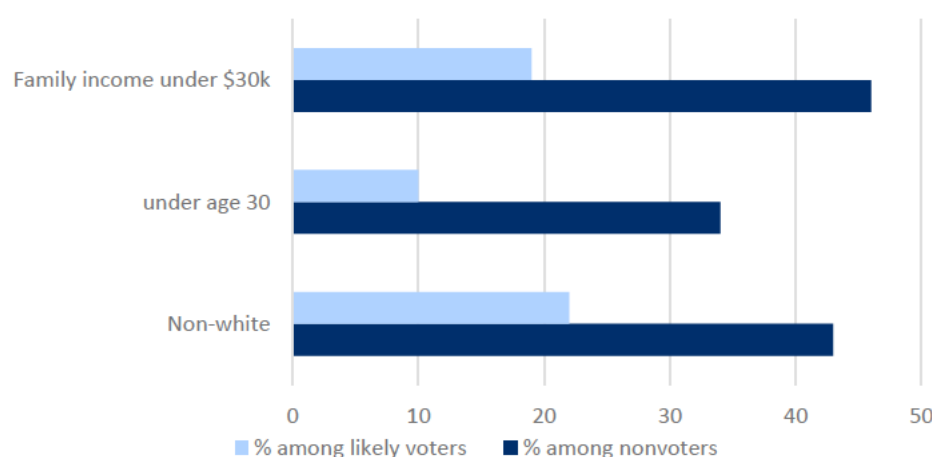
<sup>9</sup> Linqvist (2016) *From Start to Finnish: Reforming South Australia’s traffic fine system*,  
<http://www.tai.org.au/sites/default/files/Reforming%20South%20Australia's%20traffic%20fine%20system%20-%20From%20start%20to%20Finnish%20%5BWEB%5D.pdf>

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>

# The importance of high electoral participation rates

Studies consistently find that non-voters are more likely to be the marginalised – the young, the less educated, the less wealthy, the sick, the unemployed, the Indigenous, the isolated, the homeless and those from non-English speaking backgrounds. Hill lists more than six studies that reach this finding.<sup>26</sup> The Pew Research Center in the US found similar findings, summarised in Figure 5.

**Figure 5: Socio-economic indicators of non-voters and likely voters**



Source: Pew Research Center (2014) *The Party of Nonvoters*  
<http://www.people-press.org/2014/10/31/the-party-of-nonvoters-2/>

The more marginalised are less likely to vote for two reasons. Firstly, they are more likely to be dissatisfied with the state of their democracy and therefore are less inclined to vote. Hill quotes six studies that support this finding.<sup>27</sup> Secondly, the more marginalised are likely to find it harder to get to a voting booth, more likely to lack private transport, more likely to have employment demands that make it harder to vote and more likely to lack the education to participate in the political process.

<sup>26</sup> Ibid: Chapter 6.

<sup>27</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 145–146.

Education makes people more comfortable with the voting process and better able to see the connections between their values/preferences and governmental action.<sup>28</sup>

Once it was thought non-voting was something that you grew out of. As the young grew older and became parents, bought a house, got a job for example, they were expected to become more likely to vote. The decline in turnout rates shows that the problem is more serious. As was remarked after the 2001 British election, 'What used to be an under 25 problem a decade ago is now an under 35 problem and fast becoming an under 45 problem: once turned off, these people are staying turned off, perhaps for life.'<sup>29</sup>

Numerous studies find that 'if you don't vote, you don't count'. Hill quotes more than six studies that back this finding.<sup>30</sup>

- In Australia, compulsory voting lead to an increase in pension spending. Between 1920 and 1930, spending on the old age pension as a percentage of GDP rose more than 40 per cent, dramatically reducing poverty among older people.<sup>31</sup>
- Miller found that after US women got to vote, 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% (or 20,000 annual child deaths nationwide)'.<sup>32</sup>
- 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.<sup>33</sup>
- Martin finds that US counties with high turnout rates are rewarded with higher per capital federal expenditure. As Martin puts it, 'Not only do members of Congress typically try to bring back resources to their districts, they also try to allocate those resources in ways that improve their electoral fortunes by targeting areas that vote at higher rates.'<sup>34</sup>

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<sup>28</sup> Ibid: 151.

<sup>29</sup> Freedland (2001) *The rise of the non-voter*,

<https://www.theguardian.com/politics/2001/dec/12/socialsciences.highereducation>

<sup>30</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 136-137.

<sup>31</sup> Fowler (2014) *Electoral and Policy Consequences of Voter Turnout: Evidence from Compulsory Voting in Australia*, Quarterly Journal of Political Science, 2013, 8: 159–182.

<sup>32</sup> Miller, G (2008) *Women's Suffrage, Political responsiveness, and Child Survival in American History*, Quarterly Journal of Economics, 123(3): 1287-1327.

<sup>33</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 137.

<sup>34</sup> Martin (2003) *Voting's Rewards: Voter Turnout, Attentive Publics and Congressional Allocation of Federal Money*, [http://www.chs.ubc.ca/participatory/docs/Martin\(B\).pdf](http://www.chs.ubc.ca/participatory/docs/Martin(B).pdf)

- Griffin and Newman's study of the roll call behaviour of US senators found that although 'senators may not know with certainty who votes and what their preferences are, their patterns of roll call voting respond to voters' opinions but not to non-voters' opinions'.<sup>35</sup>

Studies have found that compulsory voting improves income distribution. Chong and Olivera (2005) in an Inter-American Development Bank working paper analyse 91 countries for the period 1960–2000 and find that compulsory voting, when enforced strictly, improves income distribution. They note that 'since poorer countries suffer from relatively greater income inequality, it might make sense to promote such voting schemes in developing regions such as Latin America'.<sup>36</sup> Birch (2009) and O'Toole and Strobl (1995) also find compulsory voting improves income distribution.<sup>37</sup>

Other studies have found that higher rates of voter turnout are related to governments following more income redistributive policies: Bennett and Resnick (1990); Hicks and Swank (1992); Hill, Leighly, Hinton-Anderson (1995); and Mueller and Stratmann (2003).<sup>38</sup>

As Martin Wattenberg put it, 'Politicians are not fools, they know who their customers are.'<sup>39</sup>

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<sup>35</sup> Griffin and Newman (2005) *Are Voters Better Represented?* Journal of Politics 67 (4) 1206-27. quoted in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 137.

<sup>36</sup> Chong and Olivera (2005) *On Compulsory voting and Income Inequality in a Cross-Section of Countries*, [http://www.iadb.org/en/research-and-data/publication-details,3169.html?pub\\_id=WP-533](http://www.iadb.org/en/research-and-data/publication-details,3169.html?pub_id=WP-533)

<sup>37</sup> Birch (2009) *Full Participation: A Comparative Study of Compulsory Voting*, Manchester University Press.

O'Toole and Strobl (1995) *Compulsory Voting and Government Spending*, Economics and Politics, 7 (3):271-280. Both quoted in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 137.

<sup>38</sup> Bennett and Resnick (1990) *The Implications of Nonvoting for Democracy in the United States*, American Journal of Political Science 34 (3): 771-802. Hicks and Swank (1992) *Politics, Institutions and Welfare Spending in Industrialised Countries 1960-82*, American Political Science Review 86: 658-74. Hill, Leighly, and Hinton-Anderson (1995) *Lower-Class Mobilization and Policy Linkage in the U.S. States*, American Journal of Political Science 36 (2): 351-65. Mueller and Stratmann (2003) *The Economic Effects of Democratic Participation*, Journal of Public Economics 87 (9-10): 2129-55. All quoted in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 137.

<sup>39</sup> Wattenberg (1998) *Where have all the voters gone?* paper presented in the Political Science Seminar Series, RSSH, ANU, 13 May 1998. Quoted in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 139.

# Voting culture supported by compulsory voting

The strength of Australia's voting culture is supported by compulsory voting. Surowiecki explains that deciding on who are the best people and political parties to govern us is not necessarily the most important function of democracy. Instead, democracy's greatest value is providing a means of solving 'the most important problems of cooperation and coordination. How do we live together? How can living together work to our mutual benefit?'<sup>40</sup> Compulsory voting improves the chances of answering those questions in a manner that leads to a more satisfied, cohesive society. A well-run compulsory voting system, such as Australia, in itself increases satisfaction with the electoral process and who gets elected. Moreover, those that are elected to government are more likely to reflect the general will of the people, not just those inclined to vote (who are generally better off), as shown in Figure 5 above.

A government that better reflects the wishes of all of its people is less likely to see the development of groups that are increasingly dissatisfied, frustrated and angry with their government and society. These groups are likely to form extremist movements such as the candidacy of Donald Trump in America and right wing movements in Europe. As Lijphart writes in support of compulsory voting, 'it is better to safeguard against sudden, sharp increases in turnout that support extremist movements by keeping electoral turnout at steady high levels, unaffected by crisis and charismatic leaders'.<sup>41</sup> In support Lijphart quotes a comparative study of 29 countries by Powell which found a strong association between higher voter turnout and less citizen turmoil and violence.<sup>42</sup>

Compulsory voting reduces the influence of powerful minorities. Australia has led the world with legislation that has been opposed by powerful minorities – for example firearms legislation and plain paper packaging for tobacco. In each case, politicians have been able to count on the votes of the majority which, while not strongly supportive, are still supportive. In a voluntary voting regime, politicians can't do this so easily as many of the weakly supportive majority may not attend a polling booth.

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<sup>40</sup> Surowiecki (2005) *The Wisdom of Crowds*, Anchor Books: 271.

<sup>41</sup> Lijphart (1997) *Unequal Participation: Democracy's Unresolved Dilemma*: 10, <http://www.people.fas.harvard.edu/~iversen/PDFfiles/Lijphart1997.pdf>

<sup>42</sup> Powell (1982) *Contemporary Democracies: Participation, Stability and Violence*, Harvard University Press: 206.

Similarly, in a voluntary regime such as the USA, it makes more sense for the very wealthy to spend money influencing politicians, because the votes of those who do vote (the better-off and better educated) are more likely to align with their interests.<sup>43</sup>

Governments should hesitate to compel citizens to do anything. However, like school attendance, taxation and jury duty, there are important responsibilities in Australian civic life and culture that need to be compulsory. These activities are in the interests of the community and, in the case of voting, impose a small cost (half an hour every three years) to help achieve important ideals.

Other examples of where compulsion is in the public and individual interests include:

- Victoria was the first jurisdiction in the world to introduce compulsory seatbelt legislation (1970) and random breath tests (1976).<sup>44</sup> Other states followed shortly after.
- Our 1996 National Firearms Agreement is praised around the world.
- Our tobacco legislation has saved thousands from early death.

Compulsory voting similarly strikes an intelligent balance between individual freedom and serving the community.

Critics of compulsory voting may argue that if everyone has to vote, this will include those who are either uninterested or less informed. It is well established that the less educated are more likely not to vote when voting is optional, but there is little evidence that compulsory voting produces worse governments than would be the case otherwise. There is, however, strong evidence that compulsory evidence produces governments that are more representative and societies that are more cohesive.

Many factors affect voter turnout; holding elections on a weekend or holiday increases turnout by 6 percentage points. Proportional representation raises turnout by between 3 and 12 percentage points. None of these factors are as effective as compulsory voting.<sup>45</sup>

Compulsory voting increases turnout by a minimum of 12 to 30 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

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<sup>43</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 139.

<sup>44</sup> Jessop (2009) *Victoria's unique approach to road safety: A history of government regulation*, <http://researchbank.swinburne.edu.au/vital/access/manager/Repository/swin:13623>

<sup>45</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press. 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>

above on its own. This tends to be the case not just in prosperous, well-resourced settings but also in compulsory systems generally. Further, its effect on turnout is *immediate*'.<sup>46</sup>

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<sup>46</sup> Hill in Brennan and Hill (2014) *Compulsory Voting*, Cambridge University Press: 119.

# Recommendations

**We recommend that the AEC adopt more innovative marketing and education by activating other motivations to encourage Australians to enrol, to vote and to vote validly.**

We encourage the AEC to emphasise voting as a part of Australian tradition and culture through measures such as:

- Promotion of our history of electoral reform and our world-leading participation rates.
- Working with social media trends such as the hashtag #democracysausage, some ideas include:
  - AEC guide to the perfect sausage and valid vote
  - AEC #democracysausage awards, either in person or via social media
  - Engagement with voting place organisations to promote electoral participation as an important and potentially fun part of Australian culture.
- Engagement with Australians who come from other countries, where voting is not well practised or doesn't happen, to help them communicate their experiences with voting.

## **We recommend a review of fines for not voting**

The fine for not voting was last increased in 1984, to \$20. Average wage earnings – which are used by the federal government to index payments such as child support – have increased roughly 3.5 times since 1984.<sup>47</sup> A fine of \$70 would restore it to the equivalent of what it was in 1984 (adjusted for average wage earnings). The AEC should conduct behavioural economic studies as to whether such a change would incentivise greater participation, and to determine the socio-economic impacts of its imposition and enforcement.

In its report on the 2012 ACT Legislative Assembly, the ACT Electoral Commission considered that the current \$20 penalty for not voting at the ACT election was not a sufficient incentive to encourage some electors to vote and recommended that it be increased.<sup>48</sup> Currently only Commonwealth, WA and the ACT have a \$20 fine for not voting.

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<sup>47</sup> ABS (2016) *6302.0 Average Wage Earnings*. <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6302.0>

<sup>48</sup> Elections ACT (2013) *Report on the ACT Legislative Assembly Election 2012*: 70,

**Table 1: Penalty for not voting**

| Penalty for not voting |  |
|------------------------|--|
| NSW                    | \$55                                     |
| VIC                    | \$78                                     |
| QLD                    | \$55                                     |
| WA                     | \$20, rising to \$55 for repeat offences |
| SA                     | \$70                                     |
| ACT                    | \$20                                     |
| TAS                    | \$26                                     |
| NT                     | \$25                                     |
| Australia              | \$20                                     |

Source: Elections ACT (2013) *Report on the ACT Legislative Assembly Election 2012*: 70.  
[http://www.elections.act.gov.au/data/assets/pdf\\_file/0008/837566/Report\\_on\\_the\\_2012\\_election.pdf](http://www.elections.act.gov.au/data/assets/pdf_file/0008/837566/Report_on_the_2012_election.pdf). State electoral commission websites.

One approach could be to make fines for non-voting progressive, like our tax system. Such systems exist for a range of civic offenses in Scandinavia and The Australia Institute has explored the impacts of such systems for traffic fines in Australia, particularly South Australia.<sup>49</sup> Given that personal income data is collected at a federal rather than state level, this approach could be trialled at federal elections.

While the Australian Institute is uncomfortable with the regressive nature of fines, we recognise that they are a simple and effective, albeit blunt, deterrent. While fines hit the disadvantaged harder, it is precisely these people who really must be encouraged to vote because we know it is the disadvantaged who suffer, and suffer a lot more severely than the cost of a fine, when voting becomes optional.

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[http://www.elections.act.gov.au/\\_\\_data/assets/pdf\\_file/0008/837566/Report\\_on\\_the\\_2012\\_election.pdf](http://www.elections.act.gov.au/__data/assets/pdf_file/0008/837566/Report_on_the_2012_election.pdf)

<sup>49</sup> 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>

**We recommend that the Australian Electoral Commission adopt a 95/95/95 goal for federal elections:**

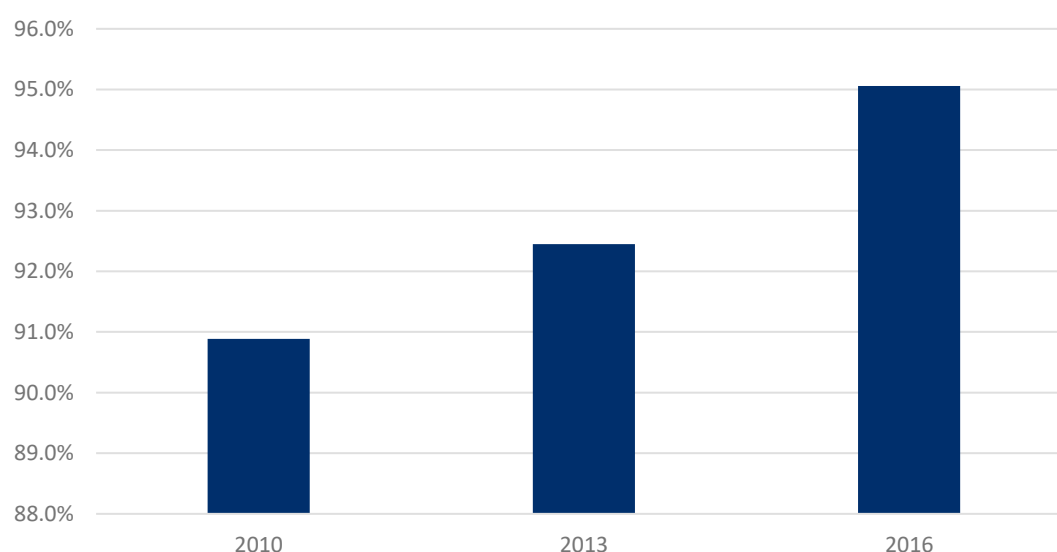
**95% enrolment rate – 95% of adults eligible to be enrolled are enrolled**

**95% turnout rate – 95% of eligible voters attend a polling booth to vote**

**95% valid vote – 5% or less of votes are invalid**

The Australian Electoral Commission has already adopted a 95% enrolment target. Helped by the introduction of direct enrolment, enrolment has risen since 2010. We commend this.

**Figure 6: Federal Enrolment rate**



Source: AEC (2016), [www.aec.gov.au](http://www.aec.gov.au)

Analysis on a state-by-state basis shows that there is still room for improvement, with enrolment across states varying from virtually 100% in the ACT to 84% in the Northern Territory. We urge the Australian Electoral Commission to continue its work and further increase enrolment rates. Rates are low in the Northern Territory, Queensland and Western Australia. These states contain large Indigenous populations, a group that is among the most marginalised in Australia. It is important that their vote is counted.

**Table 2: Federal Electoral Roll: Enrolment data, September 2016**

| <b>State/<br/>Territory</b> | <b>Electors<br/>enrolled</b> | <b>Eligible<br/>Australians</b> | <b>Proportion<br/>of Eligible<br/>Australians<br/>Enrolled</b> | <b>Estimated<br/>'Missing'<br/>from the<br/>Roll</b> |
|-----------------------------|------------------------------|---------------------------------|--|--|
| <b>NSW</b>                  | 5,126,651                    | 5,316,077                       | 96.4%  | 189,426  |
| <b>VIC</b>                  | 3,997,699                    | 4,147,289                       | 96.4%  | 149,590  |
| <b>QLD</b>                  | 3,086,692                    | 3,292,939                       | 93.7%  | 206,247  |
| <b>WA</b>                   | 1,587,225                    | 1,718,641                       | 92.4%  | 131,416  |
| <b>SA</b>                   | 1,186,079                    | 1,236,440                       | 95.9%  | 50,361   |
| <b>TAS</b>                  | 375,024                      | 388,938                         | 96.4%  | 13,914   |
| <b>ACT</b>                  | 284,240                      | 284,516                         | 99.9%  | 276  |
| <b>NT</b>                   | 137,495                      | 164,362                         | 83.7%  | 26,867   |
| <b>National</b>             | <b>15 781 105</b>            | <b>16 549 202</b>               | <b>95.4%</b>   | <b>768 097</b>                                       |

Source: AEC (2016)

[http://www.aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/national/2016.htm](http://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/national/2016.htm)

In 2013 the then Australian Electoral Commissioner, Ed Killesteyn wrote that:

We believe that the enrolment reforms of New South Wales, Victoria and now the Commonwealth will lead to a better overall turnout on election day; that is an increase in the *absolute number* of people who vote, albeit that the turnout percentage may fall. That is a good policy outcome from the perspective of the health of Australian democracy. But in the view of the AEC, enrolment reforms are not necessarily a panacea to non-voting. The number of people enrolled but not voting is still approaching 1 million across the Commonwealth. It is for this reason the AEC is keen to encourage a fresh debate, one that can build on the enrolment reforms recently introduced by the AEC and Parliament, but focuses on the next step of getting people to the ballot box at election time.<sup>50</sup>

Since the 2010 federal election to which Mr Killesteyn was referring to, turnout has fallen further with almost 1.4 million people not voting at the 2016 federal election. We agree with Mr Killesteyn and recommend that the Australian Electoral Commission adopt a goal to return turnout rates to back up to what they averaged for the 85 years prior to 2010 (i.e., 95%).

<sup>50</sup> Killesteyn (2013) *Federal Direct Enrolment and Direct Update*,  
[http://www.aec.gov.au/about\\_aec/research/caber/2c.htm](http://www.aec.gov.au/about_aec/research/caber/2c.htm)

Finally, we recommend that the AEC adopt a goal of 95% of the vote being valid (invalid votes are 5% or less of total votes). We also believe this is achievable given valid voting in federal elections averaged 97.5% for the four decades from 1946 to 1987.

The 95/95/95 targets are achievable, memorable and straightforward. Importantly, it is well known that what gets measured gets done. Setting these goals will increase the likelihood that Australia's compulsory voting regime remains best-practice.

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