

RIGHTS & RESPONSIBILITIES

THE RIGHT TO VOTE

Below is a history and an analysis of compulsory voting by election analyst Antony Green.

Antony makes clear that voters must attend a polling booth or receive a ballot paper BUT nobody has to fill it in if they don't wish to.

WEL asserts that compulsion means that women are not denied by their menfolk the chance to vote. Fathers, brothers, boyfriends and husbands cannot stop their women voting. On the other hand, voluntary voting can be used to control women in subtle ways—"they should stay home and make dinner or clean the house" --all excuses to prevent women voting.

It has been observed that the low voter turnout in the United States is usually associated with the lower socio economic populations. For this reason most US policies are developed to attract the middle class voter and to ignore the plight of lower socio economic groups.

One of the usual arguments against voluntary voting is the necessity to spend vast amounts of money to "get out the vote" whereas in Australia money can be used to explain policies and present arguments.

Australians favour compulsory voting

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Most Australians want to retain compulsory voting, according to a nationwide poll.

Morgan Poll results found 71 per cent of people believed voting should be compulsory at federal and state elections.

And 87 per cent of electors said they would probably vote at the next federal election, even if it was not compulsory.

The results of the poll, which was conducted by phone last Wednesday and Thursday night, show little change in the attitudes to compulsory voting over 40 years.

In 1969, when Morgan Poll last asked Australians electors (then aged over 21) if they thought voting should be compulsory or not, 69 per cent said it should be.

The new poll surveyed 650 people aged 14 and over, of whom 564 were of voting age, across the country.

It was prompted by calls from some government MPs, including Finance Minister Nick Minchin, for a national debate about the merits of voluntary voting.

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Compulsory Voting & Voluntary voting: the facts

Election analyst and serial electoral pedant Antony Green

Why it's intellectually dishonest to support voluntary voting and compulsory preferential voting. Date: 4 October 2005

In this post-modern era, political debate often prefers to ignore facts and detail, and no doubt the debate just beginning on voluntary versus compulsory voting will be no different. So perhaps it is worthwhile to set out a few facts and details, and a few heretical opinions, before the whole debate becomes mired in political double-speak.

First, I am always intrigued about the misconception that the Labor Party introduced compulsory voting in Australia. This is a verifiably wrong statement. The list below shows when and under what government compulsory voting was introduced:

Jurisdiction First Election Premier (Party)

Queensland 1915 Denham (Liberal)

Federal 1925 Bruce (Nationalist)

Victoria 1927 Allan (Country)

New South Wales 1930 Bavin (Nationalist)

Tasmania 1931 McPhee (Nationalist)

Western Australia 1939 Willcock (Labor)
South Australia 1944 Playford (Liberal)

The introduction of compulsory voting in Queensland in 1915 was the most overtly political in its intent. Concerned at the ability of the union movement to get people out to vote for Labor on polling day, compulsory voting was introduced to ensure middle class people remembered to do their duty. If that was the intent, it failed, as Labor under TJ Ryan swept into office.

Several of the later introductions of compulsory voting came about with some support from Labor, often introduced to parliament by a government backbencher in the form of a private member's bill. However, as the above table shows, six of the seven introductions took place under non-Labor administrations, so compulsory voting can't be blamed on the Labor Party.

South Australia was late to introduce compulsion, and famously delayed introducing it in the Legislative Council until the 1970s, and even maintained 'household' rather than 'manhood' (excuse the sexism) suffrage into the 1960s. Oddly, while South Australia has compulsory enrolment like every other state, it is not compulsory to enrol for the first time. It is only compulsory to enrol once you are on the roll. Oh, and South Australia is the only state that puts instructions on the ballot paper telling voters they don't have to fill in the ballot paper.

So what would happen to turnout if voluntary voting were introduced? Well, ignoring local government, the only voluntary ballot conducted in the last half century was the 1997 Constitutional Convention election. This was an odd ballot, conducted entirely by post and centred on the single issue of the republic. However, the ballot did tell us some interesting things about turnout.

To maintain secrecy, the return ballot paper envelope had a

detachable flap on which the voter filled in their details. Each flap had a bar code to be scanned and compared against the electoral roll. As the roll contains the date of birth and sex of voters, it was possible to develop an age profile of who voted. The table below shows the 'turnout' rate by age.

Turnout Rate – 1997 Constitutional Convention Election Age Group Turnout

18-25	33.9%
26-35	38.0%
36-45	44.2%
46-55	50.1%
56-65	59.2%
65+	59.2%

All votes	46.9%
Males	46.2%
Females	47.6%

So of voters under 25, only a third bothered to vote, while for voters aged over 55, roughly three in five voted. This age profile backs overseas evidence on who votes. And a little background on voting trends in Australia, which shows older voters are the strongest base of support for the Coalition, might suggest why a few hardheads in the Liberal Party are attracted to standing up for liberal principles and support an end to compulsion.

Indeed, if you follow up opinions polls on the republic conducted at the time of the convention election, and compare the election to the results of the republic referendum, it is not hard to argue the referendum would have passed under voluntary voting. Electorates that recorded the highest support for non-ARM republic models also recorded the highest Yes vote at the referendum, which suggests that the referendum was not defeated by direct election republicans but by the large body of don't know/don't cares forced out to vote on polling day.

(See my chapter in Warhurst and Mackerras, 'Constitutional Politics: The Republic Referendum and the Future', UQP 2002.)

However, one oddity in the constitutional convention election was that the turnout was highest in safe Labor seats and lowest in National Party seats. It may be the postal nature of the election depressed the turnout in country areas, but the peculiar turnout rates suggest that the idea it will be Labor voters who do not turnout under voluntary voting is a bit simplistic.

Indeed, this week's Economist magazine makes the point that the British Labour Party is advantaged by the low turnout it receives in its own safe seats compared to the high turnouts achieved by the Conservative Party. This differential turnout rate means that Labour can win with a lower percentage of the national vote than the Conservatives.

Of course, in Australia, such differential turnout would cause havoc for Senate elections. Without having to rely on compulsory voting, the whole nature of Australian election campaigns would change. Parties would also have to spend time campaigning in non-marginal seats to ensure voters turned out to vote. That would put an enormous stress on the rickety structure of Australia's political parties. I would think the only party certain to benefit from voluntary voting would be the Greens, who have by far the highest ratio of members to voters of any Australian political party.

Now before the pedants get going at me for incorrectly using the term 'compulsory voting', let me define clearly the three compulsions Australian voters face. One is compulsory enrolment, something that exists in many other countries including the United Kingdom and New Zealand. The second is compulsory attendance at polling places broadly defined. The third is compulsory preferential voting, at Federal elections and most state elections.

Supporters of compulsory voting use arguments on minimal levels of civic duty, and it is certainly hard to argue that our compulsory voting laws are a harsh imposition on human rights. We are not talking conscription or apartheid here.

Yet supporters of voluntary voting in the Liberal Party do have a valid argument that voters should not be forced to vote for candidates they do not know, do not care about or do not wish to support. Their problem is that while supporting an end to compulsory voting, those same people will not countenance an end to compulsory preferential voting, which at the end of the ballot paper, forces voters into exactly the same dilemma of choosing between candidates they do not know, do not care about or do not wish to support.

Consider the situation faced by Liberal supporters in the 2002 Cunningham by-election, or more recently in Werriwa or at the state by-elections in Marrickville and Maroubra. These contests were all between Green and a Labor candidates, the Liberal Party choosing not to nominate. Under the proposals outlined by Senator Abetz, Liberal voters would not have had to choose between the Green and Labor candidates. They could simply have not bothered to vote.

However, if a Liberal candidate had nominated, Liberal voters would have faced a dilemma. As advocates of voluntary voting propose to maintain compulsory preferential voting, any Liberal Party supporter wanting to vote for their preferred Liberal candidate would have been forced to make a choice with their preferences between the Green and Labor candidates if they wanted to have their vote for the Liberal candidate count.

Introducing voluntary voting while maintaining compulsory preferential voting creates the situation where voters can choose to vote for NO candidates, or if they want to vote, they have to vote for ALL candidates by indicating preferences. You do not have the ability to vote for SOME candidates.

As shown by the by-elections listed above, Senator Abetz's proposal creates the anomalous situation where good Liberal voters do not have to make an appalling decision between equally objectionable left-wing candidates when there is not a Liberal candidate, but do have to when there IS a Liberal candidate.

For that reason, I argue it is intellectually dishonest to support voluntary voting and compulsory preferential voting. You cannot use the argument about choice in supporting voluntary voting, but then ignore the same argument as it relates to preferential voting.

Mind you, I don't expect my pedantic arguments about intellectual honesty to get anywhere in this debate. I expect it to be treated like the audible passing of wind at the dinner table. Best ignored and carry on as before.

NOTE.

There is no right to vote in the Australian Constitution. The section 41 was interpreted by the Barwick High Court as applying to those persons who had the right to vote in 1901. Very few of these persons will be alive to-day.