

DEMOCRACY SERIES

DEMOCRACY AND VOTING

BY DR CHRIS BALLINGER

With commentaries
by Dr Ben Rogers,
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Compulsory turnout: a solution to disengagement?

Chris Ballinger

*'It is not enough to make people vote, what is necessary is to make them want to vote.'*¹

Introduction

Compulsory voting has been presented as a solution to the problem of low turnout by a growing number of people inside and outside the Government. Two former Leaders of the House of Commons - Peter Hain MP and Geoff Hoon MP - are on the record as supporting proposals to make turnout compulsory. A recent ippr report concluded that compulsory turnout is 'one particularly effective method for raising turnout and reducing voter inequality'.² This essay shows that compulsory voting does not fulfil the claims which are often made for it, and that therefore compulsory voting is not a solution for the problems which underlie the current low voter participation in UK General Elections.

The Problem of Disengagement

The turnout problem

Turnout has sharply declined in recent years. At the 2001 General Election, just 59.4 per cent of registered electors chose to vote - the lowest turnout since the post-war election of 1918, and the only time at which voter turnout had fallen below 70 per cent since men and women were given the vote on equal terms in 1928. The stark fall in voter turnout, by 12.1 per cent since 1997, raised concern about the vitality of the UK's political system. When turnout recovered only marginally at the 2005 General Election, to 61.4 per cent, these fears persisted. The possibility prior to the 2001 election that turnout would fall below 70 per cent 'was regarded as an important threshold';³ after 2005 it was feared that turnout might never return to that level without intervention. 'The single most important issue arising from the 2001 General Election', argued the Electoral Commission, 'is the need to address, urgently and radically, the decline in public participation.'⁴ Four years later, turnout

1 Roger Mortimore, 'Where Have All The Voters Gone?' Paper given to the Political Marketing Conference, Bath Spa University College, 9 September 2004.

2 Emily Keaney and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 35.

3 Electoral Commission, *Election 2001: The Official Results* (2001), 11.

4 Electoral Commission, *Voting for Change: an electoral law modernisation programme* (June 2003), 9.

'was still about ten points below what had hitherto been its low water mark',⁵ and Professors Rallings and Thrasher, on behalf of the Electoral Commission, concluded that voter participation in elections remained 'a problem'.⁶

Why turnout matters

Turnout matters because it is an indicator of the health of a democracy. Parliaments and governments gain their legitimacy from being able to claim the support of a mass electorate. The fall in voter participation therefore worries those who equate high levels of participation at the ballot box with a vibrant civic culture.

The decline in turnout is also concerning because turnout inequality has increased. Whereas within socio-economic categories men and women turn out in approximately equal proportions, the percentages of different groups turning out have diverged: turnout has decreased most rapidly amongst young people and within lower income groups; those who fall into both categories are some of the least likely to exercise their right to vote.⁷ A concern about falling turnout is, therefore, that some groups become out of reach of the democratic system. As Professor Charlie Jeffery puts it, there is a danger of 'the creation of a "ghetto" of the least interested, whom politics increasingly fails to reach'.⁸

Reasons for turnout decline

Numerous explanations have been put forward as to why turnout declined sharply in 2001 and remained low in 2005. Short-term trends include the lack of stimulus from a campaign which was seen to have a foregone conclusion or in which the campaign failed to engage voters.⁹ There are also long-term factors. The British Election Study¹⁰ shows that the perception of voting as a duty rises with age: only 56 per cent of 18-24 year olds regard voting as a duty, whereas 92 per cent of the over-65s do so.

The Electoral Commission posit six reasons for not voting:¹¹

- apathy (a lack of interest in politics);
- disillusion with politics (the idea that no difference is made whichever party wins the election);
- lack of impact (the idea that an individual's vote cannot make a difference);
- alienation ('politics is not for us');

5 John Curtice, 'Turnout: Electors Stay At Home—Again', 58 *Parliamentary Affairs* 4, 776-785, 776.

6 Colin Rallings and Michael Thrasher, *Election 2005: The Official Results* (2005).

7 Emily Keaney and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 13.

8 Charlie Jeffery, 'Sloth' in Iain Stewart and Romesh Vaitilingam (eds), *Seven Deadly Sins* (ESRC, June 2005), 34. http://www.esrc.ac.uk/ESRCInfoCentre/Images/seven_deadly_sins_report_tcm6-11033.pdf.

9 John Curtice, 'Turnout: Electors Stay At Home—Again', 58 *Parliamentary Affairs* 4, 776-785.

10 British Election Study, University of Essex, <http://www.essex.ac.uk/bes/>.

11 Electoral Commission, *Voter engagement and young people* (July 2002), 6.

- lack of knowledge of politics;
- inconvenience (voting consumes too much time or effort).

Inconvenience, though sometimes cited as a reason for not voting, is not a major determinant of the recent drop in General Election turnouts. Indeed, postal voting on demand has made voting easier since 2000, but although all-postal voting experiments in some second-order elections have increased turnout, they have also resulted in worries about the integrity in the electoral system.¹²

Apathy, the Electoral Commission conclude, is not the key to understanding the decline in turnout: 'the evidence we have suggests that non-voting in 2005 was not a simple case of apathy'.¹³ Geoff Hoon MP, a prominent supporter of compulsory voting, agrees: 'This is not apathy. I found that when I talked to non-voters they often raised a whole set of issues and grievances. But they did not see how voting would affect them one way or the other. ... my fear is that as time goes on, as all political parties become more sophisticated at targeting actual voters we could fail to pay attention to the serial non-voters'.¹⁴

Moreover, falling voter participation cannot be attributed to a declining interest in politics or political activity. The Electoral Commission regard it as 'clear' that the low turnouts in 2001 and 2005 'did not reflect a growing lack of interest in politics - interest has remained fairly static over the past 30 years'.¹⁵

One key explanation of non-voting is a perceived lack of efficacy.¹⁶ Voters feel that their voices are not heard when they cast their votes, either because they perceive little difference whichever party wins, or because they see that they have little opportunity to influence the election outcome. This lack of efficacy is at the heart of falling turnout, and any solution to the problem of democratic engagement needs squarely to address this problem.

Geoff Hoon believes that compelling turnout is: 'The most obvious way to bring those who feel alienated into the political process. The best means to enhance civic participation'.¹⁷ Whilst it is easy to accept that compulsory turnout is the most obvious way to increase turnout; the relationship between turnout and broader civic participation is more difficult to prove.

¹² See, e.g., Electoral Commission, *Election 2005: Turnout Report* (October 2005).

¹³ Electoral Commission, *Election 2005: Turnout Report* (October 2005), 30.

¹⁴ Geoff Hoon, speech to *The End of The Affair? Mending the relationship between the citizen and Westminster, a debate hosted by The Institute for Public Policy Research (ippr)*, Monday 4 June 2005.

¹⁵ Electoral Commission, *Election 2005: Turnout Report* (October 2005), 31.

¹⁶ MORI, *Rules of Engagement: Participation, Involvement and Voting in Britain* (August 2004).

¹⁷ Geoff Hoon, speech to *The End of The Affair? Mending the relationship between the citizen and Westminster, a debate hosted by The Institute for Public Policy Research (ippr)*, Monday 4 June 2005.

Compulsory Voting

By ‘compulsory voting’, we usually mean ‘compulsory turnout’. This is because all that is usually required under a compulsory voting regime is for each registered elector to attend at a polling station, receive a ballot paper, and place that ballot paper in the ballot box. In Australia, whilst the Australian Electoral Commission believe that there is a duty for a citizen not just to turn out, but also to cast a valid vote,¹⁸ the secret ballot means that there is no effective check on whether a valid vote has been recorded.¹⁹ In the UK forcing electors to turn out would not breach human rights provisions (though compelling them to return a validly filled-in ballot paper might do so).²⁰ In this essay, it is presumed that any system of ‘compulsory voting’ would compel the elector only to turn out and to place a ballot paper in a ballot box, and the terms ‘compulsory voting’ and ‘compulsory turnout’ are therefore used interchangeably.

Compulsory voting is an established idea. It was incepted, in modern times, in the Swiss Canton of St Gallen in 1835.²¹ Belgium introduced its system of compulsory turnout in 1895. The first adoption of compulsory voting in Australia - in the State of Queensland, in 1915 - ‘appears to have been the last desperate attempt of an unpopular government to save itself from defeat’.²² It failed to save the government, but the idea of compulsory voting spread, and was adopted for Australian federal elections in 1924.

Seventeen per cent of the world’s democracies compel their citizens to vote and back this compulsion up with penalties for non-voters.²³ Ten of the 30 OECD countries have compulsory voting. Of these, Australia provides the best case study for assessing how compulsory voting might help Britain: it is unusual amongst former British colonies in enforcing compulsory voting, and its common law system and Westminster-derived institutions of Parliamentary responsible government provide many parallels with the UK’s political system.

18 ‘It is not the case, as some people have claimed, that it is only compulsory to attend the polling place and have your name marked off, and this has been upheld by a number of legal decisions’. Tim Evans, *Compulsory Voting in Australia* (Australian Electoral Commission), 16 January 2006, 4.

19 In South Australian state and local elections, voters are informed at the point of voting that they are not required to return a ‘formal’ (i.e. valid) vote. At federal elections in Australia, advocating informal voting can lead to prosecution. Contrary to the belief of some [Geoff Hoon, speech to *The End of The Affair? Mending the relationship between the citizen and Westminster, a debate hosted by The Institute for Public Policy Research (ippr)*, Monday 4 June 2005.], there is no ‘none of the above box’ on Australian ballot papers. Hoon regards the inclusion of such an ‘abstention box’ as being ‘absolutely vital’ in a system of compulsory turnout.

20 In the case of *X v. Austria* in 1971, the European Court of Human Rights ruled that compulsory turnout did not violate the right to freedom of thought, conscience, and religion which is enshrined in Article 9 of the European Convention on Human Rights, so long as an elector is not compelled to submit a valid vote. Lewis Baston & Ken Ritchie, *turning out or turning off: An analysis of political disengagement and what can be done about it* (Electoral Reform Society, September 2004), 36.

21 Louis Massicotte, André Blais, and Antoine Yoshinaka, *Establishing the Rules of the Game* (2004), 33.

22 M. Mackerras and I. McAllister, ‘Compulsory voting, party stability and electoral advantage in Australia’, 18 *Electoral Studies* (1999), 219-20.

23 Louis Massicotte, André Blais, and Antoine Yoshinaka, *Establishing the Rules of the Game* (2004), 33.

Debate in the UK about introducing compulsory voting is not new. As early as 1924, William A. Robson declared in a Fabian Tract on compulsory voting that: ‘The problem of the twentieth century has shown itself to be that of persuading peoples to make use of the right for which they clamoured: to get them not only to vote in a responsible way, but to get them even to vote at all.’²⁴ After a flurry of interest in compulsory voting in the 1930s, post-war turnouts approaching 84 per cent meant that the issue fell from the public agenda. Following the 2001 General Election, two Labour MPs, Tom Watson and Mark Tami wrote a Fabian pamphlet advocating making it a requirement to vote,²⁵ and Gareth Thomas MP introduced a Compulsory Voting Bill.²⁶

Despite the increasing number of voices from some quarters for the adoption of compulsory voting for the UK, public opinion on the issue remains sharply divided. Before the 2001 General Election a MORI / Joseph Rowntree Reform Trust poll in 1991 showed 49 per cent in favour of compulsory turnout, and 41 per cent against. A similar poll in 2000 reported 30 per cent in favour and 49 per cent against.²⁷

Following the 2001 General Election, a MORI survey for the Electoral Commission found compulsion being frequently put forward as a possible solution to low turnout, but although they found 47 per cent supporting compulsion, 49 per cent remained resolutely opposed.²⁸

Ironically, perhaps, as the clamour in the UK for the adoption of compulsory voting increases, the voices in Australia against compulsory voting are likewise multiplying.²⁹

Compulsory voting: reinforcing or undermining democracy?

‘The leading argument against compulsory voting’, argues the International Institute for Democracy and Electoral Assistance (IDEA), ‘is that it is not consistent with the freedom associated with democracy.’³⁰ This argument is countered by comparing compulsion to vote with other forms of state compulsion (such as jury service and paying taxes), although these forms of coercion do not result in the perceived faith in the democratic system which high turnout is often taken to imply. This essay leaves aside this democratic argument about compulsory voting, which has been discussed extensively elsewhere,³¹ and instead focuses on tackling head-on the perceived benefits of compulsory voting.

24 William A. Robson, ‘Compulsory Voting: what it is and how it works’, *Fabian Tract 209* (London: Fabian Society, 1924), 2.

25 Tom Watson MP and Mark Tami MP, *Make Voting Compulsory* (Fabian Society, 2001).

26 This progressed no further than its first reading.

27 Electoral Commission, *Compulsory Voting*, Factsheet 07-05.

28 Electoral Commission, *Compulsory Voting*, Factsheet 07-05, 1.

29 Scott Bennett, ‘Compulsory voting in Australian national elections’ Parliament of Australia: Parliamentary Library Research Brief (31 October 2005); Tim Evans, *Compulsory Voting in Australia* (Australian Electoral Commission), 16 January 2006.

30 International IDEA, *Voter Turnout In Western Europe since 1945* (2004), 27.

31 Lisa Hill, ‘On the Reasonableness of Compelling Citizens to “Vote”: the Australian Case’, 50 *Political Studies* (2002), 80-101.

Five claims for compulsory voting

1. Compulsory voting increases turnout

International surveys indicate that countries which have compulsory voting laws and enforce them have a turnout approximately 10-15 per cent higher than other countries.³² Since 1946, Belgium has enjoyed a turnout average of 92.7 per cent of registered electors and turnout has not fallen below 90 per cent; Australia's turnout is 94.5 per cent of registered electors.³³ When the Netherlands abandoned compulsory voting in 1970, turnout fell by about 10 per cent.³⁴ If Australia were to abandon compulsory voting, survey data shows that voting would decline by about 10 per cent; but given that people who respond to surveys are usually already politically-engaged, Australia's turnout would likely fall to the range 55 per cent to 70 per cent - very similar to current turnout in the UK.³⁵

However, raising the proportion of registered electors does not mean that everyone is involved in the democratic process, let alone engaged by it. Compulsory turnout is aimed at maximising the turnout of registered electors. Therefore compulsory enrolment is a prerequisite of an effective system of compulsory turnout, although it is not certain that compulsory turnout is a natural and inevitable extension of a compulsory enrolment regime: compelling enrolment helps ensure that all eligible electors have the opportunity to turn out rather than implying that the state must compel them to exercise this duty.

Forcing those on the electoral roll to vote does not aid the inclusion of those who are not registered to vote. Despite Australia's compulsory registration laws, about five per cent of eligible Australian electors do not register, including an estimated 300,000 voters in the 18-25 age group.³⁶ Five per cent of those who are on the electoral register do not vote; but still the 90 per cent turnout of eligible electors is far above that achieved in most non-compulsory countries. Yet, this 90 per cent masks the turnout of the voting age population (rather than the eligible, registered electors), which is nearer to 80 per cent: even under Australia's compulsory system, 20 per cent of adults in Australia do not vote.

32 International IDEA, *Voter Turnout In Western Europe since 1945* (2004), 26.

33 Sources : International IDEA, *Voter Turnout In Western Europe since 1945* (2004), Gerard Newman, 'Federal Election Results 1949-2004', Parliament of Australia: Parliamentary Library Research Brief no.11 2004-2005 (7 March 2005).

34 Wolfgang Hirzcy, 'The impact of Mandatory Voting Laws on Turnout: a Quasi-Experimental Approach', 13 *Electoral Studies* (1994), 64-76.

35 Simon Jackman, 'Non-Compulsory Voting in Australia? What surveys can (and can't) tell us.', 18 *Electoral Studies* (1999), 29-48.

36 Graeme Orr, 'Australian electoral systems - How well do they serve political equality?', Democratic Audit of Australia (February 2004), http://democratic.audit.anu.edu.au/papers/focussed_audits/200402_orr_electoral_syst.pdf; Lawrence J. Saha, Murray Print, and Kathy Edwards, *Youth Electoral Study, Report 2: Youth, Political Engagement and Voting* (October 2005).
http://pandora.nla.gov.au/pan/56924/20060328/www.aec.gov.au/_content/what/publications/youth_study_2/index.html.

Thus, Australia's comparatively high turnout almost disappears when the comparison is made with the proportion of the voting age population which votes, rather than the turnout of registered electors: 82.77 per cent of the voting age population cast their ballots in Australia, 86.62 per cent in Belgium, compared with 83.74 per cent in Denmark and 82.16 per cent in New Zealand - two voluntary voting regimes.³⁷

The disenfranchised voters in Australia are principally of two sorts. First, there are those Australian citizens who are permanently resident overseas. An estimated half a million Australian citizens (compared with a resident electorate of 14 million) are disenfranchised in this way.³⁸ Secondly, permanent residents who have not taken full Australian citizenship cannot vote. This situation, perhaps an odd one for a country built upon immigration, breaches the 'no taxation without representation' mantra, and it also prohibits the realisation of voting equality amongst all who have a legitimate interest in how the country is governed.³⁹ Compulsory turnout does not guarantee inclusiveness; nor does it guarantee political equality.

Compulsory turnout can therefore be a helpful aid to high turnout, but it is not a necessary condition of it. Moreover, compulsion may not only aid high turnout, but it can also provide a limited safeguard against falling turnout.⁴⁰ But high turnout solves the problem of the inequality of voter turnout only when a high proportion of the adult population are included on the electoral register. The young and the disadvantaged - two groups least likely to vote - are also least likely to be registered. Compelling registered voters to turn out does not help these people. And compulsion does not ensure that those who do vote are engaged with politics.

Why do people comply?

Although compulsory voting does increase turnout, it is worth asking why and how it does so. Turnout is often higher in compulsory voting regimes which have a small sanction, such as a fine, for not voting. High penalties are often thought not to be appropriate: such penalties disproportionately affect the poor, and can lead to heavy costs on an electoral commission. Few non-voters in the two most highly-developed compulsory voting regimes, Australia and Belgium, are ever prosecuted:

37 Dr Lisa Hill and Jonathan Louth, 'Compulsory Voting Laws and Turnout: Efficacy and Appropriateness', Refereed paper presented to the Australasian Political Studies Association Conference, University of Adelaide, 29 September-1 October 2004.

38 Southern Cross Group, cited in Graeme Orr, 'Australian electoral systems - How well do they serve political equality?', Democratic Audit of Australia (February 2004), http://democratic.audit.anu.edu.au/papers/focussed_audits/200402_orr_electoral_syst.pdf. Italy has a "overseas electorate", and similar proposals have been suggested for the Australian Diaspora. Cf. the more generous UK election laws, which permit entry on the electoral register and voting in general and European Parliament elections for 15 years after an elector has gone overseas.

39 The UK is much more generous, permitting UK residents from over 75 countries to vote. Indeed, there is no specific provision for UK citizens to be allowed to vote in the UK - their inclusion on the electoral roll is by virtue of being citizens of a Commonwealth country.

40 Emily Keane and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 28.

fewer than one in five Australian non-voters are punished (most satisfy the electoral commission with a written excuse); fewer than one in four non-voters in a thousand are prosecuted in Belgium. Hill concludes that sanctions are not, in fact, the determining factor for a high rate of compliance with compulsory voting: 'People comply, not for fear of sanctions but out of respect for the law itself and a belief that it is a reasonable one.'⁴¹

In the UK at the moment, the electorate do not believe that compulsory voting is a reasonable law: 30 per cent are in favour and 49 per cent are against. If, as the ippr advocate, compulsory voting is adopted after a referendum vote in favour of it, compulsory voting could come into effect against the wishes of some or all of the political parties, and with the positive support of a modest proportion of the electorate - Welsh devolution was approved at referendum in 1997 by only 50.3 per cent of the votes cast by the 50.1 per cent of the electorate who turned out, hardly a ringing endorsement of constitutional change. This situation would not mirror the bi-partisan support by which compulsory voting was adopted in Australia, nor the broad level of support for compulsory voting which underpins Australians' compliance (surveys find consistently that 74 per cent of the Australian electorate support compulsory voting⁴²). Compliance with the law 'because it's the law' can be a surrogate for a social norm of voting, but only to the extent that the law is thought just - which it is not in the UK at the moment.

2. Compulsory voting helps to engage the electorate

Given that a high level of turnout is often regarded as showing that a democracy is in good health, compulsory voting can lead to the impression that a country is continually in first-rate shape. As Weller and Fleming observe, 'compulsory voting has been favoured as a mechanism for increasing political awareness and interest within the community. It has been argued that if forced to vote, electors will pay closer attention to issues and thereby be more informed on political matters generally. Whether or not this is true is open to conjecture.'⁴³ The Democratic Audit of Australia advises caution:

'When assessing the health of democracy, one of the indicators often referred to is voter turnout. Australians tend to be fairly complacent on this score, because of the high turnout which is feature of compulsory enrolment and voting There are reasons, however, to disturb this complacency.'⁴⁴

41 Lisa Hill, 'Democratic assistance: A compulsory voting template', Refereed paper presented to the Jubilee conference of the Australian Political Studies Association, Australian National University, Canberra, October 2002, 5.

42 Tim Evans, *Compulsory Voting in Australia* (Australian Electoral Commission), 16 January 2006.

43 Patrick Weller and Jenny Fleming, 'The Commonwealth', in Jeremy Moon and Campbell Sharman (eds), *Australian Government and Politics* (Cambridge: Cambridge University Press, 2003), 21.

44 Democratic Audit of Australia, 'Democratic Audit Talking Point: Voter Turnout' http://arts.anu.edu.au/democraticaudit/papers/200210_DA_Talking_Point1.pdf.

Rather than ensuring engagement, compulsory turnout in Australia masks a system in which political knowledge and youth engagement with politics is not necessarily higher than we currently have in the UK. Australia's record on public interest in politics and knowledge of political institutions, and on youth engagement with politics, do not rate much - if at all - above that of the UK

Apathy

Dr Lisa Hill argues that, 'a key justification for compulsory voting rests on its capacity to keep political apathy at bay'. Compulsory voting, it is argued, guards against political demobilisation, and particularly against the marginalisation of particular groups.

But high turnout does not always entail low levels of apathy. 'Voter apathy', as Moon and Sharman observe, 'has long been an issue in Australian politics, and indications that change is occurring in this area may not be a result of compulsory voting so much as a response to the rapid social and economic change.'⁴⁵ Voter apathy exists in Australia despite the existence of compulsory voting.

In any case, both the UK Electoral Commission and some avowed supporters of compulsory voting agree that the problem in the UK is not one of apathy, but of disconnection. Given this, there is no certainty that forced participation at elections will reconnect voters with a process which they have abandoned: Robson acknowledged in his Fabian Tract of 1924 that, 'It is true that a citizen, like the horse in the old proverb, can be brought to the polling station but cannot be made to vote.'⁴⁶ Even if reluctant voters can be made to vote, there is no guarantee that they will be engaged across a broad range of issues rather than imposing single-interest voting reasons for choosing a party at the end of a portmanteau election campaign.

Interest in political issues

Professor Arend Lijphart posits the argument that, 'mandatory voting may serve as an incentive to become better informed'.⁴⁷ But the evidence is that after 80 years of compulsory voting, Australia's electors are no better informed of their system of government than are UK electors of theirs. Mercurio and Williams observe that:⁴⁸

'There is no specific data on the knowledge of those who would choose not to vote [under a voluntary voting system], but surveys more generally of the [Australian] population reveal that many Australians have little understanding of how the Australian system of

45 Patrick Weller and Jenny Fleming, 'The Commonwealth', in Jeremy Moon and Campbell Sharman (eds), *Australian Government and Politics* (Cambridge: Cambridge University Press, 2003), 21.

46 William A. Robson, 'Compulsory Voting: what it is and how it works', *Fabian Tract* 209 (London: Fabian Society, 1924), 7.

47 Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 10.

48 Bryan Mercurio and George Williams, 'Australian Electoral Law: "Free and Fair"?', 32 *Federal Law Review* (2004), 366-394, 374.

government works. For example, the 1994 report of the Civics Expert Group found that only 18 per cent of Australians have some understanding of what their constitution contains ... while only 40 per cent could correctly name both Houses of the federal Parliament'

This compares unfavourably with the UK, for which a MORI survey in 2003 showed that 27 per cent of respondents knew that there did not have to be a General Election every four years, 39 per cent knew that not all Cabinet members are MPs, and 49 per cent correctly identified that the House of Commons had more power than the House of Lords.⁴⁹ The UK's statistics are still not very encouraging, but they show that the lack of compulsory voting in the UK does not hold back political knowledge when compared with Australia. The Australian Election Commission works tirelessly to ensure that Australian electors are as informed as possible about their system of voting, but, even so, Lijphart's claim that, 'compulsory voting may be able to serve as an equivalent, but much less expensive, form of civic education'⁵⁰ seems highly unconvincing.

Young people

One of the greatest worries with the fall in turnout is the low rate of voter participation from young people. Non-voting is now more common than voting in the 18-24 age group in the UK, and the British Election Study⁵¹ found that age was the strongest demographic factor for explaining participation. Some researchers fear that a 'cohort effect' has been generated, whereby these young people are so disengaged from politics that they will not become voters later in life.⁵²

Compulsory voting, it is argued, can be particularly effective in ensuring that young voters cast their votes, and that they will therefore engage with politics and feel connected to political issues.

Again, evidence from Australia indicates that compulsory voting is no cure-all. The Australian Youth Electoral Study reveals little interest in voting amongst 16-18 year-old rising electors: two-thirds thought voting to be boring, and whilst 87 per cent would vote once they turned 18, only 50 per cent would do so without compulsory voting.⁵³ These young people are not engaged in politics - indeed, to the extent that voluntary voting is a measure of political engagement, they are just as engaged as young voters in the UK.⁵⁴

49 Electoral Commission/Hansard Society, *An Audit of Political Engagement* (March 2004), 47.

50 Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 10.

51 British Election Study, University of Essex, <http://www.essex.ac.uk/bes/>.

52 See, especially, Alison Park, 'Has modern politics disenchanting the young?' *British Social Attitudes—the 21st Report* (2004). Against this, Professor Charlie Jeffery argues that 'There is no clear evidence as yet that this cycle is breaking down'.

53 Murray Print, Larry Saha, and Kathy Edwards, *Youth Electoral Study Report 1: Enrolment and Voting* (December 2004), 1.

54 British Election Study data show 46 per cent of 18-24 year-olds claimed not to vote in the 2001 UK general election, a figure which rose to 55 per cent in 2005. Electoral Commission, *Election 2005: turnout. How many, who and why?* (October 2005), 36.

Despite claiming to have no interest in politics, many young Australians have a keen interest in political issues, such as the Iraq War, animal welfare, refugees, and the environment. Likewise, young people in the UK are politically aware and politically active.⁵⁵ But they are unable to link their interest in issues with the political process.

One problem with engaging young people in both Australia and the UK is a perception that voting does not change anything. In the UK, 30 per cent of possible non-voting youths reported that their vote would not make a difference.⁵⁶ In Australia, 'many who reported they would not vote or not regularly vote [under a non-compulsory system] said they did not see the efficacy of voting'. Many young people do not see the efficacy of voting even under Australia's compulsory system.

How, then, to explain the disconnection of the young from politics, even in Australia with its system of compulsory voting? The Australian Youth Electoral Study found that 'an important variable explaining youth disengagement is the extent to which young people actually trust their political leaders'. Just under half of young people say that people in government can be trusted to do what is right for the country,⁵⁷ and the same proportion of young people felt that they lacked sufficient knowledge of issues and parties to decide how to vote.⁵⁸ This is approximately the same proportion as would vote voluntarily.

As the Australian Democratic Audit reported, young people's 'lack of faith and trust in the ballot box is an issue of concern'.⁵⁹ Even Lisa Hill, probably the strongest academic advocate of compulsory voting, admits that, 'compulsory "voting" can't do much to cure cynicism about politicians'.⁶⁰ This is something which can be cured only by politicians themselves, and not by institutional mechanisms.

Therefore increasing evidence from Australia on disengagement undermines Hill's claim that: 'Compulsory voting could be a valuable aid in the prevention of civic demobilisation and the re-establishment and consolidation of civic habits in established democracies that are currently experiencing a democratic deficit problem.'⁶¹ Australia, after eight decades of compulsory voting, still finds itself facing many of the same problems of distrust and disengagement - especially amongst young citizens - which the UK is now confronting.

55 Electoral Commission/Hansard Society, *An Audit of Political Engagement 3* (2005); Electoral Commission, *Youth participation in the democratic process* (January 2006).

56 Electoral Commission, *Election 2005: turnout. How many, who and why?* (October 2005), 35.

57 Murray Print, Larry Saha, and Kathy Edwards, *Youth Electoral Study Report 1: Enrolment and Voting* (December 2004), 20.

This is much higher than those who felt that 'most people in government are honest' (a quarter) and that 'People running the government are smart (clever) and usually know what they are doing' (one third).

58 Murray Print, Larry Saha, and Kathy Edwards, *Youth Electoral Study Report 1: Enrolment and Voting* (December 2004), 21-22.

59 Kathy Edwards, Lawrence Saha, and Murray Print, *Australia's Democratic Report Card – Young People Assess Democracy in Australia* (December 2006), 4. <http://arts.anu.edu.au/democraticaudit/papers>

60 Lisa Hill, 'Low Voter Turnout in the United States: Is Compulsory Voting a viable solution?', 18 *Journal of Theoretical Politics* 2 (2006), 207-232, 228.

61 Lisa Hill, 'Democratic assistance: A compulsory voting template', Refereed paper presented to the Jubilee conference of the Australian Political Studies Association, Australian National University, Canberra, October 2002, 2.

3. Compulsory voting aids political equality

A theory of compulsory voting argues that it aids the equality of political participation, and thereby forces political parties to address the needs of all members of the electorate, not just those who vote voluntarily. If compulsory voting is to enhance political equality, three conditions must be met.

First, as many of the adult population as possible should be entitled to vote, and enrolled to vote.⁶² As noted above, systems which compel people to vote might still fail a test of political equality when permanent residents are disenfranchised, or when eligible electors are not registered to vote.⁶³ Indeed, those who are most distanced from the political system - and who are most in need of re-engagement - are the least likely to register to vote in the first place.⁶⁴

Secondly, the 'one vote, one value' condition must be upheld. But as long as the first-past-the-post electoral system remains, this condition does not obtain. Voters are, in effect, disenfranchised by the first-past-the-post electoral system, and that disenfranchisement is augmented by the current favourable treatment by the electoral system of Labour seats.⁶⁵ The Power Inquiry criticised 'an electoral system which is widely perceived to lead to unequal and wasted votes'.⁶⁶

Ian Kearns of the ippr admits that: 'It would clearly be absurd to compel people to vote in constituencies where there was no chance that their vote could make a difference to the outcome.'⁶⁷ He is right. The logical conclusion is that, barring electoral reform, it would clearly be absurd to compel electors in many UK constituencies to vote.

Part of the problem in achieving 'one vote, one value' is the question of marginal electorates. In the 2005 UK General Election, the battle was fought not in 646 constituencies, but in about 100 key target seats. The electorate responded to this targeting. Curtice, Steed, and Fisher show that turnout at the 2005 General Election increased by more than the average in marginal seats, and increased disproportionately still in seats which were newly-marginal in 2005. Turnout differed

62 The introduction of compulsory enrolment in Australia in 1911 and compulsory voting in 1924 did not aid the enfranchisement of the Aborigines (who secured the vote only in 1962), nor was it thought that Aborigines should be compelled to participate equally by being compelled to vote until as late as 1983. Even now, in the House of Representatives' seat of Lingiari, compulsory voting yields only 77.71 per cent turnout, and 5 per cent of these votes are invalid.

63 Thailand, Brazil, and Uruguay sometimes remove non-voters from the electoral register, which serves to increase headline turnout, but does little for voter participation or voter equality.

64 Estimates are that 7-8 per cent of the adult population in the UK are not registered to vote. Electoral Commission, *Vote 2005* (April 2005), 37.

65 See: John Curtice, Michael Steed, and Steve Fisher, 'Appendix 2: The Results Analysed', in Dennis Kavanagh and David Butler, *The British General Election of 2005* (2005).

66 *Power to the People: The Report of Power, an Independent Inquiry into Britain's Democracy* (Joseph Rowntree Trust, March 2006), 17.

67 Ian Kearns, *Voting as a civic duty: a response to Adam Lent* (openDemocracy, 05 June 2006), 2. <http://www.opendemocracy.net/content/articles/PDF/3608.pdf>.

on average by 10 percentage points between the most and least marginal seats.⁶⁸ And turnout remained more suppressed in safe Labour seats than in safe Conservative ones. Electors, it seemed, felt unmotivated to vote for safely incumbent Government MPs. They were more motivated to vote in those seats in which the opportunity to influence the result was most marked - which were also the seats in which the parties conducted their most active campaigning.

Compulsory voting, by taking out of the political equation the guesswork surrounding turnout, makes target seats - and key voter groups within those marginal seats - even easier to identify. Chong, Davidson, and Fry cite research showing that, in Australia, government spending on key policy programmes was higher in marginal electorates than in safer electorates.⁶⁹ Moreover, because of the small proportion of Aboriginal electors in most federal constituencies (except for one seat - Lingiari - in which they form 37.2 per cent of the electorate) Aboriginal issues are rarely central to Australian federal election campaigns.⁷⁰ Indeed the key issue of the 2004 Australian political campaign - on the question of mortgage interest rates - was addressed squarely at the core part of the population which would be most inclined to vote (and to be targeted by campaigns) under the UK's voluntary voting system. These points strongly go against the oft-suggested idea that compulsory voting 'encourages the political parties to engage with those groups least interested in politics or most dissatisfied with the political system'.⁷¹

Finally, the 'loss of political equality'⁷² that arises from a lack of access to politics or political decision-making at a higher level (for example the influence yielded through the lobbying of ministers or the democratic deficit caused by a lack of involvement with EU decision-making) must be resolved. One such solution, which the Power Commission term 'downloading power', involves genuine citizen participation - not just passive involvement through the ballot box, but also active participation in public deliberation and decision-making.⁷³

Making turnout compulsory does not, therefore, ensure citizens will have an equal chance of influencing an election result, because it cannot guarantee that each vote

68 John Curtice, Michael Steed, and Steve Fisher, 'Appendix 2: The Results Analysed', in Dennis Kavanagh and David Butler, *The British General Election of 2005* (2005), 249.

69 Derek Chong, Sinclair Davidson, and Tim Fry, 'It's an evil thing to oblige people to vote', 21 *Policy* 4 (Summer 2005-06), 13.

70 James Jupp in Marian Simms and John Warhurst (eds), *Mortgage Nation: the 2004 Australian Election* (2005).

71 Emily Keaney and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 29. Also Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 10.

72 *Power to the People: The Report of Power, an Independent Inquiry into Britain's Democracy* (Joseph Rowntree Trust, March 2006), 33.

73 *Power to the People: The Report of Power, an Independent Inquiry into Britain's Democracy* (Joseph Rowntree Trust, March 2006), Chapter 7.

will have an equal political weight in deciding a constituency result, or that each vote will therefore have a chance of influencing the outcome of the election as a whole. Arend Lijphart concludes that, 'Compulsory turnout cannot solve the entire conflict between the ideals of participation and equality, but by making participation as equal as possible, it is a valuable partial solution.'⁷⁴ But compulsory turnout does not begin to have its partial effect until political equality is given a fair chance by the electoral system. The problems of the electoral system should, therefore, be addressed before voting ever becomes mandatory.

4. Compulsory voting decreases negative campaigning

Arend Lijphart further claims that, 'mandatory voting may discourage attack advertising - and hence may lessen the cynicism and distrust that it engenders'.⁷⁵ Observation of Australian elections shows that this claim is hard to substantiate. The 2004 Australian federal election shows negative campaigning that was at least as vicious as that in any recent UK General Election; indeed, it was arguably more consistently negative than the 2005 UK General Election, for which Lynton Crosby, a prominent Australian campaign strategist, was hired.⁷⁶ Dr Sally Young's analysis of the 2004 Australian federal election shows that negative campaigning abounded: of 12 Labor TV advertisements, none were entirely positive and seven were clearly negative; the Liberals screened nine principal TV advertisements, of which two were positive and seven negative.⁷⁷ Rather than focusing on 'winning the support of undecided voters'⁷⁸ in a positive way, most Australian election campaigning in 2004 was directed negatively at discrediting each party's principal opponent. Under a system of voluntary voting, negative campaigning might simply turn people off politics; compulsory voting means that electors must vote for somebody, and therefore the gains from attack advertising can be greater under compulsory voting than under a non-compulsory system. In Australia, unlike in the UK, turned-off voters still have to turn out.

The cost of campaigning

Just as the claims of compulsory voting decreasing negative campaigning are unconvincing, so is the claim that compulsory turnout 'also cuts down the cost of

74 Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 11.

75 Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 1997, 10.

76 Except, perhaps, the Conservative poster which accused Blair of lying about the War in Iraq. But this was perceived as having harmed, rather than helped, the Conservative campaign. (See Dennis Kavanagh and David Butler, *The British General Election of 2005* (2005)).

77 Sally Young, 'Political Advertising and the 2004 election', in Marian Simms and John Warhurst (eds), *Mortgage Nation: the 2004 Australian Election* (2005).

78 Emily Keaney and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 29. See also Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14.

political campaigning'.⁷⁹ It is true that parties no longer need to deploy resources getting out the vote on election day. But well-resourced campaigns are still required if an electorate which is compelled to turn out is also to be engaged in the political debate: political engagement increases according to an elector's contact with candidates and politicians.⁸⁰ And resources are necessary for advertising, producing election broadcasts, and devising campaign literature. In Australia's compulsory voting elections, the cost of political campaigning is limited primarily by the funds available to the political parties: Young shows that at the 1996 General Election the major parties spent between them in the region of AU\$30 million (about £15 million at the time, and almost AU\$3 per elector) on election-related activities, almost all of which they were reimbursed through taxpayer funding.⁸¹ Indeed, there are increasing concerns about the role of money in Australian elections.⁸² The costs of campaigning are contained by the available funds, Electoral Commission rules, the provision in the UK of free broadcasting slots and free postage, and any self-restraint from an escalation of the 'arms race' in election expenditure - not by making voting compulsory.

5. Compulsory voting results in partisan advantage

In Australia, argues Scott Bennett: '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?'⁸³ Given that young voters and those of low socio-economic status are the least likely to vote under a voluntary system, it is often supposed that parties of the left benefit from the introduction of compulsory voting: Lijphart has gone as far as to say that it is never in the partisan interest of a party of the right to support compulsion.⁸⁴ However, estimates of the potential impact of the abolition of compulsory voting on Australian elections show a less certain effect of compulsory voting.⁸⁵ Indeed, if Lijphart's argument is correct, then no party of the right would ever have consented to an extension of the franchise; yet in mass democracies parties of both left and right can successfully compete for power. Any question about compulsory voting must be discussed in terms of enhancing democracy through encouraging political participation by all, and not by short-term questions of partisan advantage.

79 Emily Keane and Ben Rogers, *A Citizen's Duty: Voter Inequality and the case for compulsory turnout* (ippr, May 2006), 29. Also Arend Lijphart, 'Unequal Participation: Democracy's Unresolved Dilemma', 91 *The American Political Science Review* 1 (Mar. 1997), 1-14, 10.

80 Electoral Commission/ Hansard Society, *An Audit of Political Engagement* (March 2004).

81 See Sally Young, *The Persuaders* (2004), 117.

82 See Marian Sawer, 'Election 2004: How democratic are Australia's elections?' *Australian Review of Public Affairs* (3 September 2004).

83 Scott Bennett, 'Compulsory voting in Australian national elections' Parliament of Australia: *Parliamentary Library Research Brief* (31 October 2005), 20.

84 Scott Bennett, 'Compulsory voting in Australian national elections' Parliament of Australia: *Parliamentary Library Research Brief* (31 October 2005), 21.

85 Scott Bennett, 'Compulsory voting in Australian national elections' Parliament of Australia: *Parliamentary Library Research Brief* (31 October 2005); Simon Jackman, 'Non-Compulsory Voting in Australia? What surveys can (and can't) tell us.', 18 *Electoral Studies* (1999), 29-48.

Alternatives to compulsory voting

A system of compulsory voting artificially boosts turnout at elections, masking the current causes of low turnout. This is either unhelpful (because disengagement remains) or dangerous (because, as has been the tendency in Australia, high turnout can lead to complacency about the vitality of the political system). In other words, by adopting compulsory voting we would lose the one indicator which has spurred so much debate about the health of our democracy.

Nevertheless, there are still institutional means of increasing turnout which we should consider adopting. Indeed, many of these are considered part of the ‘best practice’ for a compulsory voting system and necessary for the success of such a regime,⁸⁶ and are the foundation upon which some of the turnout-boosting success of the compulsory voting is based.

- *Improving the efficiency of the electoral register.* Even compulsory voting will not yield 100 per cent turnout in the UK: full turnout is often estimated at around 90 per cent.⁸⁷ This is because the annual address-based canvass means that some people are registered twice, and that the register can get out of date by the election, despite the opportunity to join the register or amend details throughout the year under the new ‘rolling register’. An efficient, electronic electoral register, based upon a system of individual, compulsory registration, with elections being run by a strong, centralised electoral commission would bring some of the benefits of the Australian system, without the adoption of compulsory voting.
- *Making the act of voting easier.* Great emphasis has been put on the increased availability of postal voting since 2000. But more can be done, including out-station voting (where an elector is not limited to one polling station) and pre-polling (by which votes can be cast in advance, for example at a town hall). Both of these are standard practice in Australia, where the compulsory voting system has encouraged the Australian Electoral Commission to make Australia the most voter-friendly country in the world.⁸⁸
- *Holding elections on a rest day,* such as a Saturday, Sunday, or Bank Holiday, can boost turnout by about six per cent.⁸⁹

86 Dr Lisa Hill and Jonathan Louth, ‘Compulsory Voting Laws and Turnout: Efficacy and Appropriateness’, Refereed paper presented to the Australasian Political Studies Association Conference, University of Adelaide, 29 September-1 October 2004.

87 Around 10 per cent (or 3.5 million people) of those eligible to register to vote at their main residence do not do so. Some of those who do register may legitimately have registered twice, but are entitled to vote in only one of these locations at a general election. See: The Electoral Commission, *Understanding Electoral Registration: The extent and nature of non-registration in Britain* (September 2005).

88 M. Mackerras and I. McAllister, ‘Compulsory voting, party stability and electoral advantage in Australia’, 18 *Electoral Studies* (1999), 219-20.

89 Pippa Norris, *Democratic Phoenix: Reinventing Political Activism* (Cambridge: Cambridge University Press, 2002), Chapter 4.

- *Reform of the electoral system.* One of the impediments both to political equality and political efficacy in voting is the first-past-the-post system. The adoption of a form of proportional representation can ensure that voters have a greater likelihood of their vote counting.⁹⁰

The UK's Electoral Commission has considered adopting compulsory voting 'as in Australia'. What we should, in fact, be doing is adopting all those factors which seek to enable a high turnout, without taking the final step and attempting to force a high turnout against the will of the electorate.

But the key onus for increasing turnout lies with the political parties: first by engaging voters with their campaigns, and then by adopting institutional reforms which promote a healthy democracy and an engaged citizenship, rather than trying to paper over the cracks in our democratic framework.

Conclusion

To make turnout compulsory is a proven means of increasing turnout at elections, and it is likely that compulsory turnout would lift turnout in the United Kingdom. However, so, too, would weekend voting, having a choice of polling stations, allowing for individual registration, and cleaning up the electoral register - all present in the best examples of compulsory voting systems, all suggested in recent years by the Electoral Commission,⁹¹ but not all accepted by the Government, let alone acted upon.⁹²

Compulsory turnout is, however, not a valid method of tackling the electorate's disengagement with politics. The UK Electoral Commission 'recognises that compulsory voting would not in itself address the underlying causes of low turnout, and in particular the apparent lack of engagement between potential voters and politics'.⁹⁴ Even some of the most ardent supporters of compulsory voting accept that 'compulsory voting is not a panacea to the problems of low participation'.⁹³ But this essay has argued beyond the idea of a panacea to attempt to show that compulsory voting does not achieve those incremental advances which are often attributed to it. Compulsory voting does not improve political campaigning, force citizens to take an interest in politics, reduce the role of money in elections, force political parties to engage with all citizens, or make every vote count equally. These

90 See, e.g., Democratic Audit, *Making Votes Count: Democratic Findings No.2* (<http://www.democraticaudit.org/download/mvc.pdf>); Lewis Baston & Ken Ritchie, *turning out or turning off: An analysis of political disengagement and what can be done about it* (Electoral Reform Society, September 2004).

91 See, e.g., Electoral Commission, *Voting For Change* (2003).

92 *The Government's Response to The Electoral Commission's report: Voting for change—An electoral law modernisation programme* (Cm 6426, December 2004).

93 Electoral Commission, *Voting For Change* (2003).

94 Tom Watson MP and Mark Tami MP, *Make Voting Compulsory* (Fabian Society, 2001).

are issues for politicians to grasp, and if there is a role for compulsion in politics, it should be compulsion on politicians and political parties to listen, and not upon electors to vote for politicians who don't engage with them. Indeed, to compel electors to vote risks engendering complacency about the health of our democracy, and would certainly remove the very indicator which has helped kick-start the current debate about political engagement.⁹⁵

As the Australian Youth Electoral Study puts it: 'A true democracy requires active citizens who are committed to making that democracy work. This means that citizens often engage in political behaviour not because it is compulsory, but because they want to, often for the common good.'⁹⁶ Introducing compulsory voting is not the way to make the UK into a true democracy.

95 Baston & Ritchie argue: 'The most serious objection is that by compelling turnout it targets a symptom rather than the causes of disengagement from the political system. There is an obvious risk that once it has raised turnout, political elites will cease to worry about the lack of connection between themselves and the electorate.' Lewis Baston & Ken Ritchie, *turning out or turning off: An analysis of political disengagement and what can be done about it* (Electoral Reform Society, September 2004), 35.

96 Lawrence J. Saha, Murray Print, and Kathy Edwards, *Youth Electoral Study, Report 2: Youth, Political Engagement and Voting* (October 2005).
http://pandora.nla.gov.au/pan/56924/20060328/www.aec.gov.au/_content/what/publications/youth_study_2/index.html.