

1 Introduction

In 2021, twenty-seven countries or regions had some form of compulsory voting and mandated voters to participate in elections. The list includes small countries like Liechtenstein, Luxembourg, or Nauru, but also countries with large populations like Australia, Brazil, and Mexico. Compulsory voting is found across the world, including in Africa, Asia, Europe, Latin America, and Oceania (for a list of countries, see Table 1.1 in Singh 2021). Turnout is generally high in these countries. This is a logical consequence of the fact that mandating citizens to turn out to vote is one of the most effective ways to guarantee high levels of electoral participation (Franklin 1999). While several institutional features correlate with turnout, according to Lijphart (1997: 10), '[c]ompulsory voting is the only institutional mechanism . . . that can assure high turnout virtually by itself'.

Most of what we know about compulsory voting and its effects on citizens' electoral behaviour comes from large comparative analyses. Such work suffers from two important limitations. First, comparative analyses of correlates of compulsory voting, at the individual or the aggregate level, tend to rely on broad categorizations of compulsory and voluntary voting countries. At most, this work distinguishes between weak and strongly enforced compulsory voting (Panagopoulos 2008; Singh 2015). This implies an enormous loss of information, overlooking variation in the ways in which countries compel citizens to vote, what the sanctions for non-voting are, and how those are put in practice and perceived by citizens.

A second limitation of work that has taken a broad comparative perspective is its focus on gathering information about a limited number of variables across a wide range of countries. Doing so allows for studying general patterns and ascertaining differences between compulsory and voluntary voting countries. But by taking such a broad perspective previous work has neglected the dynamics of compulsory voting rules *within* countries that compel citizens to vote. This implies that we lack information on simple but key questions like: What do citizens think are the consequences of abstaining in these countries? Do citizens in these countries favour compulsory over voluntary voting? Who supports compulsory voting? Who is most affected by compulsory voting? Which voters in these countries would still vote if voting was voluntary? And what are the consequences for the political system of near-universal turnout?

This Element fills these gaps in the literature by means of an in-depth comparative analysis of citizens' perceptions of compulsory voting rules and their behaviour in three prominent compulsory voting countries: Australia, Belgium, and Brazil. We use original, representative election survey data from these three countries, in which we integrated identical questions to study

comparatively citizens' perceptions of the sanctions associated with compulsory voting, their support for compulsory voting, and their electoral behaviour.

The surveys were fielded following the 2019 Australian federal election, the 2019 Belgian regional and federal elections, and between the first and second rounds of the 2018 presidential elections in Brazil. In Australia, the questions were fielded as part of the post-election study that incorporated the questions from the fifth module of the Comparative Study of Electoral Systems project (CSES). The survey was a probabilistic online survey, and it achieved a high response rate (77 per cent). In total, 2,000 respondents completed the survey. In Belgium, the questions were integrated into a probabilistic post-electoral survey organized by the Centre for Citizenship and Democracy at KU Leuven. Respondents in the two main regions of Belgium (Flanders and Wallonia) were sampled from the National Register and were sent a paper survey by regular mail. This procedure resulted in a total of 1,820 completed surveys and a response rate of 23 per cent. Finally, in Brazil, the questions were included in a non-probabilistic online survey of 5,078 respondents aged between eighteen and sixty-nine, the age group for which compulsory voting applies. The sample used quotas to match the population's sex, age, social class, and region of residence. We rely on these data for most of the analyses presented in this manuscript. For the two probability surveys – Australia and Belgium – we consistently weigh the data to account for the under- or overrepresentation of specific socio-demographic groups.

These survey data allow for a close look at how citizens in compulsory voting countries perceive and experience this system, and how it affects their electoral behaviour. We included measures to capture citizens' support for compulsory voting, their perceptions of the consequences of abstention, and whether they would turn out under voluntary voting. We present the exact survey items and their question wording in the relevant sections.

The plan for the book is as follows. In Section 2 we present our three cases, providing historical background on the introduction of compulsory voting in Australia, Belgium, and Brazil, as well as detailed information on the law and its enforcement. We then turn to an analysis of citizens' perceptions of compulsory voting, with Section 3 providing insights about citizens' perceptions of enforcement as well as to whom compulsory voting applies. In Section 4 we assess support for the institution of compulsory voting and examine the correlates of support. Section 5 zooms in on the effects of compulsory voting on turnout – with specific attention given to the role of perceptions of sanctions in mobilizing voters. We continue our assessment of the consequences of compulsory voting with a focus on its secondary effects in Section 6. In this section, we give particular attention to the role of compulsory voting in making politics and

representation more equal. We end with a brief concluding section in which we summarize our main findings and expand on their implications.

2 Three Cases: Australia, Belgium, and Brazil

While all twenty-seven countries or regions worldwide that currently use some form of compulsory voting share the same goal of compelling citizens to turn out to vote in elections, there are substantial variations in implementation and enforcement. In this section, we address the specificities and historical backgrounds that led the three countries we study to adopt compulsory voting: Australia, widely regarded as a case of success; Belgium, one of the first countries to adopt compulsory voting; and Brazil, the largest democracy in the world with compulsory voting.

Australia, Belgium, and Brazil feature prominently in previous work on the effects of mandatory voting on turnout. That work has drawn attention to the fact that enforcement and the sanctions for non-voting vary substantially between these countries. Panagopoulos (2008) codes sanctions for non-voting as ‘moderate’ in Australia and Brazil and ‘high’ in Belgium. In terms of enforcement, he codes Brazil as a case of ‘weak’ enforcement and Australia and Belgium as settings where enforcement is ‘strict’. In line with this coding, Singh (2011) uses a 4-point scale to capture the severity of compulsory voting (from 0 for voluntary systems to a maximum of 4) and gives Brazil a score of 2, Australia 3, and Belgium 4. In more recent work, Singh (2021) classifies the severity of penalties and enforcement in compulsory voting in Australia, Belgium, and Brazil as ‘medium’.

It is worth mentioning that the variation in measurement observed in previous work may reflect not only variation and changes in rules and enforcement over time in the three countries but also encompass methodological differences. While Panagopoulos (2008) measures sanctions and enforcement separately, Singh (2010, 2021) combines both dimensions in a single classification. More importantly, the authors rely on different data sources; Panagopoulos sources information from the International Institute for Democracy and Electoral Assistance (IDEA) and Singh (2021) relies on information from the Varieties of Democracy (V-Dem) project.

Next, we offer more details about the history of mandatory voting in Australia, Belgium, and Brazil. We indicate when compulsory voting was adopted, the main justifications for its implementation, and how the public and the political elites received it. We then discuss the effects of compulsory voting on turnout and its support in each society. Finally, we address the enrolment and enforcement rules, emphasizing who is obliged to vote and the

penalties for those citizens who fail to comply. As we will see, enforcement is generally less strict in practice than prescribed by the law, and voters are often unaware of this disjunction.

2.1 Australia

Compulsory voting was introduced for Commonwealth (federal) elections in 1924, but its origins can be traced back to the system of compulsory enrolment, which was implemented for Commonwealth elections in 1911. Making enrolment compulsory was intended to rationalize the electoral roll and reduce the administrative costs of ensuring that it remains up to date (Bennett 2005; Mackerras and McAllister 1999). Once compulsory enrolment was introduced, implementing compulsory voting was regarded as a natural next step (Hirst 2002: 114).

In 1915, compulsory voting was considered for a proposed referendum (Evans 2006). The referendum never took place, but the debate that it generated set compulsory voting in motion (Fowler 2013: 163). Queensland was the first jurisdiction to introduce compulsory voting, also in 1915. The policy was implemented by the Liberal government of Digby Denham on the premise that it would create a level playing field, as the opposing Labor Party was deemed more efficient in ‘getting out the vote’ (Evans 2006). Ironically, Denham lost the 1915 election to the Labor Party – which objected to the policy at first. That was the only time compulsory voting in Australia faced any party opposition (Fowler 2013: 162).

The decline in turnout observed in the 1922 election, when less than 60 per cent of registered voters turned out to vote – compared to more than 71 per cent at the 1919 election – may have been the catalyst for the adoption of compulsory voting at the federal level (Evans 2006). This decline concerned both parties and their members believed that they would personally benefit from compulsory voting (Gow 1971: 209). As a result, the Commonwealth followed Queensland in 1924. The remaining states would eventually adhere to compulsory voting. Victoria adopted it in 1926. Next came Tasmania and New South Wales in 1928 and Western Australia in 1936. The last state to adopt it was South Australia in 1941.

In every jurisdiction, the move to introduce compulsory voting attracted unanimous support from all parties. This massive support likely stemmed from practical reasons (Fowler 2013: 163–4), as the new system suited the political parties. Compulsory voting would reduce the time and effort needed to mobilize the vote and lower campaign expenditures (Gow 1971; McAllister 1986), and the fines collected could also alleviate the administrative costs

associated with organizing elections in a large country (Mackerras and McAllister 1999: 220). Moreover, both the Labor Party and the two Coalition parties aimed to offset what they perceived as an advantage enjoyed by their rival (Mackerras and McAllister 1999). The Labor Party could rely on a substantial number of voluntary campaign workers who would bring Labor voters to the polls. On the other hand, right-wing Coalition voters were more likely to own cars, making it easier for them and their partisans to access the polls (Fowler 2013; Hirst 2002). Both sides therefore preferred to concentrate resources on voter conversion.

The effect on turnout was impressive and instantaneous, as will be detailed in Section 5. In the six states and the Commonwealth, an average 23 percentage points increase in turnout was observed. The most modest growth, of 13 percentage points, was registered in Queensland. In contrast, in South Australia, turnout went from 51 per cent to 89 per cent, an increase of 38 percentage points (Mackerras and McAllister 1999). As illustrated in Figure 1, in the first Commonwealth election after the adoption of compulsion, in 1925, turnout

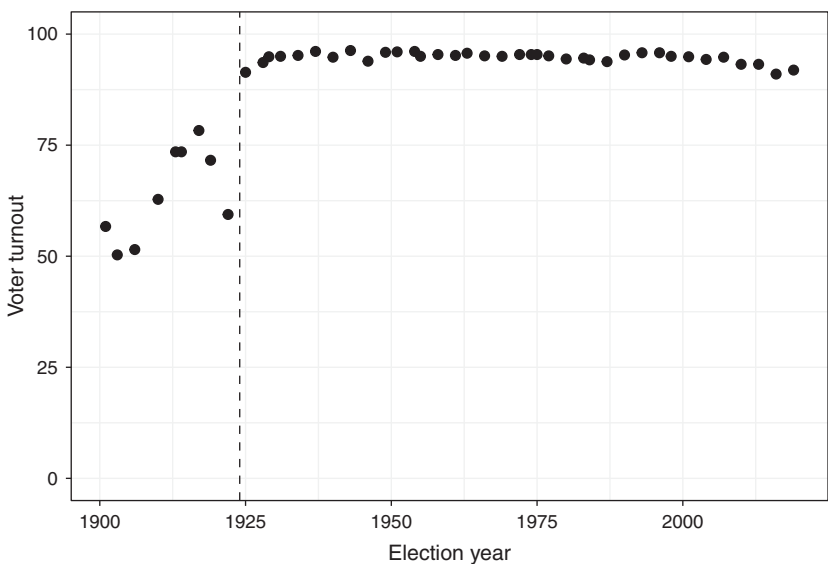


Figure 1 Voter turnout in Australian parliamentary elections from 1945 to 2019

Note: The scatter points indicate voter turnout (as a per cent of registered voters) in federal elections. Data between 1901 and 2016 come from Barber (2016). Data for 2019 are from the International Institute for Democracy and Electoral Assistance – IDEA (www.idea.int/data-tools/country-view/68/40). The dashed vertical line indicates when compulsory voting was adopted. Detailed turnout rates are shown in online Appendix A.

was 91 per cent, an increase of 32 percentage points over the previous election (Barber 2016: 7). Since 1924, turnout in the House of Representatives has consistently remained above 90 per cent and has usually been higher. In the 2019 election, it was 92 per cent.

Compulsory voting in Australia works as follows: all citizens aged eighteen years and over who are on the electoral roll are required to attend the poll on election day or to cast their vote under one of the many available options, including postal voting, absent voting, or voting at mobile polling facilities set up by the Australian Electoral Commission (AEC) in prisons, remote areas, hospitals, and nursing homes (Evans 2006). Within three months of polling day, the returning officer in each electorate (constituency) is required to send a penalty notice to each voter who did not have their name noted on the register. The voter has the option of providing a valid reason under the legislation for not voting. Although there is no fixed, comprehensive list of these reasons, they typically include, among other things, religion, travel, or illness. If a valid reason is not provided, the voter may either pay an administrative penalty (currently A\$20, though it is higher for some state elections) or have the matter dealt with in court.

In practice, the AEC accepts any reasonable explanation for not voting. In the 2004 election, for instance, the AEC issued 458,952 non-voter notices and received almost 300,000 replies from ‘apparent non-voters’. The AEC considered only about 3 per cent of these replies as not valid. Only a fraction of the invalid replies (1,092) received a penalty notice, while most (8,326) were just issued a warning (Bennett 2005: 27). The number of citizens who choose to take the matter to court is even smaller – Bennett (2005) reports there were only 7 in 2004. Many voters (more than 50,000 in 2004, about 11 per cent of the notices issued) opt to pay the fine right away instead of presenting reasons for not voting. Finally, because states’ electoral commissions are independent agencies, their criteria for accepting the reasons provided by non-voters may vary. The proportion of non-voters who are fined therefore varies for state elections. The Victorian Electoral Commission, for instance, sanctioned more than half of the voters who were issued a notice after the 2014 state election (Victorian Electoral Commission 2015).

2.2 Belgium

Belgium was one of the first countries to introduce compulsory voting and the first one where the obligation to vote was extended nationally. It did so in 1893 when universal suffrage was granted (to men).¹ Ever since, the Belgian constitution stipulates that voting is compulsory. At the time, there were three main

¹ Female suffrage was granted in 1948, at which point voting became compulsory for women as well (Meier 2012).

justifications for the adoption of compulsory voting. First, the self-evident desire to improve election turnout (Kuzelewska 2016). Reuchamps et al. (2018) indicate that before the introduction of compulsory voting, turnout in legislative elections varied substantially, regularly dropping below 70 per cent and with an absolute low of 62 per cent in 1868. Turnout was even lower in provincial and local elections. By making voting mandatory, workers' movements – including the new Socialist Workers Party – wanted to 'prevent employers from denying the workers the right to vote by detaining them at work' (Kuzelewska 2016: 40). The Liberal Party, in contrast, opposed compulsory voting based on the argument that abstainers lacked genuine interest and were incapable of casting an informed vote (Malkopolou 2014: 1).

A second reason for introducing compulsory voting was to limit the electoral impact of radical parties. The mainstream Catholic party hoped that compulsory voting would increase its vote in rural areas – countering the rise of new 'radical' parties in the urban centres (Kuzelewska 2016). It was generally assumed that voters who held extreme ideological positions were more inclined to vote. By mandating moderates to turn out, the influence of more extreme voters would be attenuated (Reuchamps et al. 2018).

Third, political elites favoured compulsory voting to diminish the efforts and expenditures related to the mobilization of voters. Stengers (1990) mentions that candidates motivated voters to come to the polls by reimbursing their travel expenses or compensating them with food. To avoid mobilization costs following the introduction of universal suffrage, political elites sought to limit their expenses by mandating voting instead of mobilizing them (Kuzelewska 2016; Reuchamps et al. 2018). The introduction of compulsory voting in Belgium accomplished its primary aim, as levels of abstention dropped considerably. This is shown in Figure 2, which plots voter turnout rates for Belgian parliamentary elections as reported by Bouhon and Reuchamps (2018). Only 7 per cent of eligible voters abstained in the 1894 election after the passage of compulsory voting, as compared to 27 per cent and 16 per cent in the two preceding elections, respectively.

The rule, which can best be described as an obligation to go to the polls on election day – and thus as compulsory participation rather than compulsory voting (Deschouwer 2012) – applies to all citizens registered at an address in Belgium. These citizens are automatically registered as voters when they reach the voting age of eighteen years.² For Belgians living abroad, registration is

² From 2024 onwards, the voting age for European Parliament elections will be lowered to sixteen in Belgium. In contrast to those who are older than eighteen-, sixteen- and seventeen-year-olds will not be automatically included on the voting rolls. Voluntary registration implies that voting will remain voluntary for those who are under eighteen (De Kamer 2021).

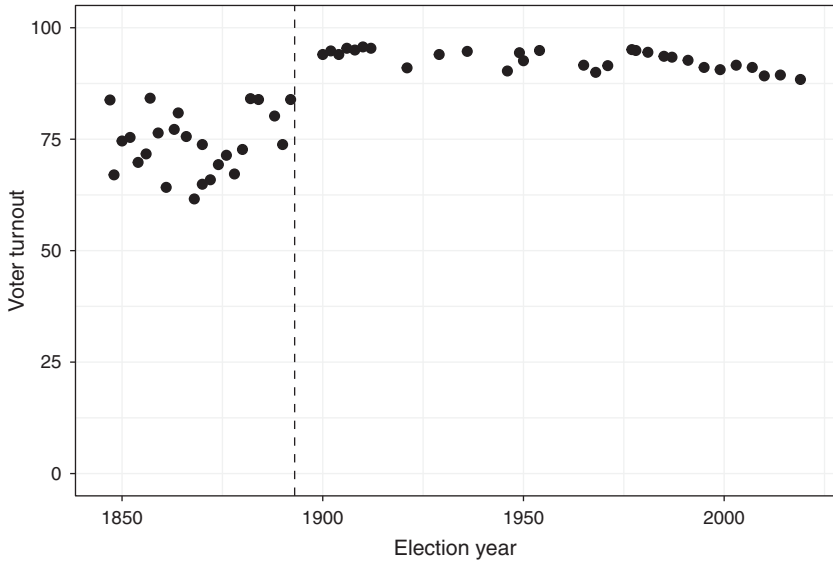


Figure 2 Voter turnout in Belgian parliamentary elections from 1847 to 2019

Note: The scatter points indicate voter turnout (as a per cent of registered voters) in federal elections. The dashed vertical line indicates when compulsory voting was adopted. Source: Bouhon and Reuchamps (2018), Annexe 2. Data for 2019 come from IDEA (www.idea.int/data-tools/country-view/60/40). Detailed estimates are shown in online Appendix A.

optional, but once registered they are obliged to vote as well. Similar rules apply to non-Belgians living in Belgium for a minimum of five years, who are eligible to vote in municipal elections (Pilet 2007). All elections held since 1893, at different levels of government, have been held under compulsory voting rules. This will change in 2024, when municipal and provincial elections in the Flemish region will be held under voluntary voting rules for the first time since the late nineteenth century. This change followed a majority vote³ in the Flemish parliament in July 2021 to abolish compulsory voting in provincial and municipal elections in Flanders. In other regions, as well as in elections for regional, federal, and European elections (which are all organized by the federal administration), voting remains compulsory.

According to the federal compulsory voting law, citizens who abstain from voting without a valid excuse risk are reprimanded or face a monetary fine

³ The centre-right government that supported the decree is comprised by N-VA (New Flemish Alliance), CD&V (Christian Democratic and Flemish) and Open Vld (Open Flemish Liberals and Democrats). The opposition is formed by Vlaams Belang, Groen, Vooruit (Forward, formerly named SP.a) and PVDA (Workers' Party of Belgium).

between 40 and 80 euros, depending on the circumstances. For those who repeatedly abstain, the fine increases in value somewhere between 80 and 200 euros. Finally, those abstaining four times without a valid excuse in a fifteen-year time window risk being removed from the electoral rolls for a period of ten years. Removal from the electoral rolls excludes citizens from being appointed to or promoted by a public authority (VRT Nieuws 2018).

Although the law stipulates sanctions for non-voting, in recent years compulsory voting in Belgium has not been enforced. In practice, the responsible judge in a Judicial District receives the names of citizens within their jurisdiction who abstained from voting without a valid excuse.⁴ Valid reasons for not voting include illness, being abroad on election day, and fundamental objections (Engelen 2005). Then, the judge decides whether to follow up on these voting law violations. Engelen (2005) mentions that following the 1999 elections, 332 out of 692,670 non-voters (i.e., less than 0.5 per cent) were prosecuted. Prosecutions were often not universally carried out, but rather the initiative of a single judge, as in the judicial District of Mechelen, where about 1,000 voters were reprimanded for abstaining in the 2000 local elections (De Standaard 2001).

While judges would occasionally reprimand abstainers in some judicial districts, prosecuting non-voters is not a priority for the courts, and no fines have been issued to non-voters in recent years.⁵ In 2003, the Minister of Justice asked the judiciary not to prioritize the reprimanding of abstainers (Vlaamse Overheid 2021). In 2012, Annemie Turtelboom – in her capacity as the federal Minister of Justice – went further by explicitly asking public prosecutors *not* to reprimand abstainers. It was also communicated publicly that abstainers would not receive a fine. She did, however, ask to prosecute citizens who were designated as chairs or assessors at the polling station but did not show up (Senate 2012).

The lack of enforcement of the law is one of the main arguments used by those opposing compulsory voting (Vlaamse Overheid 2021). Without enforcement, why keep the law at all? An additional argument – which liberal parties tend to use – is that mandating voting is not a good instrument to strengthen democracy because it relies on the mobilization of citizens who lack any interest in politics. Liberal members of Parliament, at different levels of government,

⁴ Citizens who anticipate that they will not be able to turn out to vote have the option to send their motivation to the judiciary before election day. They can also opt to vote by proxy.

⁵ The last election for which sources indicate some voters have been fined is 2007. About 12 out of approximately 690,000 abstainers have been asked to pay a fine (Sudinfo 2014). These are estimates, based on research in the context of the 2007 election. Unfortunately, statistics are not centrally collected or maintained over time (personal communication with the Belgian Criminal Policy Department).