

## FACT SHEET 21

## Why do we have compulsory voting?

Compulsory voting is uncommon in Western democracies. Some people regard compulsory voting as undemocratic. They ask why we should force the uninterested to vote. Isn't it better to leave voting to those who want to vote?

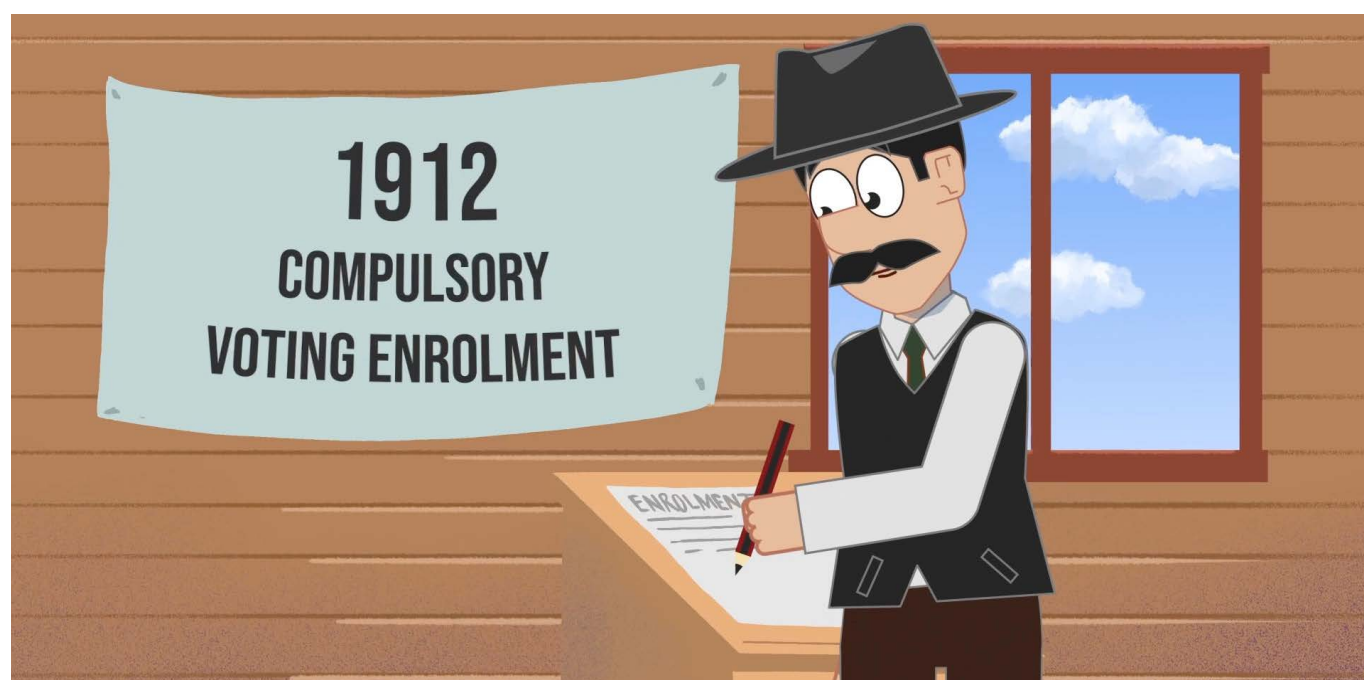
Others argue that we can only know the will of the people if everyone votes. If only 40% of people vote in a referendum, and it succeeds, then that means that perhaps only 21% of the people supported the Yes case. This could make people doubt that the alteration to the Constitution should have passed. But when 95% or more of the electorate votes, we can be more confident that the outcome reflects the will of the majority of the people, even if we don't like the result.

### The history of compulsory voting in Australia

Compulsory voting was introduced in Australia in stages. First, in 1912, the enrolment of eligible voters became compulsory at the federal level. There was no obligation to vote, but compulsory enrolment was considered the best way of creating accurate lists of who can vote, so as to avoid voting fraud. When people objected to the compulsion

involved, the Commonwealth Minister of Home Affairs, King O'Malley, pointed out in the House of Representatives on 4 December 1911, that other matters were already compulsory, such as the registration of births, deaths and marriages, vaccinations, military service and the census. Certain professions, such as doctors, were required to be registered, it was compulsory to notify officials about cases of infectious disease and there was compulsory education for children. He asked, how could anyone therefore object to the compulsory enrolment of those entitled to vote?

In 1914, Queensland went a step further, legislating for compulsory voting as well as enrolment. This became an important precedent. At the 1922 federal election, nationally, only 58% of voters turned up to vote. But in Queensland, 82% of voters did so. It seemed that they had become used to voting at the State level, and so voted in federal elections too. This encouraged some federal Members of Parliament to support compulsory voting, and in 1924 a law requiring compulsory voting in federal elections was passed with support from both sides of Parliament.



Other States followed, from Victoria in 1926 to South Australia in 1942. Some groups of people were excluded from compulsory voting because they were not eligible voters at a particular time. For instance, voting only became compulsory for Aboriginal and Torres Strait Islander peoples in 1983, because only then were they required to enrol to vote. Compulsory voting is now a normal part of Australia's voting system and opinion polls routinely show strong public support for it.

## What does compulsory voting mean?

Section 245 of the *Commonwealth Electoral Act 1918* (Cth) says that it is 'the duty of every elector to vote at each election'. It is an offence to 'fail to vote' at an election, with an administrative penalty of \$20, or more if it is contested in court.

Exemptions are made for voters who have a valid and sufficient reason.

But what does 'to vote' mean? Does it mean that you have to fill out a formal vote on the ballot

paper, or is it enough to turn up at the polling booth, take a ballot and put it in the ballot box without marking it?

Sections 233 and 239-240 of the *Commonwealth Electoral Act* say that an elector shall mark his or her vote on the ballot paper. The requirements for voting in referendums come from provisions of the *Referendum Act*. In a referendum you have to mark your vote by writing in 'Yes' or 'No'.

## Voting is a civic duty

Voting in Australia is treated as a privilege, a responsibility and a civic duty. Part of being a citizen is not only accepting the advantages of citizenship, but also the responsibilities and duties, such as voting in elections and referendums. Voting is one of the most important duties that citizens exercise. Compulsory voting protects the democratic system and ensures a referendum result, or a government being elected, has been achieved through the vote of a majority of Australians.



A line on voting day

Source: Australian Electoral Commission



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