Three distinctive aspects of Australian elections: compulsory, preferential, and independent

Benjamin Reilly
Dean, Sir Walter Murdoch School of Public Policy and International Affairs
Murdoch University
Western Australia

In this paper I discuss some of the distinctive aspects of Australian elections which make them distinctive, particularly when compared to the United States.

The aspects of Australian elections that are most relevant to this process are: a preferential ballot for both the House of Representatives (AV) and the Senate (STV), an element of compulsion in both the expression of preferences and the act of voting itself, and an independent electoral authority comprised of civil servants which both draws electoral boundaries and conducts elections.

While none of these aspects of elections are unique in themselves, their combined effect exerts a powerful centralizing influence on Australian politics, making elections typically a contest for the median voter and the middle ground.

In recent years, however, these three distinctive aspects of Australian elections have come under greater pressure and scrutiny as a sharp increase in candidate numbers and a decline in the capacity of the electoral authorities has seen new pathologies emerge in Australia’s federal electoral system.

Despite their longevity, all three of these distinctive aspects of the Australian electoral process are coming under increasing strain and scrutiny.
Elections in Australia are unusual in comparison to the US in several ways. First, they are based on a significant level of compulsion. Voters are required to enrol by law (although this is not enforced), and then required to vote (which is enforced). They are also required to rank-order a preference for every candidate standing, no matter how many or how obscure they are - an increasingly contested, aspect of Australian electoral systems. Finally, the administration of almost all aspects of elections in Australia is handled by civil servants, including redistricting, boundary delimitation, party registration, finance and disclosure, and the administration of elections themselves.

1. Compulsory voting – introduced in 1924 and unchanged ever since. Impacts:
   a. Increases turnout – 95% compared to around 50% in the US
   b. Ensure some groups who tend to vote less often will be included – particularly poorer/less educated, indigenous, recent migrants, young people and women
   c. However, responses too eg 300,000 unenrolled young voters
   d. Also, makes outcomes in marginal seats dependent on votes of the least interested in politics, with distinctive results (eg focus groups!)
   e. Probably helps Labor

2. Preferential voting
   a. Very important in Australian electoral history
   c. Likely to be very important this time around, as Green vote is currently around 10-15% and most preferences will go to Labor (and Labor prefs will go to the Greens in Senate)
   d. Effects: pushes elections more towards the “middle” of any policy space, thus having a centripetal impact (in contrast to the centrifugal effects seen here in the US, where the primary system and FPTP tends to have the opposite
effect). Strong interest from US electoral reformers in preferential voting (here called IRV) for this reason.

e. Partisan impacts: likely to get ALP elected, but also large Green presence in Senate

3. Independent Electoral Administration
   a. AEC large independent body – much larger than FEC here in the US.
   b. Also unlike the US the electoral commission is comprised of civil servants rather than party appointees.
   c. AEC under great pressure in Australian having lost much of its internal capacity in recent years.
   d. The 2013 WA Senate election marked what was claimed to be “the worst failure in AEC history” when they lost 1300 Senate ballot papers, requiring a re-election for the entire State.

Some history

Australia borrowed liberally from the United States when it became a nation in 1901, adopting US institutions such as federal government, a high (supreme) court and a bicameral parliament. As another continental-sized democracy with a British heritage looking to adopt new political institutions, this was only natural.

However, the timing of Australia’s founding meant that it had a different range of philosophical and intellectual influences to draw upon than the American founding fathers. In particular, when it came to electoral systems, Australia was the beneficiary of the utilitarian thinking that had flowered in the 19th century – including figures such as Jeremy Bentham, Thomas Hare, John Stuart Mill and their acolytes.

This different historical influence helps to explain the very different path that Australia has followed in terms of electoral system design. When the Australian constitution was being debated, the most progressive thinking about elections and electoral systems was dominated by discussions about extending the suffrage to women, new ideas about
proportional representation, and the need for fair representation of new interests and ideas. Mill’s *Consideration on Representative Government* and other works of utilitarian political philosophy were highly influential, as were the new wave of proposals for more representative and meaningful electoral processes.

Hare’s proposal for nationwide proportional representation utilising a preferential, rank-ordered ballot, for instance, was hailed as giving voters a “vast augmentation of their electoral power”, and “bringing to the duty of voting reflection, judgement and moderation” (Hare 1873, 122) which “by the opportunity the voting papers afford of separating, distinguishing, and bringing out every form of political opinion, will give an immeasurable increase of force and strength to the representative principle” (Hare 1873, 127).

John Stuart Mill was an enthusiastic and prominent supporter of these same ideas. He called the single transferable vote “among the very greatest improvements yet made in the theory and practice of government”,¹ which had “for the first time, solved the difficulty of popular representation; and by doing so, to have raised up the cloud and gloom of uncertainty that hung over the futurity of representative government and therefore of civilization”.²

These debates had a great influence in the Australian context. While not all of them made it into law at the time of federation, by the 1920s Australia had settled on a model of elections which drew directly on the utilitarian and enlightenment thinking of the late 19th century.

What we today call the alternative vote was an adaptation of STV so as to enable its use in single-member rather than multi-member electorates; it’s main function was to ensure that whoever was elected could claim the support of not just a plurality but a majority of all electors after all votes had been counted. It was brought to prominence by E.J. Nanson, Professor of Mathematics at Melbourne University from 1875-1922 and an influential campaigner for electoral reform in Australia and internationally. Nanson’s proposal for a transferable ballot election for a single candidate with an exhaustive use of preferences
was praised for its immunity to strategic voting and for its simplicity, making it “extremely suitable for political elections” (Nanson 1995).

It was not until its adoption for state elections in Western Australia in 1907, however, that AV was used for legislative elections at the state level in Australia. It took another 12 years before AV was adopted in the federal House of Representatives in 1919; and almost 40 years before the Parliament finally accepted STV proportional representation for the Senate’s State-wide, multi-member electorates, in 1948. As Reid and Forrest noted, “in both cases the reforms came not as a result of the pursuit of principles of electoral justice, but from pragmatic considerations of party gain” (1989, 99).

AV was introduced primarily as a means to avoid vote-splitting between conservative candidates, with considerations of partisan advantage highly prominent. The rising power of the labour movement and the increasing incidence of minority Labor candidates beating a divided field of conservatives prompted a royal commission into electoral matters, which recommended that AV and STV be introduced for elections to the House of Representatives and Senate respectively. Interest in preferential voting quickly gathered pace in 1918 following a by-election for the seat of Swan in Western Australia, which was won in a FPTP contest by a Labor candidate with 35 percent of the vote despite the three non-Labor candidates collectively mustering 65 percent. Under pressure from the farming lobby, which threatened to split the Nationalist vote by standing its own candidates unless preferential voting reforms were introduced, the government moved to head-off a repetition of the Swan scenario by introducing AV for all House of Representatives elections.

The key point to note is that the introduction of AV was intimately related to the need to counter the possibilities of vote-splitting and to encourage and reward collaboration or coalition arrangements between like-minded forces on the conservative side of politics.iii

To put it more formally, electoral reform in Australia was primarily a response to the coordination problems created by too many politically-aligned candidates standing for election under FPTP, and splitting their combined vote between them. The practice of party agents distributing ‘how to vote’ cards outside polling booths quickly served to
institutionalise the new electoral arrangements without placing excessive expectations on the interest or memory of voters.\textsuperscript{iv} The need to aggregate common interests under this electoral model has continued to exert a strong influence on Australian politics ever since.

\textbf{Impacts}

Over the years, preferential voting has played a significant, if sometimes subtle, influence on the development of Australian party politics. It has mostly but not always ensured the election of governments which enjoy the majority support of the electorate (the 2010-13 minority Labor government being one of the exceptions). It has sustained the presence of some minor parties, but also constrained tendencies towards party system fragmentation. It has also enabled the development of partnership arrangements between parties -- with the long-running coalition arrangement between the Liberal and National parties being the most prominent example. And it has consistently pushed the Australian political system away from extremes and towards the ‘moderate middle’. Indeed, preferential voting for lower house elections has been described as a system for choosing “the least unpopular candidate” (Lucy 1985, 97). As such, it acts as an exemplary case of the way some electoral institutions can promote centripetal rather than centrifugal political incentives (Cox 1990).

The most important consequence of the use of preferential voting in Australia is the way that it has provided the ever-cautious national electorate with the means to punish perceived extremism of any ideology, providing strong incentives for the major parties to keep their focus on the middle ground at all times. In addition, the mechanics of preference distribution has resulted in the institutionalization of negotiations between major and minor parties for second-preference support – ‘preference-swapping’ as it is known in Australian parlance – which, particularly in the context of STV elections to the Senate, has become a well-established practice of Australian politics. This in turn has encouraged the consequent development of well-institutionalized arenas of bargaining for these secondary preferences across party lines – with important, but subtle, influences on the political process and, over time, on the wider political culture.
The Senate is theoretically a 'State’s house', established to represent the constituent units of the federation. In practice, the most striking long-term effect upon Australian politics of the introduction of STV has been on the representation of minor parties in the Senate, where the introduction of STV dramatically increased both the representation and the influence of minor parties in federal politics. This greatly changed the role of the Senate, which since 1949 has developed as a powerful check on majoritarian government, moving away from its formal constitutional role as a chamber which represents the interests of the States, towards one which places much more emphasis upon its deliberative and legislative review functions. Minor parties have now held the balance of power in most Senates since the early 1960s. As a consequence, successive governments have had to gain the support of one or more independent or minor party Senators to pass legislation.

Because of the increasing importance of minor parties, in recent decades preference voting has come to play a much more important role in Australian elections than in previous years. This has been particularly important for prominent minor parties on the left such as the Greens, whose dispersed support base mean they are unlikely to win seats in the single-member lower house AV elections but have, by virtue of proportional representation, become well-established players in the Senate. Because all parties distribute 'how-to-vote' cards which direct to voters as to how the party would like to see them allocate their preference votes, the rising power of minor parties facilitated by proportional representation in the Senate also gave them a new and powerful role in influencing the outcomes of elections to the lower house, via the instructions they give to their supporters as to where their preference votes should be directed. Minor parties with a secure presence in the Senate ‘trade’ preference allocation pledges from other parties in return for reciprocal preference directions to their own supporters at lower house elections. This cross-house preference deal-making also exerts a centripetal influence on Australian politics.

This growing importance has been reflected, by way of example, in the number of lower-house seats which are not won outright, and thus are which effectively decided by the distribution of preference votes. In the 1960s, preferences had to be distributed in about 25
percent of all seats; this figure rose to 30 percent in the 1970s and 1980s, over 50 percent in the 1990s, and over 60% since 2000. The 1998 election saw the highest ever rate of preference distribution at an Australian federal election, with two-thirds of all seats ‘going to preferences’ to determine the outcome.

The actual rate of winners being different to those under a straight FPTP system, however, has also been increasing over time, but remains relatively low, at roughly seven percent of all seats. Yet even this rate of outcomes being affected can have significant impacts: the results of the 1961, 1969, 1990, 2007 and 2010 elections would probably have been reversed had a FPTP rather than an AV system been in use. The fact that the government of the country can turns on a matter of ballot design that most Australian political parties seldom question is quite striking in comparative terms.

The current debate

The partisan impacts of compulsory preferential voting have also changed over time. From what had been a system which assisted the conservative side of politics for most of the 20th century (not least by allowing the Liberal and National parties to maintain a close electoral alliance at the federal level, where they are known as “the Coalition”), the system now strongly favours the Labor Party. Since 1980, the Coalition has won only 5 seats where its combined vote trailed Labor, while in the same period Labor has won 61 seats after trailing the combined Coalition vote on first preferences. Whilst the historical tendency has usually seen preference flows advantage the eventual winning party, this was not the case at the most recent federal election, which was won easily by the Coalition.

The main issues of electoral reform are concentrated in the Senate rather than the House, but the common element in both is the long-standing requirement at a Federal level that all preferences on a ballot must be marked in order to effect a valid vote. This “exhaustive” preferential option creates serious problems by forcing voters to express preferences between candidates with whom they are unfamiliar or worse. These problems are many and varied, but have in common the cognitive challenges facing electors under compulsory
preferential voting in cases of high candidate numbers. The 2013 elections, which saw easily the highest number of candidates ever recorded for both the House and the Senate, now make these pathologies impossible to ignore. These include:

- Informational pathologies: once candidate numbers increase much beyond the post-war average of 6 candidates per lower house electorate, even the most diligent and politically-aware citizen will struggle to express a sincere rank-ordering of their preferences between all candidates. The 2013 election saw an average of almost 8 candidates per lower-house seat, with many urban electorates attracting more than 10 candidates (16 in Melbourne).
- In the Senate, candidate numbers have doubled over the past 20 years. The 2013 Senate elections saw 110 candidates standing in NSW, 97 in Victoria, 82 in Queensland, 62 in Western Australia, 73 in South Australia, 54 in Tasmania, 14 in the ACT and 12 in the NT. Such numbers makes a sincere rank-ordering of preferences between all candidates an impossibility.
- To deal with this, since 1983, the Senate ballot paper has included a ‘ticket vote’ option, which helps deal with the informational pathologies by allowing the political parties to direct the flow of their supporters’ preferences. Because there is a major difference in the simplicity of the task facing a person wishing to cast a ticket vote, and that facing a person who wishes to determine his or her own preference ordering by rank-ordering every candidate, over 95 percent of all voters use ticket voting in the Senate, but very few of these voters have knowledge of the direction in which their tickets votes can flow.
- To determine the flow of preferences from such ticket votes, parties and aligned candidates lodge prior to the election a full preference schedule or Group voting tickets (GVT) which directs their preference allocation. Polling places are required to display the GVTs for each party, but again the increasing numbers of parties and candidates and the informational challenges in processing information on all of them make it formidably difficult for even highly diligent voters to cognitively assess the likely impact of a ticket vote in terms of which parties may end up benefitting
The 2013 Senate election evidenced outcomes that have little apparent connection to the overall vote share of the parties, with several micro-parties elected on miniscule first-preference totals due to some creative preference-swapping deals between them. Many commentators now believe that preference flows resulting from creative GVTs are distorting electoral outcomes by introducing both an element of randomness into the system and also allowing parties to direct preferences in ways that bear no relationship to established political connections based on policy or ideological affinity. In some cases, parties have deliberately directed preferences away from other like-minded parties in ways that their voters could not possibly have expected or welcomed.

The solution thus requires a simplification of the electoral system to restore public confidence and return a degree of predictability to electoral outcomes. The easiest way to do this would be to adopt optional preferential voting for both Houses of parliament, as is used at state elections in NSW and Queensland. I believe the Tasmanian requirement that voters should express as many preferences as there are vacancies to be filled is a good one. This would require voters to express just one preference for lower-house seats, and either 6 or 12 preferences at half and full-Senate elections respectively, but of course leave open the option for them to number as many subsequent preferences as they wished.

**Implications for the US**

Given the problems that currently plague the Australian electoral process, many would hesitate to suggest that our system is one to emulate. However, the specific dysfunctions that currently afflict US politics - congressional gridlock, extreme partisanship, and an increasingly polarised democratic process – are ones that can be addressed to some extent by the kinds of procedures used in Australia. For example, there is no doubt that Australia’s model of preferential voting encourages candidates to reach out to more voters than the US
plurality model. Thus it is not surprising that preferential voting has been a particular area of interest for electoral reformers in the US, with over a dozen cities and municipalities adopting “instant runoff voting” in recent years. However, I am not aware that any of these have followed the Australian experience in making a full expression of preferences mandatory.

Other distinctive Australian institutions such as compulsory voting, campaign finance restrictions and independent boundary commissions have also been proposed as ways to encourage greater electoral turnout and less polarization in US politics. Thomas Mann and Norman Orenstein published a 2012 book, *It's Even Worse Than it Looks*, which recommended these and other reforms as cures for the ills plaguing US politics. For instance:

- on the question of the electoral redistributions (or redistricting as it is known in the US), they called for the adoption of independent commissions, as has long been the practice in Australia, "to draw the lines based on respect for communities’ boundaries" rather than, as is the current US practice, to create geographically contorted but politically safe seats for whichever party happens to have a majority.

- when it came to political polarization, their proposed cure was another distinctive aspect of Australian elections, preferential voting. Their argument was that preferential voting produces majority winners, largely eliminates the effect of spoiler candidates, and reduces the “wasted vote” calculation for minor-party candidates, allowing them to participate more fully in the election process.

- in a final flourish, Mann and Ornstein even advocated compulsory voting, arguing that "Australian politicians can count on their bases turning out, so they focus on persuadable voters in the middle. Instead of campaigning on marginal wedge issues, they talk about the economy, jobs, education — and they seek to attract a majority from the entire citizenry. In the United States, such near-universal voting could eliminate the parties’ incentive to diminish the turnout of their opponents’
supporters and to mobilize the ideological extremes. Boosting overall turnout would help tilt the balance back toward where most Americans actually are: closer to the middle."

While most would consider the prospect of compulsory voting being introduced in the US as highly unlikely, this final plea highlights the key appeal of Australia’s political model for US reformers: Australia’s distinctive political institutions create a centrist spin in electoral politics, in which elections are a fight for the median voter rather than rousing a party base. This aspect of Australian politics is not always obvious in Australia itself, given the intense question-time theatre and minority governments of recent years. Compared to the US, however, Australian politics is far more a contest for the middle ground than one for the political extremes where parties must focus on appealing to an ideological core of supporters.

Whether any kind of serious reform to US politics is really possible in the current climate, given the deep institutional sclerosis in Washington, is another question. But the same concerns are also increasingly present in Australia. The previous government was a beneficiary of the system, and whether the new government is prepared to embrace the challenge of reforming to the electoral system in the face of stiff partisan resistance remains to be seen.

References


---

i Quoted in McLean and Urken 1995, 46.

ii Quoted in Hart 1992, 38.

iii See Graham 1962, 164-81.

iv ‘How-to-vote’ cards are leaflets, typically distributed outside polling booths on election day by major parties, which contain the parties’ recommendations to their supporters as to how they should mark their ballot papers and, in particular, who should receive lower-order preference votes. Slightly over half of all voters claim to follow their favoured parties’ suggested preference ordering, although rates differ markedly between major party and minor party voters.