

Compulsory Voting Laws and Turnout: Efficacy and Appropriateness

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Abstract

This paper addresses some residual misunderstandings about the effects of compulsory voting and, in particular, the effectiveness of compulsory voting laws as a mechanism to stimulate voting turnout. It also compares its efficacy with alternative turnout-raising mechanisms.

Some critics of compulsory voting refer to the minimal percentage difference of voter turnout between compulsory and voluntary voting electoral systems. We address studies in which the effectiveness of compulsory voting is either underplayed or miscalculated due to an inappropriate use of atypical cases or a methodological error known as the 'ecological fallacy'. Specifically, treating all compulsory voting regimes as a synthetic group can give rise to inaccurate perceptions of the performance of individual regimes like Australia's.

After canvassing a number of alternative methods for raising turnout we suggest that, provided the setting is congenial, and provided it is accompanied by appropriate levels of enforcement and institutional support, compulsory voting is the only institutional mechanism that is able, on its own, to raise turnout into to the 90% range. Using a social norms approach we also suggest that turnout problems are best solved by mandatory means. There is a particular focus on the Australian case which is, arguably, the benchmark standard for compulsory voting performance.

Introductory Comments.

Contrary to the common perception that compulsory voting is a curiosity, compulsory voting has been used successfully in many settings and over long periods of time. Thirty democracies worldwide claim to have compulsory voting but a much smaller number use it with reasonable levels of support and enforcement. These regimes are: Argentina, Australia, Austria (two Länder only) Belgium, Bolivia, Brazil, Costa Rica, Cyprus, Fiji, Greece, Luxembourg, Peru, Nauru, Singapore, Switzerland (one canton only), Uruguay. Of these only the older democracies of Australia, Belgium, Costa Rica, Cyprus, Greece, Luxembourg (Norris, 2002, p. 76) and until 1970, The Netherlands represent a serious commitment to the institutionalisation of compulsory voting laws with effective censure.¹

Although Australia is one of the few advanced democracies (and the only English speaking country) to compel citizens to vote, a number of other established democracies have shown interest in the idea. For example, due to declining turnout in Britain, the idea of compulsory voting is now being taken seriously there² with one MP introducing a private member's bill for its adoption (Watson and Tami, 2001; Sear and Strickland, 2001, p.8).³ Likewise there have been calls for its introduction in the US,⁴ Canada⁵ and New Zealand. ⁶ Even democratic regimes located at the peripheries like India and Jordan have entertained the possibility.⁷

¹ Fiji is the notable exception in being a relatively new democracy which has successfully enforced compulsory voting. However, its rocky political history (including two military coups) has meant that both the presence and enforcement of compulsory voting has been patchy.

²The UK Electoral Commission and the Electoral Reform Society are both currently undertaking research into the topic to gauge its suitability for the British context.

³ The bill was introduced by Gareth Thomas MP on 27 November 2001 (Sear and Strickland, 2001, p.8).

⁴ See for example Matsler 2003 and Halperin, 1999/2000.

Though declining voter turnout is a nearly universal phenomenon in the industrialized world, explanations vary. From a Lockean perspective it might be perceived as denoting 'dwindling popular consent' about the legitimacy of 'existing forms of government'; from a Millian point of view it might indicate a deterioration in the civic skills of citizens and from an Aristotelian it could point to a 'lack of appropriate virtue in the citizenry' (Gardner, 1999, 1167). Canvassing explanations for this decline does not, however, fall within the scope of this paper; neither are we concerned to address arguments that appeal to the allegedly 'undemocratic' nature of compulsory voting.⁸ Our main concern is to assess the relative effectiveness of compulsory voting laws in stimulating turnout. We also address studies and arguments in which its efficacy is either underplayed or miscalculated. Two main problems are identified here: the first is heroic conclusions derived from anecdotal or anomalous cases on the one hand and, on the other, misleading findings derived from aggregate-level data that have not been sufficiently broken down.

Drawing on a predominantly social norms framework to understand low turnout, some attention is also paid to canvassing the effectiveness of less coercive alternatives to compulsory voting.

⁵ Canada's most senior election officer Jean-Pierre Kingsley has expressed interest in the idea noting that: 'Sometimes, in order to save democracy... you have to do things that might seem to run a little bit against it' (Soloman 2002).

⁶ 'Compulsory voting would improve turnout – lee', *New Zealand Press Association*, October 14, 2001.

⁷ The Jordanian Prime Minister has recently mooted the introduction of compulsory voting to encourage the political participation of 'the silent and passive majority' (Hemzeh, 2004). The Indian Deputy Secretary of the Ministry of Finance has also called for the introduction of compulsory voting (The Times of India, 2004). A bill was even introduced to the parliament in 2002 (See: 'Compulsory Voting Bill' Bill no. XXVI of 2002, located at: http://rajyasabha.nic.in/bills-ls-rs/2002/XXVI_2002.pdf).

⁸ Though it is worth bearing in mind that compulsions within democratic societies are quite usual, taxation being an obvious example, as is national service, or even 'closed-shop' unionism (Feeley, 1974, 241; Hill, 2002).

The Australian Experiment. Queensland was the first Australian state to introduce compulsory voting in 1914.⁹ Compulsory enrolment for Federal elections was introduced in 1911 but voting itself did not become mandatory until 1924 (A.E.C., 1999). It was not compulsory for Aboriginal people and Torres Strait Islanders to register and vote until 1984.

Compulsory voting was introduced in Australia to address the problem of low voter turnout and it proved to be an extremely effective and well-tolerated remedy. In 1903 the federal election turnout had only been 46.86% (AEC 1999) and at the last Federal election immediately prior to the introduction of compulsory voting (1922) the average¹⁰ turnout of registered voters was 58.67%.¹¹ But turnout at the first federal election after 1924 (ie in 1925) surged dramatically to an average¹² of 91.35% (RV). Data taken from the nine elections preceding and the nine following its introduction shows that the average voter turnout increased by 30.4 percent (Jackman, 2001).

Further, turnout rates among the voting age population in Australia have remained consistently high and against the trend of steadily declining voting participation in advanced democracies worldwide (Blais, 2000; Gray and Caul, 2000). In the post-war period (1946-1998) the average turnout rate has been around 83% of voting age population (VAP) and 94.51% of registered voters (RV) for the period 1946-2001. In fact compulsory voting has been so effective at maintaining high

⁹Over the next 28 years the other states...followed suit: Victoria in 1926, New South Wales and Tasmania in 1928, Western Australia in 1936 and South Australia in 1942 (McAllister et al, 1997, 71).

¹⁰ Broken down by house: 57.95% for the Senate and 59.38% for the House of Representatives.

¹¹ Moreover, it had never been higher than 78% (Irwin, 1974, p. 293).

¹² Senate: 91.31; House of Representatives: 91.38%.

turnout here that it has 'rendered the *study* of turnout in Australian elections virtually irrelevant' (Jackman, 1997, p. 5).

Other well-administered systems in established democratic settings enjoy similar results. When compulsory voting laws were first introduced in Belgium, absenteeism among qualified voters fell from between 16 to 30 % (1884 and 1892 respectively) to 6% (Reed, 1925, 355-6). For the period 1946-2003, Belgium has had an exemplary turnout rate of around 93% (RV). Similarly in The Netherlands, for the 53 years that compulsory voting was in force (1917- 1970), turnout among registered voters was consistently above the 90% (RV) mark (Irwin, 1974, 292-3). Despite these figures it is sometimes (though not universally) suggested that compulsory voting is a less than effective means for raising turnout.¹³ This paper contests such a claim.

A Voluntary Voting Australia? Despite the apparent success of compulsory voting in Australia the institution is sometimes attacked as an unnecessary violation of personal freedom. But it is not the attack *per se* that interests us here so much as the invocation of questionable data and assumptions to support the attack. For example, one author suggests that compulsory voting is superfluous, dismissing fears that Australia's turnout under a voluntary regime might be comparable to that of the US (in the low 50% VAP range). The US, it is claimed, is exceptional¹⁴ and more realistic comparisons could be drawn from New Zealand and Malta (Farrow,

¹³ For example, a compulsory voting Bill recently introduced into the British Parliament was opposed by the Electoral Reform Society on the grounds that that the large number of wasted votes caused by first past the post voting was the real cause of low turnout (Electoral Reform Society, 2001). See also IDEA 2003. See also Farrow 1997-8; Joint Standing Committee on Electoral Matters, 2003 and Franklin 1999.

¹⁴ An opinion shared by Australian Senator Nick Minchin (1995).

1997-8, 41). These are two voluntary-voting regimes which still maintain unusually high turnout rates.

The use of Malta is particularly misleading because it is far from representative; although it achieves the highest voter turnout in the world (despite being a voluntary voting system) this is due to the co-existence of an unusually large number of features known to be congenial to high turnout: a small, urbanized and geographically concentrated population (Siaroff and Merer, 2002, 917); unitary, concentrated government; high levels of partisanship; proportional representation; 'highly competitive elections resulting in one-party governments despite P.R.'; extremely intense election campaigns and a polarized electorate of partisan, committed voters (Hirczy, 1995, 255).

The use of New Zealand is more common but, again, the comparison is questionable for a number of reasons. Firstly, and eccentrically,¹⁵ although it is a voluntary *voting* system, *enrolment* is compulsory in New Zealand (Bean, 1998: 59). It is doubtful that Australia would retain compulsory enrolment were compulsory voting abolished.¹⁶ Further, even if compulsory enrolment were retained, it is unclear whether this would make much difference to voting levels since, for the period between 1911 and 1924 Australia had compulsory enrolment and yet turnout hovered in the fifty percent range. Secondly, New Zealand elections are more salient to the electorate because of the unitary and unicameral structure of government there

¹⁵ Denmark and New Zealand are a rarity among industrialized nations in upholding this practice in isolation from the compulsion to vote (Rose, 1997, 45-46).

¹⁶ This is simply because any party with the will and capacity to eradicate the voting compulsion would have even less trouble removing the less contentious compulsion of enrolment (less contentious because it is arguably a less direct form of civic participation). It is worth noting that in South Australia, while adversaries of compulsory voting were successful in repealing the enrolment laws, they were unable to repeal the *attendance* law.

whereas Australia's is a federal and bicameral system (Jackman, R., 1987, 409).¹⁷ In addition, any optimism about comparable turnouts with New Zealand should be dampened by the fact that its own turnout rate is currently in decline. Even New Zealand's recently introduced mixed-member proportional (MMP) system has not halted the general slide in turnout, with an accumulative drop in excess of 12 percentage points (see Table 5) over the past 7 elections.¹⁸ Finally, even in the period before the introduction of compulsory voting in Australia, New Zealand's turnout rate consistently outflanked Australia's by, on average, 20% (Bean 1986, 71, n. 71).

A number of other considerations also bear mentioning here. Those who campaign for the abolition of compulsory voting often cite survey results which report that around 88% percent of eligible Australians have indicated that they would most likely continue to vote under a voluntary system.¹⁹

Such results may be unreliable (ie inflated) for the following reasons: To begin with, using a voluntary voting system, the turnout for the widely publicised election of delegates to the 1998 Constitutional Convention was only 45.3% nation-wide.²⁰ Further, as Simon Jackman has suggested, 'survey-based estimates significantly under-estimate the extent to which turnout would decline under a voluntary turnout

¹⁷ New Zealand's political culture is more intimate and less fragmented than Australia's where political identities are split and the political focus fragmented. Essentially unicameralism is thought to reduce information costs, (Gordon and Segura, 'Cross-National Variation', p. 137). But it also contributes to the salience of elections to the extent that voting choices seem more consequential to voters in such systems. Divided government has a similar effect (Franklin and Hirczy, 1998). For further discussion see below.

¹⁸ New Zealand's MMP electoral system was introduced in 1996, which resulted in an immediate one off spike in turn-out, with a VAP turnout of 83.02% ((See Table 3 – election 6).

¹⁹ An AGB McNair poll conducted in 1996 found that 88% 'of respondents indicated that they would be "likely" or "very likely" to vote'; The 1996 Australian Election Study arrived at roughly the same figure (Jackman, 1997, 7).

²⁰ Turnout rates varied among the states and territories from a high of 51.0% in the ACT to a low of 38.4% in the NT' (Gerard Newman 1998).

regime' due to the problems caused by distorted rates of survey non-response. Accordingly, Jackman suggests that 'turnout could be as low as those recorded in places like Japan and the U.S.' (that is, in the 50-60 per cent range) (Jackman 1997, 42). We also know that survey respondents in non-compulsory systems tend to over-report their voting participation (Katosh and Traugott, 1981; Swaddle and Heath, 1989; Anderson and Granberg, 1997; Bingham Powell 1986, 27).²¹ In addition, it appears that 'misreporters' (ie those who claimed to have voted but didn't) tend to be potential voters already at high risk of abstaining, namely, those who are younger, less interested, 'less emotionally involved' and less inclined to view voting as a civic duty than those who do vote (Sigelman, 1982, 54; Swaddle and Heath 1989, 547).

It is probably doubtful, then, that the voting habit would stay with us without the strong incentive of law. Without compulsory voting Australian democracy would likely be experiencing the same crisis of citizenship experienced in most other advanced democracies, including New Zealand. This crisis would undoubtedly be exacerbated by the introduction of an SES (socio-economic status) voting gap (from which Australia has hitherto been largely immune) since the inevitable depression in turnout would, in all likelihood, be concentrated among the more socially and economically marginal members of the electorate.²²

²¹ Pippa Norris notes that this pattern is 'well-known...Studies in the United States, Britain and Sweden have found that, probably out of a sense of what represents socially desirable behaviour, the public usually over-reports or exaggerates whether they had voted, when survey responses of reported behaviour are validated against the electoral register'. Such results may be out by as much as 20 percentage points (Norris, 2002, Chapter 5).

²² Since it is anticipated that it would benefit the Coalition (Mackerras and McAllister, 1999; Jackman, 1997). Quite possibly with material effects on the welfare of non-voters. As O'Toole and Strobl have noted 'the adoption of compulsory voting rules decreases the proportional amount of government spending on defense and [increases]...proportional expenditure on health, and to a smaller extent, housing' (1994, 14). Similarly Quaile and Leighley have reported 'that class bias in U.S. state electorates "is systematically related to the degree of redistribution"; in other words government

In any case, it is evident that anecdotal case studies can be misleading. A more expansive study of turnout rates in Europe illustrates that, although Malta is placed at the top of the list, all European states with some element of compulsory voting (representing approximately 18% of the continent) are situated in the top 45%, whilst four of the top five are compulsory voting regimes.²³ In European parliamentary elections, the powerful effect of compulsory voting becomes obvious, with voluntary voting systems performing at a much poorer level than the compulsory regimes. At this supranational level, where electoral salience and a number of other variables²⁴ are roughly equal for all countries, compulsory voting is able 'to show its true potential' (Franklin, 1999, 209-211; Matilla 2003, 452). According to one study (Smith 1999, 118-119) turnout among EU countries with mandatory voting is more than 30 percentage points higher than for those without such laws.

Thus we are wary of single case studies but we are also wary of the obverse error; namely, the use of aggregate level data that is insufficiently broken down. The main methodological drawback of using aggregate level data is the problem of 'the ecological fallacy', whereby potentially misleading conclusions about individual-level behaviour or attributes are derived from group data. The influential work of William Robinson highlighted 'the indiscriminate use of ecological correlations'

policy consistently reflects the degree of low income, low efficacy group non-participation. (Quaile and Leighley 1992).

²³ Using data extracted from Siaroff and Merer, (2002, 918).

²⁴ 'Members of the European Parliament (MEPs) have been elected by direct universal suffrage since 1979 and at subsequent five year intervals. They are elected under a system of proportional representation. Elections are held either on a regional basis, as for example in the United Kingdom, Italy and Belgium, on a national basis, as in France, Spain, and Denmark, or under a mixed system as in Germany. In Belgium, Greece and Luxembourg voting is compulsory. A common core of democratic rules applies everywhere: these include the right to vote at 18, equality of men and women, and the principle of the secret ballot.'

(http://www.europarl.eu.int/presentation/default_en.htm).

(Iverson, 1973, 420) where 'aggregate statistical findings' do not necessarily represent the 'individual-level relationships underlying them' (Sprinz, 2000, 294). Specifically, treating all compulsory voting regimes as a synthetic group can give rise to inaccurate perceptions of the performance of individual regimes like Australia's. Such ecological fallacies have proved to be strategically useful to opponents of compulsory voting. The conclusions drawn by the Joint Standing Committee on Electoral Matters in its report on the conduct of the 2001 elections is just one example (2003, 5).²⁵ Relying on disaggregated statistics from the Institute for Democracy and Electoral Assistance (IDEA) the report noted the 'small' improvement in VAP voting rates achieved using the mandatory vote. According to the report:

{A] somewhat surprising result of this study is that the 24 nations which have some element of compulsion associated with voting have only a small lead in turnout over the 147 nations without any compulsory voting.²⁶

IDEA calculated that the mean VAP turnout for the compulsory voting group of nations stood at almost 70%, whilst the non-compulsory group was only 7 percentage points behind at 63%.²⁷ In effect, the data distorts turnout by grouping

²⁵ An earlier JSCEM report on the conduct of the 1996 election had already tabled a report in Parliament recommending that the compulsory voting requirement for federal elections and referenda be repealed. The Report was entitled 'The Conduct of the 1996 Federal Election'. It was tabled in Parliament in June 1997. There have been no overt moves on the part of the government to act on this recommendation however. For further discussion see: Australian Electoral Commission, *Backgrounder No. 8*. But in South Australia, a bill providing for a return to voluntary voting passed the South Australian Legislative Assembly under a Liberal government in 1994; it failed to pass the states Upper House by only one vote.

²⁶IDEA 2003, 5. However the report conceded that: 'One reason for this is that the turnout figures we use are based on the total voting age population, not just on the number of persons enrolled to vote – where the compulsory voting countries do have a marked advantage – so that the impact of compulsory voting may only be significant if registration rates are also high'. See also International Institute for Democracy and Electoral Assistance. 2002.

²⁷ For the 1990s IDEA ranked Australia at only 20th in a worldwide table of turnout by voting age population.

Australia (and other high turnout CV states) with states that have nominal elements of compulsory voting, such as a brief reference in the constitution to the requirement of citizens to vote (eg Venezuela). Many of the states identified as compulsory voting regimes either fail to enforce or lack the economic or institutional means to properly support compulsory voting. Some of these are new and semi-democracies in a state of economic development where good turnout levels may be hard to achieve at the best of times while others impose suffrage restrictions that depress turnout regardless.²⁸ According to our own reckoning no more than 15 regimes (out of a potential 30) can properly be described as being compulsory because it is rare to see the practice used in places and with reasonable levels of enforcement and institutional support. This list can be further reduced to six (or seven with the inclusion of the Netherlands prior to 1970) when restricted to states with a history of well-established democratic norms.

Table 1 illustrates that when three democratically established CV countries (with institutional support and enforcement) are grouped together the average VAP turnout is almost 87%, 24 percentage points higher than IDEA's voluntary figure of 63% and 17 points higher than its CV figure.

²⁸ For example, in Egypt voting is compulsory only for men. Further, undischarged bankrupts are prohibited from voting. In Brazil, Greece, and Luxembourg voting is not compulsory for people over 70, and 65 for those voting in Ecuador.

Table 1: Voter Turnout in Three Industrialised Compulsory Voting Regimes²⁹

| Time Series | Australia (AV) ³⁰ (1983-1998) | | Belgium (PR) (1978-1999) | | Netherlands (PR) (1946-1967) | | Totals | |
|----------------|---|---------------------------|-----------------------------|---------------------------|---------------------------------|---------------------------|---------------------------|---------------------------|
| | RV | VAP | RV | VAP | RV | VAP | RV | VAP |
| (Elections) 1 | 94.63% | 81.24% | 94.87% | 87.78% | 93.12% | 85.47% | 94.21% | 84.83% |
| 2 | 94.19% | 84.20% | 94.56% | 94.31% | 93.67% | 85.14% | 94.14% | 87.88% |
| 3 | 93.84% | 84.14% | 93.59% | 86.32% | 94.98% | 86.87% | 94.14% | 85.78% |
| 4 | 95.31% | 82.09% | 93.38% | 86.49% | 95.50% | 88.07% | 94.73% | 85.55% |
| 5 | 95.75% | 83.43% | 92.71% | 85.10% | 95.57% | 88.76% | 94.68% | 85.76% |
| 6 | 95.83% | 82.54% | 91.15% | 83.20% | 95.13% | 87.95% | 94.04% | 84.56% |
| 7 | 95.19% | 81.75% | 90.58% | 83.15% | 94.95% | 92.07% | 93.57% | 85.66% |
| Average | 94.96⁰% | 82.77⁰% | 92.98⁰% | 86.62⁰% | 94.70⁰% | 87.76⁰% | 94.21⁰% | 85.72⁰% |

Results are even more skewed when three developing CV regimes (Table 2) with little or no enforcement are examined. Here the VAP turnout rate is just over 55% - significantly *less* than the voluntary voting average.

Table 2: Voter Turnout in Three Developing Compulsory Voting Regimes³¹

| Time Series | Mexico (MMP) (1982-2000) | | Brazil (PR) (1978-1998) | | Bolivia (MMP) (1978-1997) | | Totals | |
|----------------|-----------------------------|---------------------------|----------------------------|---------------------------|------------------------------|---------------------------|---------------------------|---------------------------|
| | RV | VAP | RV | VAP | RV | VAP | RV | VAP |
| (Elections) 1 | 72.56% | 63.82% | 83.12% | 23.96% | 102.62% | 82.62% | 86.10% | 56.80% |
| 2 | 51.82% | 45.11% | 72.06% | 28.36% | 90.50% | 69.05% | 71.46% | 47.51% |
| 3 | 49.43% | 41.37% | 59.68% | 27.48% | 74.32% | 59.11% | 61.14% | 42.65% |
| 4 | 61.11% | 49.99% | 80.98% | 33.43% | 81.97% | 65.15% | 74.69% | 49.52% |
| 5 | 77.73% | 65.89% | 88.07% | 79.36% | 73.66% | 50.98% | 79.82% | 65.41% |
| 6 | 57.69% | 54.36% | 84.93% | 76.85% | 72.16% | 50.01% | 71.59% | 60.41% |
| 7 | 57.24% | 48.20% | 78.51% | 81.03% | 71.36% | 64.54% | 69.04% | 64.59% |
| Average | 61.08⁰% | 52.68⁰% | 78.19⁰% | 50.07⁰% | 80.94⁰% | 63.07⁰% | 73.41⁰% | 55.27⁰% |

²⁹ Though Australia also has PR for its upper houses. Calculations are Author's own. Raw data from IDEA International, available at <http://www.idea.int>. The three countries have been chosen for their level of industrialization (OECD ranked) and their population size. Just as states like Malta and the Seychelles should not be used as exemplary examples of voluntary voting, we feel that compulsory regimes like Luxembourg, Liechtenstein and Cyprus (to a lesser degree) do not provide for satisfactory comparison.

³⁰ AV – Alternative Vote based on a preferential majority system; go to: [http://www.idea.int/esd/glossary.cfm#List AV](http://www.idea.int/esd/glossary.cfm#List%20AV). Like the US, UK and Canada, Australia's electoral system employs single member districts in its lower house.

³¹ Ibid. The three countries have been chosen randomly from amongst compulsory voting states. The intention is to provide a general indication of voter turnout. A more conclusive study will need to work from a larger sample group to mitigate variables.

Without pursuing the topic in any great detail Pippa Norris has expressed similar doubts about CV-related data that is insufficiently disaggregated. She notes that when taken as a group (for national elections worldwide) compulsory voting proves 'to be unrelated to turnout'. However, when broken down (that is when the analysis is limited to well-established democracies) 'the use of compulsory voting regulations proved both strong and significant'.³² She also notes (as have we) that in newer and semi-democratic compulsory voting regimes like Singapore³³ and Egypt, levels of voting are actually lower than for similar regimes without compulsion.³⁴

Thus, attempts to examine the success of compulsory voting using aggregate data compiled across a broad range of regimes can obscure its considerable effectiveness in certain cases, namely: longstanding democracies with advanced economies, high levels of national integration and 'modern infrastructure' (Power and Roberts, 1995, 819) that administer voting with a reasonable level of enforcement and institutional support.

³² On average 14.2 per cent more registered voters cast a ballot in such regimes (Norris, 2002, 14-15).

³³ In Singapore compulsory voting in Presidential and general elections brings some voters out but voting participation is patchy because it is only compulsory to vote in contested seats. Because the ruling People's Action Party effectively represses opposition with its tight controls on political activity, many seats go uncontested. Thus only 675,000 of the 2.03 million registered voters voted in the last Singaporean election.

³⁴ According to Norris, there may be a number of reasons 'for this intriguing finding. First, it may be that the law is enforced more strictly, and the registration processes may be more efficient, in the older democracies, so that voters face stronger negative incentives to participate. In addition, it may be that the impact of mandatory laws depends primarily upon broader social norms about the desirability of obeying the law and those in authority, which may prove stronger in established democratic states in Western Europe than in many Latin American cultures. Lastly, it may be the case that newer democracies characterized by low electoral turnout may be more likely to introduce laws in the attempt to mobilize the public, but that without strict implementation these laws prove ineffective correctives' (Norris 2002, 15). We suspect that all these factors are at play here.

Voting Age Population versus Registered Voters

It should be noted at this point that we use two methods of calculating turnout in the above tables. Registered voters (RV) denotes the percentage of those who are enrolled to vote while voting age population (VAP), denotes the percentage of the population-- usually drawn from census data--aged over the minimum voting age. Both measures should be problematized in this (the CV) context.

Opinion is divided over which measure works best. Norris favours the use of VAP as it is inclusive, not only of those who unregistered, but also the disenfranchised, whether it be women, felons, stateless aliens, permanent residents or the mentally deficient (2002). Conversely Aarts and Wessels favour RV as the inclusion of 'large numbers of people who are not full citizens by legal requirements' is thought to blur the measurement of the mobilizing capacity of a particular electoral system. (2002, 3). However using RV can cause problems and discrepancies when comparing developing states (in which a large proportion of the population is either legally or effectively disenfranchised) with industrialized democracies which have near-universal suffrage. When considering the effectiveness of compulsory voting in (usually Western) industrialized states RV is more appropriate when the issue is not to what extent the population may be disenfranchised but, rather, how effectively it mobilizes entitled voters.

When assessing turnout rates in Australia VAP reduces the overall turnout rate and masks the success of Australia's arrangements, bringing the figure of roughly 95% RV down to 83% VAP (**Table 1**). The missing 17% is made up of several groups but two large groups in particular lower the VAP results considerably. The first consists of recent expatriates and those travelling abroad, and

the second is permanent residents who are not eligible to vote. According to estimates of the Southern Cross Group (which represents expatriate Australians citizens) 'half a million Australian citizens abroad are disenfranchised either through limitations in the law or ignorance of entitlements' (Orr, 2004, 6)³⁵. Whilst 5% of the Australian population consists of permanent residents (ABS, 2003), of which only a small number of British citizens who emigrated before 1984 can vote (DIMIA, 2004). Hence any suggestions that Australia's electoral system fails to mobilize a sufficient proportion of the population must be tempered by the fact that many people are legally disenfranchised. Because VAP figures are derived from Census data that indiscriminately includes every person residing in Australia on Census Night, regardless of their civic status, VAP distorts the figure of how many people are actually legally entitled to vote.

In summary, proportion of RV is useful for studying the turnout-inducing effectiveness of an electoral system whilst proportion of VAP is a good indicator of disenfranchisement. The best outcome is to use both concurrently in order to draw a more complete picture (but with the qualification that they should not be directly compared as they represent different snapshots of electoral participation).³⁶ A third possible alternative would be to analyse the turnout rates of the legally eligible voter

³⁵ However, the actual percentage of the Australian population abroad is difficult to gauge as census data (taken every five years) compiles data from those in the country on census night. 'In line with French and Italian practice, some have argued that an "overseas electorate" should be created to represent this diaspora' (Orr, 2004, 7).

³⁶ Curiously, we suspect, for example, that Leonard and Crain could only arrived at the following conclusion using RV for the first figure and VAP for the second: 'Participation rates average better than 90 percent of the eligible population in the CVR [compulsory voting rules] countries; in voluntary voting countries, average participation is closer to 50 percent' (1993, 43). If this is so, then the comparison is hardly meaningful.

(perhaps EV - 'Entitled Voters'), which would include all persons legally entitled to vote irrespective of whether or not they are enrolled. This would certainly prove more useful in monitoring turnout rates and in disclosing a more accurate picture of the power of mandatory enrolment and voting laws to enhance electoral participation. Unfortunately this dataset is yet to be created.

Alternatives to Compulsory Voting:

In terms of raising turnout there are, of course, less coercive alternatives to compulsory voting. Since complicated registration procedures have long been thought to depress voting participation (Mitchell and Wlezein, 1995; Wolfinger and Rosenstone, 1980), making voter registration easier is often the measure of first resort. The National Voter Registration Reform Act of 1993 (effective January 1995)³⁷ was one notable attempt in recent history to increase turnout rates and close the particularly wide SES gap that exists in the United States. But it failed to achieve the dramatic results for which many hoped.³⁸ Far from delivering the 'double-digit increases' predicted by its proponents the reform appeared to depress turnout³⁹

³⁷ 'The 103rd Congress passed and President Clinton signed the National Voter Registration Act (NVRA), a federal mandate which required states to offer voter registration opportunities at driver's license and motor vehicle bureaus, welfare offices, and military recruiting stations.....If new residents, young people, and the poor could be reached at the time that they were applying for, or renewing, a driver's license or public assistance benefits, the disenfranchisement of those populations might be partially overcome and turnouts might continue to climb'. Neither turnout nor the SES gap was significantly affected by the measure. In fact, they were officially exacerbated (Martinez and Hill, 1999, 297).

³⁸.For a detailed account of the history and effects of the 'Motor Voter' Act see: Wolfinger and Hoffman, 2001.

³⁹ The reform certainly improved registration rates but depressed turnout among those registered to vote. 'In the ten states which had enacted MV registration provisions, eight had declines in voter turnout averaging 5.9%.' The initiative itself did not, of course, depress turnout; rather, the Motor Voter act inflated the rolls with citizens who already had a 'low probability of actually voting based on other factors' such as 'socio-economic status, knowledge, motivation and interest' (Wattenberg, 1998, 50).

resulting in a 1996 result described as 'the lowest in modern times' (Wolfinger and Hoffman, 2001, 85).

Following low turnout in Britain at the General Election of 2001 (just 59.4% of registered voters) a number of measures have been either introduced or proposed in order to address the issue. *The Representation of the People Act 2000* made changes to the registration process by replacing the annual register with a rolling registration system. Though it may be too early to gauge its effects accurately, this measure did not initially make much difference. Outside of London only 'a fraction of 1 per cent' of new names were added (Butler and Kavanagh, 2002: 210).

Making registration less onerous and 'costly' is not the only option. There are a number of other institutional means by which turnout can be enhanced. Because 'voter fatigue' is thought to depress turnout, one option is to reduce the frequency and complexity of elections.⁴⁰ Another possible solution is to move election day to a Saturday or declare it a national holiday.⁴¹ According to one study, countries which conduct elections on a weekend or holiday have 6 per cent higher turnout than would otherwise be expected (Franklin, 1996).

Other 'ergonomic' solutions involve providing for automatic registration and absentee voting (Lijphart 2001, 74; Wattenberg, 1998, 6, 23); siting polling places in

⁴⁰ This problem is perhaps most acutely experienced in Switzerland where, in any one year, voters are 'called on to decide 6-12 national questions, which are typically spread over 2-4 separate ballots. In addition [she] will be asked to vote in numerous cantonal and communal referendums' (Kobach, 1993, 342). As a result, elections have lost their salience and Swiss voters have become tired of voting Kobach 1994, p. 134. It now has turnout at around 36% (IDEA, 1999) compared with an average of around 65% in the 1930s (Kobach, 1994, 135). Similarly in the United States, one of the reasons cited for low turnout is voter fatigue (Wattenberg, 1998a, 21).

⁴¹ Or as Wattenberg suggests, combining it with Veterans Day. 'The 1996 Census Bureau survey reported that the most cited reason for not voting in US elections is inability to take off time from work or school' (Wattenberg, 1998, 6-7).

shopping malls to reduce the opportunity costs of voting or else extending voting over two or more days (Grofman, 2000). Alternatively, it has sometimes been suggested that voters should be offered incentives to vote. But it is worth nothing that, although the carrots approach might satisfy the objections of voting libertarians, it is rarely as effective as sticks.⁴²

In Britain increased flexibility in voting for those unable to attend the booths on polling day (postal and proxy votes) have initially showed little positive effect (Johnston and Pattie, 1997, 281). More recent improvements in regulations governing postal voting saw an encouraging rise in such votes (Butler and Kavanagh, 2002, 210) though obviously not enough to make up for the discouraging turn-out of 2001.

One attractive alternative to compulsory voting that might meet some of the objections of voting libertarians is compulsory *enrolment*. **Table 3** shows that compulsory enrolment is a fairly reliable means for ensuring high turnout. However it should be noted that compulsory enrolment is no guarantee against a gradual decline in turnout, as noted in the case of New Zealand. In terms of turnout compulsory enrolment states still trail compulsory voting states by several percentage points. Though technically justifiable it might make more sense from a substantive point of view to group compulsory enrolment states with compulsory *voting*⁴³ states. Just as the inclusion of purely nominal compulsory-voting states in

⁴² Murray Goot has proposed this as one option for Australia. In parts of California voters receive 'a voting stub' which entitles them to a free half-dozen "'Yum-yum' doughnuts or a discounted spinal adjustment by a chiropractor'. These 'carrots' are not state sponsored initiatives. They are legal in California only if 'they are not offered to induce a voter to vote or refrain from voting for a particular candidate or ballot measure'. But such incentives 'are illegal in elections involving candidates for federal office' (Hasen, 1996, 2136, 2169).

⁴³ Or to be more accurate, compulsory *attendance* states. Because of the secret ballot in places like Belgium and Australia it is technically only attendance at a polling place that is legally required.

aggregate data distorts the picture so too does the inclusion of compulsory enrolment states in data referring to voluntary regimes.

Table 3: Voter Turnout in Two Compulsory Enrolment Regimes⁴⁴

| <i>Time Series</i> | <i>Denmark (1981-1998)</i> | | <i>New Zealand (1981-1999)</i> | | <i>Totals</i> | |
|----------------------|----------------------------|---------------|--------------------------------|---------------|---------------|---------------|
| | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> |
| <i>(Elections)</i> 1 | 87.77% | 86.28% | 91.44% | 88.86% | 89.61% | 87.57% |
| 2 | 88.44% | 86.04% | 93.71% | 87.44% | 91.08% | 86.74% |
| 3 | 86.74% | 85.85% | 89.06% | 81.43% | 87.90% | 83.64% |
| 4 | 83.99% | 82.73% | 85.24% | 78.62% | 84.62% | 80.68% |
| 5 | 82.85% | 80.42% | 85.20% | 79.61% | 84.03% | 80.02% |
| 6 | 84.25% | 81.73% | 88.28% | 83.02% | 86.27% | 82.38% |
| 7 | 85.95% | 83.13% | 84.77% | 76.11% | 85.36% | 79.62% |
| Average | 85.71% | 83.74% | 88.24% | 82.16% | 86.98% | 82.95% |

Changing the *character* of elections can also affect turnout. The ‘character’ of elections denotes how competitive, salient and consequential they are; when elections are closely fought between distinctive parties and where the ‘the winner is empowered to put campaign promises into effect’ turnout will be higher (Franklin and Marsh, 2002, 28). Because turnout is affected ‘by the motivations of voters to affect the course of public policy’ institutional structures such as divided government and the separation of powers have a tendency to depress turnout. The reason is that such structures dilute the strength (or perceived strength) of the relationship between voting and policy consequences (Franklin and Hirczy, 1998). Lack of salience of American elections, for example, is also partly a product of federal arrangements which blur lines of responsibility and generate doubt in voter’s minds about the sanctioning power of their vote (Grofman, 2000). Changing the overall character of elections can be an extremely complex and difficult exercise to engineer, not least because it is doubtful that any regime would be willing (let alone able) to

⁴⁴ Calculations are Author’s own raw data from IDEA International, available at <http://www.idea.int>

dismantle either federalism or the institutional arrangements that support the separation of powers on the off-chance that it would improve turnout.

Election salience is particularly affected by the choice-restricting effect of a simple plurality system. In Britain, for example, it has been suggested that due to first-past-the-post voting large numbers of votes are wasted thereby depressing turnout (Electoral Reform Society, 2001). Richard Rose has noted that: 'American voters are offered less choice than voters in any other Western nation' since 'only two parties have a chance of winning congressional seats or the White House, and there is far less variation in party labels at the state level in America than, say, in neighbouring Canada'. Accordingly he suggests the introduction of proportional representation as a remedy for this lack of choice and as a means for enabling voters in a minority to 'secure *some* representation' (Rose, 1978, 45-6). Proportional electoral systems are seen as an institutional incentive for greater turnout, as they 'enhance[s] the predictable consequence of a voter's choice' (Franklin, 1999, 211; Hirzcy, 1994, 65; Powell, 1986, 3; Blais and Carty, 1990).

It is sometimes suggested that switching to a PR system is a more appropriate solution (than compulsory voting laws) to the problem of low turnout (Electoral Reform Society, 2001). It is true that such a switch does have the potential to improve turnout. A number of studies have found that countries with PR have higher turnout than those which are majoritarian. The gain has been estimated variously as an increase of between 3% (Blais and Dobrzynska, 1998; Karp and Banducci, 1999), 7% (Blais and Carty 1990), 7.5% (Lijphart 1999, 284-5)⁴⁵ and 12% (Franklin, 1996). Yet, as

⁴⁵ In arriving at this figure Lijphart also controlled for the presence of compulsory voting and more permissive registration laws, both of which often accompany PR systems (Powell, 1980, 12).

is indicated in **Table 4**, proportionally based systems are not immune to the general slump in turnout. **Table 5** shows turnout levels in electoral systems with single member districts.

Table 4: Voter Turnout in Three Industrialised Proportional Voluntary Voting Regimes⁴⁶

| <i>Time Series</i> | <i>Germany (MMP)</i> (1976-1998) | | <i>Norway (PR)</i> (1977-2001) | | <i>Spain (PR)</i> (1979-2000) | | <i>Totals</i> | |
|--------------------|-------------------------------------|---------------|-----------------------------------|---------------|----------------------------------|---------------|---------------|---------------|
| | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> |
| <i>(Elections)</i> | | | | | | | | |
| 1 | 90.75% | 83.84% | 82.90% | 79.20% | 68.10% | 72.30% | 80.58% | 78.45% |
| 2 | 88.57% | 81.84% | 82.00% | 82.30% | 79.80% | 83.10% | 83.46% | 82.41% |
| 3 | 89.09% | 80.95% | 84.00% | 83.60% | 70.40% | 73.70% | 81.16% | 79.42% |
| 4 | 84.33% | 75.02% | 83.20% | 81.50% | 70.00% | 71.30% | 79.18% | 75.94% |
| 5 | 77.76% | 73.10% | 75.80% | 74.50% | 77.00% | 77.40% | 76.85% | 75.00% |
| 6 | 78.97% | 72.39% | 78.00% | 76.90% | 78.10% | 80.60% | 78.36% | 76.63% |
| 7 | 82.20% | 75.32% | 75.00% | 73.10% | 68.70% | 73.80% | 75.30% | 74.07% |
| Average | 84.52% | 77.49% | 80.13% | 78.73% | 73.16% | 76.03% | 79.27% | 77.42% |

Table 5: Voter Turnout in Three Industrialised First Past the Post Voting Regimes⁴⁷

| <i>Time Series</i> | <i>Canada</i> (1979-2000) | | <i>United Kingdom</i> (1974-2001) | | <i>United States⁴⁸</i> (1976-2000) | | <i>Totals</i> | |
|--------------------|------------------------------|---------------|--------------------------------------|---------------|--|---------------|---------------|---------------|
| | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> | <i>RV</i> | <i>VAP</i> |
| <i>(Elections)</i> | | | | | | | | |
| 1 | 75.69% | 68.39% | 72.93% | 72.53% | 77.60% | 53.50% | 75.41% | 64.81% |
| 2 | 69.32% | 64.53% | 76.00% | 75.06% | 76.50% | 52.60% | 73.94% | 64.06% |
| 3 | 75.34% | 67.91% | 72.81% | 71.70% | 74.60% | 53.10% | 74.25% | 64.24% |
| 4 | 75.29% | 68.34% | 75.42% | 75.17% | 72.50% | 50.10% | 74.40% | 64.54% |
| 5 | 69.64% | 63.87% | 77.83% | 75.36% | 78.20% | 55.20% | 75.22% | 64.81% |
| 6 | 67.00% | 57.06% | 71.46% | 69.39% | 63.40% | 47.20% | 67.29% | 57.88% |
| 7 | 61.18% | 54.64% | 59.38% | 57.56% | 67.40% | 49.30% | 62.65% | 53.83% |
| Average | 70.49% | 63.53% | 72.26% | 70.97% | 72.89% | 51.57% | 71.88% | 62.02% |

⁴⁶ Calculations are Author's own. Raw data from IDEA International, available at <http://www.idea.int>. See footnote for Table 1.

⁴⁷ Ibid.

⁴⁸ Figures given for the US are for presidential elections. Congressional elections, and especially mid-term elections, have a much lower turnout rate.

Low feelings of political efficacy, cynicism about politics and lack of trust in politicians are also thought to be sources of voting abstention (Sabucedo and Cramer 1991; Clarke and Alcock, 1989; Finkel, 1985). Parties and politicians could, of course, attempt to address the problem themselves by, for example, resisting the temptation to run negative campaigns or being more scrupulous about keeping election promises. But reforming the whole culture of political campaigning would be difficult to achieve not least because the reforms would need to be bi or multi-lateral, and since conservative parties have little to gain by them, reform seems unlikely. Changing the character of elections would obviously be an extremely complex exercise to engineer but if all, or even some, of the measures known to increase voting participation were adopted 90% turnout rates in industrialized settings like Britain, the US and Canada, might be conceivable.⁴⁹

But compulsory voting can be more effective at raising turnout than all these reforms combined. In fact, as Arend Lijphart has suggested, compulsory voting is the *only* institutional mechanism that can achieve turnout rates of 90% and above on its own (Lijphart, 2001, 74). Although the effectiveness of compulsory voting laws varies over time and context due to the fact that turnout is a multi-causal phenomenon (Hirczy, 1994, 64) nevertheless their efficacy 'can hardly be doubted' (Franklin, 1999, 206; See also: Hirczy, 1994, 64 and Gordon and Segura, 1997, p. 132).

Voting as a Habit or Social Norm.

⁴⁹ Lijphart, 2001, 74. Because many of these conditions hold in Malta turnout there consistently hovers around the 90-95% mark (Hirczy 1995). But it should also be noted that Malta's high turnout rate, may be partly attributable to the small size of the electorate and the relative intimacy of the political cultures.

Voting behaviour is difficult to change because it appears to be a kind of habit (National Statistics 2002; Smeenk et al, 1995; Hill, 2004). Voting behaviour does not seem to be adequately explained by utility calculations alone; specifically rational choice theory does not satisfactorily explain why many people *do*, in fact, vote.⁵⁰ Since most studies of turnout have detected correlations between being a member of a particular social group and propensity to vote,⁵¹ it is probably safe to assume that voting is at least partly norm driven.⁵² To be sure, utility considerations (such as the likelihood of being able to affect an electoral outcome) may indeed play a part; where social norms discourage a particular form of behaviour, it may be irrational to conflict with the norm, even where the norm has maladaptive long-term consequences. Members of non-voting minorities may indeed make the quite reasonable calculation that it would be irrational to be the only member of their social group to bother voting. But norms and 'ergonomic' considerations also seem to be important factors;⁵³ further, they may be difficult to separate out discretely when trying to understand why a potential voter decides to abstain. In any case, the propensity or capacity to be politically engaged appears to be more complicated than

⁵⁰ Although, as with explaining abstention, it does better when combined with a social norms explanation. For example, it is rational for middle class Americans to vote but only because the social norm of voting among the middle class enables it to form a critical mass of electoral power. The social norm acts as a surrogate for direct communication about intention to vote between the group members.

⁵¹ A substantial body of comparative research indicates that there are strong negative correlations between voting and SES characteristics like low levels of education, residential instability and homelessness, youth, being a new immigrant, being a member of an ethnic minority, economic marginality and unemployment (see, for example Hill, 2002; Lijphart, 1997 and Harrop and Miller, 1989).

⁵² For a survey of such studies see Hill, 2002 and Lijphart 1997.

⁵³ In Verba, Schlozman and Brady's study of political inactivity, the most cited reasons for inactivity were: lack of time (39%), a belief that self and family came before politics (34%); that politics had 'nothing to do' with the important aspects of the respondents life (20%); that politics 'can't help with my personal or family problems' (17%); 'as an individual I don't feel I can have an impact' (15%) and 'for what I would get out of it, politics is not worth what I would have to put into it' (14%) (1995, 129).

a straightforward utility calculation about (transaction and opportunity) costs and benefits.

Compulsory voting laws appear to act as the most effective surrogate for the social norm of voting (Hasen, 1996, 2170; Hill, 2000, 2004). Making voting mandatory has the best chance of raising turnout because the most politically excluded members of society are probably beyond the reach of piecemeal 'ergonomic' and technical reforms such as those canvassed above. Many habitual abstainers appear to be so disconnected from the political system that only a radical reform like compulsory voting seems capable of drawing them back into civic life. Further, provided it is systematically administered in a congenial context, it seems to be the best guard against any post-materialistically induced *decline* in turnout.

But law alone is not enough; appropriate sanctions must also be attached in order to ensure high turnout. Wolfgang Hirczy has shown that democratic regimes which impose penalties for non-voting have turnout of approximately ten to thirteen percentage points higher on average than those which do not (Hirczy, 1994, 64, 65).

It is important to be aware that the exemplary turnout levels achieved in Belgium, Australia and The Netherlands are also partly attributable to the high levels of institutional support given to compulsory voting in all these settings (for a fuller discussion see Hill 2004).

Concluding Remarks:

To those who are looking for effective solutions to a low turnout problem or who believe that Australian turnout would remain constant without compulsory voting we offer the following advice: Studies focusing on the effect of mandatory voting on turnout and related phenomena should be read with a degree of caution particularly

where too much is inferred from too little data or where the data has been insufficiently disaggregated. Compared to other means for mobilising votes compulsory voting is both an effective and simple solution to the problem of low and declining turnout. This is partly because voting seems to be a kind of habit and laws are an extremely effective way of shaping new patterns of behaviour.

But the effectiveness of mandatory voting laws must be qualified, for they only work well in certain settings, namely: states that administer voting with a reasonable level of enforcement and institutional support; which are economically advanced and have a well integrated infrastructure and which are characterised by an established democratic culture in which political and social rights are well protected.

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