

COMPULSORY VOTING: A SOLUTION FOR SOME, A PROBLEM FOR OTHERS

KENDELL OELSCHLAEGER*

ABSTRACT

The right to vote is a foundational feature of democracy. In practice, however, many nations suffer from low voter turnout rates year after year. Nations such as Australia have turned to compulsory voting. While many believe that compulsory voting could be an effective way to increase voter turnout rates in the United States, consideration of circumstances in Australia and Sweden—including historical, structural, and national attitudes—suggest this may not be the case. Compulsory voting is unlikely to solve low voter turnout rates in nations such as the United States because of our government system, voting laws, attitudes towards voting and increasing polarization.

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Abstract.....	63
Introduction.....	64
I. Background.....	66
A. Australia.....	69
B. Sweden.....	71
C. United States.....	72
II. Differences in the History of Voting Rights and Enforcement in Australia and the United States Reflect Foundational Differences that Relate to Voter Turnout.....	73
A. Women’s Suffrage in Australia.....	74
B. Indigenous Australians’ Suffrage.....	76
C. Suffrage in the United States.....	77
III. Proportional Representation Systems May Influence Voter Turnout	79
IV. Differences in National Attitudes Toward Voting Influence Turnout	81
A. The United States Does Not See Voting as Necessary.....	81
B. Voting Accessibility Measures in Australia and Sweden Emphasize Their Prioritization of Voter Turnout.....	83
V. Increased Party Polarization Makes Major Changes to the United States’ Voting System Difficult.....	86
A. Compulsory Voting is Unlikely to Fix Division Amongst Citizens and Political Leaders.....	86
B. The Rise of Voter Fraud Concerns Reflects Administrative Perspectives on the Electoral System and that May Result in Opposition to Compulsory Voting.....	88
VI. Conclusion.....	90

INTRODUCTION

Elections and electoral processes directly measure a nation's quality of governance.¹ To be credible, an election must accurately reflect the will of the people.² This is accomplished by creating transparent, inclusive, and trustworthy processes to support voting.³ The establishment of free and fair elections varies nation to nation, based on government

¹ *Supporting Free and Fair Elections*, USAID, <https://www.usaid.gov/democracy/supporting-free-and-fair-elections> [<https://perma.cc/9UTH-DWKM>] (last visited Feb. 1, 2025).

² *Id.*

³ *Id.*

structure, political history, and the needs of the citizens.⁴ Voter turnout is often a measure of the success of an election process in a nation.⁵

Many nations struggle to produce high voter turnout.⁶ In response, some nations have implemented systems that encourage or require eligible citizens to vote.⁷ Australia, for example, utilizes compulsory voting, which results in fines if citizens do not vote during elections.⁸ However, other nations with high voter turnout do not use compulsory voting schemes.⁹ Rather, the overall attitudes towards voting and government structures support high voter turnout.¹⁰

Voter turnout in the United States is consistently low.¹¹ Some supporters of a compulsory voting system argue that implementing a compulsory voting system in the United States would increase voter turnout and drastically improve the electoral system.¹² However, comparing the United States to both Australia, which uses compulsory voting, and Sweden, which does not, illustrates that compulsory voting would not necessarily be successful in the United States. Voter turnout increased in Australia after compulsory voting laws were implemented, but other factors such as laws surrounding access to voting, national attitudes, and government structures also played a role in the increased voter turnout.¹³ Sweden does not have compulsory voting, but government

⁴ See generally Shannon Schumacher & Aidan Connaughton, *From Voter Registration to Mail-In Ballots, How Do Countries Around the World Run Their Elections?*, PEW RSCH. CTR. (Oct. 30, 2020), <https://pewresearch.org/short-reads/2020/10/3-/from-voter-registration-to-mail-in-ballots-how-do-countries-around-the-world-run-their-elections/> [https://perma.cc/G65A-5PQM] (discussing how nations around the world conduct their elections differently).

⁵ *Voter Turnout*, MIT ELECTION DATA & SCI. LAB (Apr. 28, 2021), <https://electionlab.mit.edu/research/voter-turnout> [https://perma.cc/T69A-Y3F8].

⁶ ABDURASHID SOLIJONOV, *VOTER TURNOUT TRENDS AROUND THE WORLD* 25 (2016).

⁷ See *Compulsory Voting*, INT'L IDEA, <https://www.idea.int/data-tools/data/voter-turnout-database/compulsory-voting> [https://perma.cc/7GRL-C5ZX] (last visited Sept. 30, 2025) (noting that some countries make voting compulsory under national law to encourage participation, even if enforcement is limited).

⁸ *Id.*

⁹ *Id.*; see Tova Wang, *What Other Countries Can Teach Us About Turnout*, INST. FOR RESPONSIVE GOV'T (Mar. 15, 2024), <https://responsivegov.org/research/what-other-countries-can-teach-us-about-turnout/> [https://perma.cc/98HH-MZJZ] (reporting that Sweden's 2022 election had an 80.3% turnout rate).

¹⁰ See *infra* Part I.

¹¹ See *National Turnout Rates 1789-Present*, US ELECTIONS PROJECT, <https://www.electproject.org/national-1789-present> [https://perma.cc/9BRY-GQQG] (last visited Aug. 27, 2025).

¹² See Andy Craig, *Mandatory Voting Is a Bad and Unconstitutional Idea*, CATO INST. (June 17, 2022), <https://www.cato.org/commentary/mandatory-voting-bad-unconstitutional-idea> [https://perma.cc/DV43-NGN8].

¹³ See Umang Vinayaka, *Compulsion Emboldens Democracy: A Deep-Dive into Australia's Mandatory Voting*, HARV. INT'L REV. (Oct. 2, 2023), <https://hir.harvard.edu/compulsion->

structures and national attitudes contribute to higher voter turnout.¹⁴ Comparisons between Australia and Sweden show that compulsory voting alone would not solve low voter turnout rates in the United States, especially considering heightened polarization trends in the United States.¹⁵

I. BACKGROUND

Around the world, nations have created various systems for elections, each with different laws tailored to the needs of the government and people. More than half of all nations have compulsory voter registration.¹⁶ Nations complete compulsory voting in different ways, but ensuring each citizen can vote on election day remains the common goal.¹⁷

In addition to compulsory voter registration, many nations have adopted compulsory voting laws that require citizens to participate in elections.¹⁸ Compulsory voting laws require citizens to vote unless they file a valid excuse with the government.¹⁹ In some cases, nonvoters can be punished with varying sanctions for not appearing on election day.²⁰ Supporters for compulsory voting claim that democratically-elected governments with high voter turnout are more legitimate.²¹ According to these supporters, when more of the population participates in elections, the officials who are elected make decisions that represent more of the population.²²

While in theory these systems create high rates of voter turnout, critics of compulsory voting raise several issues. These critics believe that compulsory voting is not consistent with democratic freedoms, and that the ability to choose *not* to vote is itself a hallmark of free elections.²³ Critics of compulsory voting in the United States point out that

emboldens-democracy-a-deep-dive-into-australias-mandatory-voting/ [https://perma.cc/HG4G-ATLS].

¹⁴ See *Elections in Sweden*, SWEDISH INST. (July 2, 2025), <https://sweden.se/life/democracy/elections-in-sweden> [https://perma.cc/FX63-87QP].

¹⁵ See Pew Rsch. Ctr., *Political Polarization in the American Public 6–8* (2014) (discussing the increasing political ideological division in the United States).

¹⁶ Schumacher & Connaughton, *supra* note 4.

¹⁷ INT'L IDEA, *supra* note 7.

¹⁸ *Id.*

¹⁹ Vinayaka, *supra* note 13.

²⁰ Craig, *supra* note 12.

²¹ INT'L IDEA, *supra* note 7.

²² *See id.*

²³ *Id.*

accommodations would need to be made to respect citizen's constitutional rights, specifically freedom of speech.²⁴ Choosing not to vote as a form of protest is protected by the First Amendment.²⁵ The First Amendment protects both freedom of speech and freedom from compelled speech.²⁶

In *West Virginia State Board of Education v. Barnette*, the Supreme Court stated that no one can "prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion."²⁷ In this case, the court held public schools could not require students to salute the flag or recite the Pledge of Allegiance in public schools.²⁸ In this case, the court interpreted the First Amendment as protecting citizens from being compelled to make certain speech.²⁹ This idea applies to voting as well. Some choose not to vote due to indifference, either because of equal approval or disgust for both candidates.³⁰ Others decide not to vote because they feel alienated from the candidates that are running.³¹ The ability to not vote allows people the satisfaction of showing their dissatisfaction through their choices.³² Whatever the reason, the choice not to vote is an important right in the United States, protected by the First Amendment and case law.

Other critics suggest that if compulsory voting were implemented in the US, people who choose not to vote due to religious reasons would also need protections, as being required to vote could violate their constitutional rights.³³ Jehovah's Witnesses, for example, abstain from voting to stay politically neutral.³⁴ The First Amendment also protects the choice to abstain from voting, or other forms of speech, for religious purposes.³⁵ The need for such accommodations creates the possibility that

²⁴ Craig, *supra* note 12.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

²⁸ *Id.*

²⁹ *Id.* at 641–42.

³⁰ Grant M. Hayden, *Abstention: The Unexpected Power of Withholding Your Vote*, 43 CONN. L. REV. 585, 592 (2010).

³¹ *Id.*

³² See Craig, *supra* note 12 (referencing a history of principled abstention from voting in the United States as a form of protest).

³³ See *id.*

³⁴ *Why Do Jehovah's Witnesses Maintain Political Neutrality?*, JW.ORG, <https://www.jw.org/en/jehovahs-witnesses/faq/political-neutrality/> [<https://perma.cc/323M-DHSK>] (last visited Aug. 27, 2025).

³⁵ See Craig, *supra* note 12.

a high number of people will still not vote, lessening the positive impacts of compulsory voting.³⁶

Others point out that compulsory voting does not necessarily create meaningful voting and may raise the number of people who simply vote at random.³⁷ These so-called “donkey ballots” are filled out at random, without any thought, or even left blank.³⁸ A large number of random votes may make an election less representative of the will of the people. This could then lead the election of officials who enact policies that do not align with the needs and priorities of the nation’s population, eroding the democratic purpose of free elections. When the purpose of a democracy is to protect free citizen participation, this effect seems to illustrate that compulsory voting could negatively impact elections.

A final issue presented by critics of compulsory voting pertains to enforcement. The enforcement of compulsory voting laws varies from nation to nation, and so too does the enforcement of these rules.³⁹ Some nations with compulsory voting, such as Costa Rica, have no legal sanctions for non-compliance.⁴⁰ Others enforce their rules through fines and sanctions, although nations with limited election budgets may not prioritize these rules, resulting in uneven enforcement.⁴¹ On the opposite end of the spectrum, nations like Bolivia do not allow citizens to cash their paychecks until they show proof of voting.⁴² Punishments like this create obvious issues, as there are many reasons someone may not be able to vote.

Nations with compulsory voting generally allow certain exceptions. In some nations, like Spain, voting is voluntary for people over the age of seventy-five.⁴³ Others, like Argentina, allow the first two years of voting, from sixteen to eighteen, to be voluntary.⁴⁴ In Australia, individuals are not subject to punishment for failing to vote if they present a valid excuse.⁴⁵ If the excuses fall within acceptable reasons for not

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ INT’L IDEA, *supra* note 7.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Sam O’Shea, *Voting Bolivia Style: No Booze Until You Do, or Money if You Don’t*, GLOB. NEWS (Feb. 21, 2016, 18:03 CST), <https://globalnews.ca/news/2531329/voting-bolivia-style-no-booze-until-you-do-or-money-if-you-dont/> [<https://perma.cc/X29J-XR8Q>].

⁴³ INT’L IDEA, *supra* note 7.

⁴⁴ *Id.*

⁴⁵ *Id.*

voting, the voter is not subject to punishment.⁴⁶ Even valid excuses or exceptions, however, undermine the purpose of compulsory voting. When voter turnout remains high notwithstanding avenues for opting out, it is likely because other conditions in the nation provide additional support for voter turnout, such as national attitudes and access to voting.

The following discussion examines features of the governments of Australia, Sweden, and the United States to illustrate the opportunities and shortcomings of compulsory voting rules. A look at Australia's voting history and national attitudes towards voting exemplifies why compulsory voting has been successful in the nation. Next, a study of Sweden's government introduces the idea that governmental structure can play a role in voter turnout. Comparing measures to increase voter accessibility in Australia and Sweden exemplifies why compulsory voting alone would not raise low voter turnout in the United States. This argument is reinforced by a final consideration of increasing polarization in the United States.

A. AUSTRALIA

Australia is a constitutional monarchy with a governor-general appointed by the King.⁴⁷ Australia is made up of six states and two self-governing territories.⁴⁸ The Parliament acts as the legislative branch, with a House of Representatives and a Senate.⁴⁹ After general elections, the political party, or coalition of political parties, with the majority is the governing party and is led by the prime minister.⁵⁰ The prime minister is a "responsible government," meaning they are responsible to the parliament.⁵¹ This contrasts with the United States, where the executive has more separation from the legislative branch.⁵²

⁴⁶ *See id.*

⁴⁷ *What Is the Role of the King in Australia's System of Government?*, PARLIAMENTARY EDUC. OFF., <https://peo.gov.au/understand-our-parliament/your-questions-on-notice/questions/what-is-the-role-of-the-queen-in-australias-system-of-government> [<https://perma.cc/S5YS-PDBP>] (last visited Aug. 3, 2025).

⁴⁸ *Infosheet 20 - The Australian System of Government*, PARLIAMENT OF AUSTRALIA, https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_20_-_The_Australian_system_of_government [<https://perma.cc/8UKU-VJVU>] (last visited Aug. 3, 2025).

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

The Compulsory Voting Act was first passed in 1924, making participation in elections and referendums mandatory for qualified voters over the age of eighteen.⁵³ Since compulsory voting was established in Australia, voter turnout has consistently been over 90 percent of eligible voters.⁵⁴ Prior to the passage of the compulsory voting laws, Australia's turnout numbers were considerably lower.⁵⁵ These numbers are also impressive when compared to the voter turnout in the United States, where about 66.8 percent of eligible voters turned out at the 2020 election.⁵⁶ While the turnout in 2020 was significantly higher than normal for the United States, it is much lower than Australia's average turnout rates.

When compulsory voting was introduced in Australia, compulsory enrollment had already been established.⁵⁷ The idea of compulsory voting was previously introduced by politicians but had never come to fruition.⁵⁸ Voter turnout declined sharply from 71 percent in the 1919 national election to less than 60 percent in the following election.⁵⁹ This drop marked a stark departure from the steady increase in voter participation in the years leading up to the 1919 election.⁶⁰ After Australia passed compulsory voting laws, voter turnout increased by over 30 percent in the 1925 election.⁶¹ Voter turnout continued to increase steadily, peaking at about 96 percent in 1943.⁶² Comparing the United States' midterm elections, which often see a turnout of less than 50 percent of eligible voters, with Australia's voter turnout of over 95 percent highlights the stark difference between the two nations.⁶³ But compulsory voting may not be the sole reason for high voter turnout in Australia. Other factors such as history of voter disenfranchisement, national attitudes, and

⁵³ *Electoral Background: Compulsory Voting*, AUSTRALIAN ELECTORAL COMM'N (Mar. 3, 2025), https://www.aec.gov.au/about_aec/publications/backgrounders/compulsory-voting.htm [<https://perma.cc/44ZQ-KSWD>].

⁵⁴ *Chapter 8 Voluntary and Compulsory Voting*, PARLIAMENT OF AUSTL., https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Completed_Inquiries/em/elect04/chapter8#com [<https://perma.cc/W4VZ-5SG6>] (last visited Sep. 29, 2024).

⁵⁵ *Id.*

⁵⁶ Press Release, 2020 Presidential Election Voting & Registration Tables Now Available, U.S. Census Bureau (April 29, 2021).

⁵⁷ *Chapter 8 Voluntary and Compulsory Voting*, *supra* note 54.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Hannah Hartig, Scott Keeter, Andrew Daniller & Ted Van Green, *Voter Turnout, 2020–2024*, PEW RSCH. CTR. (June 26, 2025), <https://www.pewresearch.org/politics/2025/06/26/voter-turnout-2020-2024/> [<https://perma.cc/QQY4-V8YP>].

measures that encourage accessibility to elections are helpful to encouraging voter turnout in Australia. Other facts discussed in-depth later in this article, including the history of voter disenfranchisement, national attitudes, and measures that encourage election accessibility support high voter turnout in Australia.

B. SWEDEN

Sweden is a parliamentary system with a limited constitutional monarchy.⁶⁴ Although Sweden does not have compulsory voting, its elections regularly feature high rates of voter turnout. From 1973 to 2022, Swedish parliamentary elections enjoyed turnout rates averaging between 80 and 90 percent.⁶⁵ These rates rival those seen in Australia, even without compulsory voting laws.

In Sweden, the electoral power comes from the people.⁶⁶ Every four years, eligible voters choose which political party will represent them in parliament, county councils, and municipalities.⁶⁷ Unlike the United States' electoral process, the Swedish people do not directly elect their prime minister.⁶⁸ The speaker of parliament proposes a prime minister, who the members of parliament then vote on.⁶⁹ From there, the prime minister chooses who will make up their cabinet.⁷⁰

The Swedish Parliament (or Riksdag) is made up of 349 members⁷¹ and is divided among two houses, the upper and lower house.⁷² These members are chosen by vote through a proportional representation system.⁷³ This system was first introduced around 1907 by members of the Conservative Party.⁷⁴ After a compromise with the Liberal Party, the proportional representation system was introduced in only the lower house

⁶⁴ *Sweden* (03/09), U.S. DEP'T OF STATE, <https://2009-2017.state.gov/outofdate/bgn/sweden/120880.htm> [<https://perma.cc/R35B-B428>] (last visited Jan. 13, 2025).

⁶⁵ *Valdeltagande i Sverige [Voter Turnout in Sweden]*, SCB (Feb. 27, 2023), <https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/valdeltagande-i-sverige/> [<https://perma.cc/V373-39MK>].

⁶⁶ *Power from the People! This Is How Sweden Is Governed.*, SWEDISH INST. (Sep. 6, 2024), <https://sweden.se/life/democracy/swedish-government> [<https://perma.cc/8QKR-FGXZ>].

⁶⁷ *Id.*

⁶⁸ *See id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Nils Herlitz, *Proportional Representation in Sweden*, 19 AM. POL. SCI. REV. 582, 583 (1925).

⁷³ *Power from the People!*, *supra* note 66.

⁷⁴ Herlitz, *supra* note 72, at 582.

in 1911.⁷⁵ The percentage of votes each party gets determines how many seats the party will have. This leads many voters in Sweden to focus on parties rather than personalities.⁷⁶ People are frequently less interested in the person who is elected, and more concerned with their party having representation in the Riksdag.⁷⁷

C. UNITED STATES

The United States is a democratic republic divided into three branches: the legislative, executive, and judicial.⁷⁸ The legislative branch, made up of the House of Representatives and the Senate, is responsible for making laws, declaring war, regulating commerce, and controlling spending.⁷⁹ The executive branch consists of the president and their advisors and departments.⁸⁰ The judicial branch, made up of the Supreme Court and lower federal courts, is responsible for interpreting the law.⁸¹ In the United States, federal elections happen every two years on the first Tuesday after the first Monday in November.⁸² Voters choose to register to vote and can officially register once they will be eighteen years old on or before election day.⁸³ There are no penalties for not voting and in many cases, choosing not to vote is a form of political expression.⁸⁴

Voter turnout has been a cause of concern for many politicians and voters alike throughout the history of the United States.⁸⁵ The 2020 presidential election saw the highest voter turnout for any national United

⁷⁵ *Id.* at 582–83.

⁷⁶ *See id.* at 585.

⁷⁷ *Id.*

⁷⁸ *See Branches of Government*, U.S. HOUSE OF REPRESENTATIVES, <https://www.house.gov/the-house-explained/branches-of-government> [<https://perma.cc/FKM2-492L>] (last visited Aug. 3, 2025).

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *See Court Role and Structure*, U.S. CTS., <https://www.uscourts.gov/about-federal-courts/court-role-and-structure> [<https://perma.cc/FY3S-FV4N>] (last visited Oct. 22, 2025).

⁸² *Elections and Voting*, THE WHITE HOUSE, <https://bidenwhitehouse.archives.gov/about-the-white-house/our-government/elections-and-voting> [<https://perma.cc/CHY8-8EWQ>] (last visited Oct. 16, 2024).

⁸³ *See Register to Vote in Wisconsin*, BADGERSVOTE, <https://vote.wisc.edu/badgersvote/voting-in-wisconsin/register-to-vote-in-wisconsin/> [<https://perma.cc/R7Y8-W9C9>] (last visited Oct. 16, 2024).

⁸⁴ *See Craig, supra* note 12.

⁸⁵ *See* Melissa Pheterson, *What Every American Needs to Know About Voter Turnout*, UNIV. OF ROCHESTER (Oct. 30, 2024), <https://www.rochester.edu/newscenter/what-is-voter-turnout-voting-behavior-625262/> [<https://perma.cc/6V8Z-TKKF>].

States election since the year 1900.⁸⁶ While some have characterized this as a positive increase stemming from changes in election rules during the COVID-19 pandemic that encouraged early and absentee voting,⁸⁷ others have posited that it may be linked to higher levels of partisanship and division within the country.⁸⁸ Whatever the reason, a 2022 Pew Research Center survey found that around 72 percent of registered voters indicated that they were “extremely”/“very” motivated to vote in the 2022 midterm elections.⁸⁹ Despite this recent increase in turnout, the United States still has significantly lower turnout rates compared to Australia or Sweden.⁹⁰

The United States Constitution is famously brief on how elections in the United States are supposed to be conducted.⁹¹ States are given the power to determine the time, place, and manner of the elections.⁹² Congress is given ultimate authority to regulate elections and can pass laws that supersede state statutes.⁹³ This was done by the drafters of the United States Constitution to acknowledge that states could potentially pass unfair election laws, and Congress may need to interfere in such instances.⁹⁴ This check on the states is important, especially considering all the recent changes to voter laws and regulations within the states themselves.⁹⁵

II. DIFFERENCES IN THE HISTORY OF VOTING RIGHTS AND ENFORCEMENT IN AUSTRALIA AND THE UNITED STATES REFLECT

⁸⁶ Hannah Hartig, Andrew Daniller, Scott Keeter & Ted Van Green, *Voter Turnout, 2018-2022*, PEW RSCH. CTR. (July 12, 2023), <https://www.pewresearch.org/politics/2023/07/12/voter-turnout-2018-2022/> [<https://perma.cc/7JL3-PHWB>].

⁸⁷ Drew Desilver, *Turnout in U.S. Has Soared in Recent Elections but by Some Measures Still Trails That of Many Other Countries*, PEW RSCH. CTR. (Nov. 1, 2022), <https://www.pewresearch.org/short-reads/2022/11/01/turnout-in-u-s-has-soared-in-recent-elections-but-by-some-measures-still-trails-that-of-many-other-countries/> [<https://perma.cc/79B4-6G36>].

⁸⁸ *Id.*

⁸⁹ *Midterm Voting Intentions Are Divided, Economic Gloom Persists*, PEW RSCH. CTR. (Oct. 20, 2022), <https://www.pewresearch.org/politics/2022/10/20/midterm-voting-intentions-are-divided-economic-gloom-persists/> [<https://perma.cc/A4LG-XW5A>].

⁹⁰ See Desilver, *supra* note 87.

⁹¹ See U.S. CONST. art. I, § 4.

⁹² Michael T. Morley & Franita Tolson, *Elections Clause*, NAT'L CONST. CTR., <https://constitutioncenter.org/the-constitution/articles/article-i/clauses/750> [<https://perma.cc/4JD4-DWY3>] (last visited Oct. 17, 2024).

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Sara Carter, Andrew Garber, Catherine Silvestri & Connie Wu, *How Voting Laws Have Changed in Battleground States Since 2020*, BRENNAN CTR. FOR JUST. (Aug. 15, 2024), <https://www.brennancenter.org/our-work/research-reports/how-voting-laws-have-changed-battleground-states-2020> [<https://perma.cc/YY27-6VHG>].

FOUNDATIONAL DIFFERENCES THAT RELATE TO VOTER TURNOUT

The United States has a long history of marginalized groups fighting for the right to vote. Women did not have the right to vote until the Nineteenth Amendment was passed in 1920.⁹⁶ The Voting Rights Act protected voting rights for all races for the first time.⁹⁷ The same is true for Australia, and barriers to voting exist to this day. However, the differing timelines for recognizing the voting rights of marginalized groups in Australia and the United States sheds light on how voting priorities have differed between the two nations. Unfortunately, the comparison reveals disenfranchisement for many people in both nations. The following review highlights differing national approaches towards the voting rights of certain groups, such as women and indigenous people, which helps explain higher voter turnout rates in Australia.

A. WOMEN'S SUFFRAGE IN AUSTRALIA

Before 1901, Australian women in most colonies did not have the right to vote.⁹⁸ South Australia and Western Australia were exceptions, but even in those colonies, women's right to vote had only been established in 1894 and 1899, respectively.⁹⁹ Western Australia continued to exclude Indigenous Australian women.¹⁰⁰ When Australia federated in 1901, only women who had the right to vote in their home colony had the right to vote under the new constitution.¹⁰¹ Women protested, and a new bill was passed in 1902 giving Australian women over the age of twenty-one—other than Indigenous Australian women—the right to vote in national elections.¹⁰² In 1920, women were granted the right to become representatives in Parliament under the new federation.¹⁰³ Compulsory voting was passed in 1924, and thereafter the nation continued to enjoy record-high turnout.¹⁰⁴

⁹⁶ *The 19th Amendment: An Explainer*, ROCK THE VOTE (Aug. 22, 2022), <https://www.rockthevote.org/explainers/the-19th-amendment/> [https://perma.cc/P26Z-HYY2].

⁹⁷ *Id.*

⁹⁸ *Women's Suffrage*, AUSTL.'S DEFINING MOMENTS DIGIT. CLASSROOM, <https://digital-classroom.nma.gov.au/defining-moments/women-granted-vote-federal-elections> [https://perma.cc/K937-V5LG] (last visited Nov. 16, 2024).

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *See id.*

¹⁰³ HARRY C.J. PHILLIPS, *ELECTORAL LAW IN THE STATE OF WESTERN AUSTRALIA: AN OVERVIEW* 14 (3d ed. 2013).

¹⁰⁴ *Chapter 8 Voluntary and Compulsory Voting*, *supra* note 54.

Australia has seen drops in voter turnout throughout its history. One such drop occurred between the time women gained the right to vote and when compulsory voting passed.¹⁰⁵ While women had been granted the right to vote, many groups in Australia were still excluded.¹⁰⁶ Once compulsory voting was implemented, there was an increase in voter turnout, likely for both men and women, who had gained the right to vote less than twenty-five years earlier.¹⁰⁷ Although the gap is notable, it is much shorter than the gap between the grant of the right to vote and its effective enforcement for women in the United States: it took over fifty years between the granting of women's suffrage and the enactment of the Voting Rights Act in the United States to effectively protect women's right to vote.¹⁰⁸

Other world events may have also contributed to the initial drop in turnout among eligible voters after women were granted the right to vote in Australia. World War I ended shortly before women gained the right to vote, and it is likely that some of the first elections after the war were impacted. For Australians, World War I remains one of the costliest conflicts in history.¹⁰⁹ Sixty thousand Australian men lost their lives and over 150,000 were wounded or taken prisoner, representing a significant loss for a population under five million.¹¹⁰ Voter turnout rates around the world during deadly combat show that conflict resulting in greater fatalities is linked with higher voter turnout.¹¹¹ Consistent with that general trend, Australia's federal voter turnout was as high as 77.7 percent during the war and then dropped until compulsory voting was passed.¹¹² A similar

¹⁰⁵ *Id.*

¹⁰⁶ *Women's Suffrage in Australia*, PARLIAMENT OF AUSTRALIA, https://www.aph.gov.au/Visit_Parliament/Art/Stories_and_Histories/Womens_Suffrage_in_Australia [<https://perma.cc/S3UN-NEBD>] (last visited Oct. 22, 2025).

¹⁰⁷ *See Turnout at Australian Elections 1901-1925*, ABC NEWS (Mar. 19, 2018, at 22:36 CST), <https://www.abc.net.au/news/2011-04-15/turnout-at-australian-elections-1901-1925/9389758> [<https://perma.cc/EGW8-C6YP>].

¹⁰⁸ *The 19th Amendment: An Explainer*, *supra* note 96.

¹⁰⁹ *First World War 1914-18*, AUSTRALIAN WAR MEMORIAL (June 2, 2021), <https://www.awm.gov.au/articles/atwar/first-world-war> [<https://perma.cc/8UTL-QRKK>].

¹¹⁰ *Id.*

¹¹¹ David Trilling, *Combat Deaths and Voter Turnout: Public Opinion in Democracies at War*, THE JOURNALIST'S RES. (Nov. 2, 2016), <https://journalistsresource.org/politics-and-government/voter-turnout-war-casualties-public-opinion/> [<https://perma.cc/WUS3-SFR6>].

¹¹² ABC ELECTION ANALYST, *Turnout at Australian Elections 1901-1925*, ABC NEWS (Mar. 19, 2018, at 22:36 CST), <https://www.abc.net.au/news/2011-04-15/turnout-at-australian-elections-1901-1925/9389758> [<https://perma.cc/NYH2-S6GA>].

trend was seen during World War II.¹¹³ This may explain the drop in voter turnout, and it is possible voter turnout rates would have increased again without compulsory voting laws being passed.

B. INDIGENOUS AUSTRALIANS' SUFFRAGE

The story of voting rights for Indigenous people is less impressive than that for white women in Australia. Australia is home to two distinct groups of Indigenous peoples—Aboriginal Australians and Torres Strait Islanders—which each have several smaller tribes.¹¹⁴ Though some colonies had granted Indigenous Australians voting rights prior to the federation of the Australian government,¹¹⁵ most Indigenous groups could not vote until the Commonwealth Electoral Act of 1918 was amended in 1962.¹¹⁶ In fact, the Franchise Act of 1902 specifically ensured that Aboriginal people could not vote.¹¹⁷ Section 127 of the Franchise Act excluded Aboriginal people from the population count, further suppressing the rights of Indigenous people throughout the nation.¹¹⁸ This abhorrent exclusion of people in Australia mirrors a similar lack of inclusion and racism that was happening around the world.¹¹⁹

The Commonwealth Electoral Act, as amended in 1962, gave Aboriginal and Torres Strait Islander adults the right to vote in federal elections.¹²⁰ Importantly, voter enrollment was not compulsory for Aboriginal and Torres Strait Islanders.¹²¹ In fact, it was against the law for

¹¹³ See *Voter Turnout – Previous Events*, AUSTL. ELECTION COMM'N (Nov. 7, 2023), https://www.aec.gov.au/Elections/federal_elections/voter-turnout.htm [<https://perma.cc/K32K-D7C7>].

¹¹⁴ See *Map of Indigenous Australia*, THE AUSTL. INST. OF ABORIGINAL & TORRES STRAIT ISLANDER STUD., <https://aiatsis.gov.au/explore/map-indigenous-australia> [<https://perma.cc/S3CM-D54N>] (last visited Sep. 11, 2025).

¹¹⁵ See *Indigenous Australian's Right to Vote*, NAT'L MUSEUM AUSTL. (May 27, 2025), <https://www.nma.gov.au/defining-moments/resources/indigenous-australians-right-to-vote> [<https://perma.cc/SJT9-MFKX>].

¹¹⁶ PHILLIPS, *supra* note 103, at 15.

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ See generally Toby James & Holly Ann Garnett, *Racist Barriers to Voting Remain in the US – but Action for Inclusive Elections Are Needed Worldwide*, POL. STUD. ASS'N (Jul. 24, 2020), <https://www.psa.ac.uk/psa/news/racist-barriers-voting-remain-us-%E2%80%93-action-inclusive-elections-are-needed-worldwide> [<https://perma.cc/4K55-JJVK>] (providing information on voting exclusions in places including the United States, the UK, and Uganda).

¹²⁰ *The Right to Vote*, THE AUSTL. INST. OF ABORIGINAL & TORRES STRAIT ISLANDER STUD. (Nov. 2, 2022), <https://aiatsis.gov.au/explore/right-vote> [<https://perma.cc/G86H-SWB8>].

¹²¹ *Id.*

someone to encourage an eligible Indigenous Australian to enroll as a voter.¹²² Some sources state this was due to a fear that many people would choose not to exercise their right and be penalized.¹²³ This rationale raises suspicion of remaining racism against Aboriginal and Torres Strait Islander people. There was strong opposition to the passage of the Commonwealth Electoral Act amendment.¹²⁴ It was not until 1983 when further amendments to the Electoral Act made enrollment compulsory for Aboriginal and Torres Strait Islander adults.¹²⁵

C. SUFFRAGE IN THE UNITED STATES

There is a long history of marginalized groups within the United States fighting for the right to vote. The differences in timelines for recognizing the rights of marginalized groups and recent changes to voting laws in the United States help to explain differences in access to voting and, consequently, voter turnout.

Women did not have the right to vote until 1920, when the Nineteenth Amendment was passed.¹²⁶ The passage of the Nineteenth Amendment gave white women the right to vote, but women of other races continued to experience barriers to voting.¹²⁷ The Voting Rights Act protected people from voting restrictions based on race.¹²⁸ Australia, as mentioned, granted white women the right to vote eighteen years before the United States.¹²⁹ Just a few years after the Nineteenth Amendment had passed, when Australia had implemented compulsory voting, voter turnout rates were above 90 percent.¹³⁰ This means that the white women who were eligible to vote were consistently showing up to the polls, not long after they had been granted the right to vote. In the United States, on the other hand, voter turnout among women remained low for many years, and has still never reached the levels of voter turnout in Australia. This was

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *See id.*

¹²⁵ *Id.*

¹²⁶ *The 19th Amendment: An Explainer*, *supra* note 96.

¹²⁷ *Voting Timeline*, ADL, <https://nynj.adl.org/files/2020/11/Voting-Rights-Timeline-Resource.pdf> [<https://perma.cc/5EL6-TM4Y>] (last visited Aug. 3, 2025).

¹²⁸ *Voting Rights Act (1965)*, NAT'L ARCHIVES (Feb. 8, 2022), <https://www.archives.gov/milestone-documents/voting-rights-act> [<https://perma.cc/F9S6-8YUS>].

¹²⁹ *See Women's Suffrage*, *supra* note 98.

¹³⁰ *Compulsory Voting in Australia*, AUSTL. ELECTORAL COMM'N (Nov. 20, 2023), https://www.aec.gov.au/about_aec/publications/voting/ [<https://perma.cc/6NQN-WJTP>].

due to measures taken by states to prevent women from voting.¹³¹ States like Arkansas, Georgia, and Mississippi prohibited women from voting in the 1920 election.¹³² Similar measures around the nation meant that voter turnout among women was still about 20 percentage points behind men almost twenty years after the Nineteenth Amendment had been ratified.¹³³

Native Americans and Alaska Natives became eligible to vote after the Snyder Act of 1924, which declared Native Americans United States citizens.¹³⁴ As with most marginalized groups, however, Native Americans continued to face barriers to voting, in large part because the Act left voting laws for Native Americans up to the states.¹³⁵ The last state provision that denied Native Americans the right to vote was not struck down until 1948.¹³⁶ Today, Native Americans and Alaskan Natives still face many barriers to voting, including ballot collection laws that require access to residential mail delivery, which many tribal communities don't have.¹³⁷

While acknowledging that many barriers still exist for Indigenous Australians, the nation was faster in expanding voter rights for Indigenous peoples than the United States. Not to mention, the United States has seen an increase in stricter voting laws in recent years. In *Shelby County v. Holder*, the Supreme Court held that the Voting Rights Act's requirement that states obtain federal preclearance before making changes to election laws was unconstitutional.¹³⁸ This paved the way for states to pass laws that disenfranchise minority voters.¹³⁹

In Australia, more people have been consistently voting for longer periods of time. This demonstrates a better view of voting rights throughout Australia than the United States and likely has a positive impact on voter turnout, even without compulsory voting. If compulsory voting were to be implemented in the United States as is, laws around the

¹³¹ J. Kevin Corder & Christina Wolbrecht, *Did Women Vote Once They Had the Opportunity?*, A.B.A. (Oct. 21, 2021), https://www.americanbar.org/groups/public_education/publications/insights-on-law-and-society/volume-20/issue-1/did-women-vote-once-they-had-the-opportunity-/ [<https://perma.cc/5KH2-MT9Z>].

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Voting for All Americans: Native Americans*, NCSL (July 10, 2025), <https://www.ncsl.org/elections-and-campaigns/voting-for-all-americans-native-americans> [<https://perma.cc/Z58P-LJH3>].

¹³⁵ *See id.*

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Voting Timeline*, *supra* note 127.

¹³⁹ *Id.*

nation would have to change to avoid punishing large numbers of eligible voters under a new compulsory voting system.

III. PROPORTIONAL REPRESENTATION SYSTEMS MAY INFLUENCE VOTER TURNOUT

Proportional representation is used in Australia for candidates in the Senate, the upper house of New South Wales, Victoria, South Australia, Western Australia, the lower house of Tasmania, the ACT Legislative Assembly, and other local government councils.¹⁴⁰ This means that proportional representation is used at a federal level, in addition to four out of the six states in Australia.¹⁴¹ In Sweden, proportional representation is used to choose both the upper and lower houses of the Riksdag.¹⁴² The general structure of government and voter turnout rates of Australia and Sweden are comparable. This comparison is helpful for purposes of understanding the impacts and benefits of compulsory voting. Both nations' electoral systems enjoy high voter turnout rates.¹⁴³ Between 1970 and 2022, Sweden's national parliamentary elections have enjoyed voter turnout rates between eighty percent and almost ninety-two percent.¹⁴⁴ In Australia, between the same years, voter turnout rates in the Senate, a proportional representation system, were between 88 percent and 96 percent.¹⁴⁵

Another important similarity between these two systems is that they are both constitutional monarchies.¹⁴⁶ The structure of government

¹⁴⁰ *Proportional Representation Voting Systems of Australia's Parliaments*, ELECTORAL COUNCIL OF AUSTRALIA & N.Z., <https://www.ecanz.gov.au/electoral-systems/proportional> [<https://perma.cc/JB5D-WU4T>] (last visited Nov. 16, 2024).

¹⁴¹ See Eliane Touma, *Map of Australia Showing States and Territories*, AUSTRALIA'S DEFINING MOMENTS DIGIT. CLASSROOM, <https://digital-classroom.nma.gov.au/images/map-australia-showing-states-and-territories> [<https://perma.cc/S5RS-RMUN>] (last visited Nov. 16, 2024).

¹⁴² See *Power from the People!*, *supra* note 66 (explaining that the only exception to Sweden's rule of full national proportionality is that a political party must receive at least four percent of all votes in the general election to gain representation in parliament).

¹⁴³ Einar H. Dyvik, *Voter Turnout of National Parliamentary Elections in Sweden from 1970-2022*, STATISTA (July 4, 2024), <https://www.statista.com/statistics/912813/voter-turnout-of-national-parliamentary-elections-in-sweden/> [<https://perma.cc/6UWC-S2GL>]; *Voter Turnout – Previous Events*, *supra* note 113.

¹⁴⁴ Dyvik, *supra* note 143.

¹⁴⁵ *Voter Turnout – Previous Events*, *supra* note 113.

¹⁴⁶ *The Monarchy of Sweden*, SWEDISH ROYAL COURT, <https://www.kungahuset.se/english/the-monarchy-of-sweden> [<https://perma.cc/Y9C7-TJAN>] (last visited Jan. 13, 2025); *Why Are We a Constitutional Monarchy?*, PARLIAMENTARY EDUC. OFF., <https://peo.gov.au/understand-our-parliament/your-questions-on-notice/questions/why-are-we-a-constitutional-monarchy> [<https://perma.cc/MQ54-GGD4>] (last visited Jan. 13, 2025).

and voting are different in Australia and Sweden than the United States. Australia is governed by King Charles and the governor-general.¹⁴⁷ Sweden has had a continuous monarchy since the tenth century, stretching more than a thousand years.¹⁴⁸ The high voter turnout rates in Sweden and Australia are consistent with trends across nations with parliamentary systems (monarchies), which have voter turnout averages of about 71 percent.¹⁴⁹ In nations with presidential systems (such as the United States), voter turnout averages are more than 10 percent lower, at about 60 percent.¹⁵⁰ There is some correlation between presidential systems and lower voter turnout rates.¹⁵¹ This can potentially be explained by the fact that proportional representation systems, such as those in Sweden and Australia, are often associated with more competitive elections due to a greater number of political parties, which voters perceive as fairer.¹⁵² The higher average voter turnout in Australia relative to Sweden may be explained by compulsory voting, but consistently high turnout numbers indicate that other features of the Swedish system are successful in promoting participation.

After considering these similarities, it is possible that compulsory voting in Australia is not as impactful as it appears. One study found that compulsory voting laws do not have a statistically significant impact on voter participation.¹⁵³ One reason cited for this result is that compulsory voting laws are not enforced as thoroughly as one might think.¹⁵⁴ As discussed earlier, some criticisms of compulsory voting focus on the fact that there are many ways around compulsory voting laws. Low fines, excuses, and lack of enforcement can allow people to get around compulsory voting laws.¹⁵⁵

Since the United States is not a parliamentary system, it is likely the voter turnout rates would continue to be lower than Australia or Sweden. As mentioned, parliamentary systems seem to have a higher voter turnout, which may be tied to the attitudes of the voters and how they view

¹⁴⁷ *Why Are We a Constitutional Monarchy?*, *supra* note 146.

¹⁴⁸ *The Monarchy of Sweden*, *supra* note 146.

¹⁴⁹ See EILEEN FUMAGALLI & GAIA NARCISO, POLITICAL INSTITUTIONS, VOTER TURNOUT AND POLICY OUTCOMES 4 (2008).

¹⁵⁰ *Id.*

¹⁵¹ *Id.* at 2.

¹⁵² *See id.*

¹⁵³ *Id.* at 6.

¹⁵⁴ *Id.*

¹⁵⁵ *See* INT'L IDEA, *supra* note 7 (explaining how people can get around compulsory voting laws).

their politicians and political parties.¹⁵⁶ This raises the important distinction between the attitudes of voters in the United States, Sweden, and Australia.

IV. DIFFERENCES IN NATIONAL ATTITUDES TOWARD VOTING INFLUENCE TURNOUT

These important differences in circumstances surrounding women and Indigenous Australians or Native Americans gaining the right to vote lead to a discussion of differing attitudes surrounding the right to vote. This difference reflects one of the reasons that compulsory voting is successful in Australia but may not work in the United States. There are several reasons that attitudes in the United States are different from those in Australia. The attitudes of the voters, concerns about election security, and voting accessibility seem to contribute.

A. THE UNITED STATES DOES NOT SEE VOTING AS NECESSARY

Many citizens in the United States do not exercise their right to vote.¹⁵⁷ Despite a record high voter turnout of 66 percent in 2020, more than seventy-five million eligible voters did not vote.¹⁵⁸ Concerningly, more than thirty-five million of these people were Black, Hispanic, and Asian American.¹⁵⁹ Voter turnout decreased slightly in 2024, with rates at 64 percent.¹⁶⁰ This contributes to a greater underrepresentation problem for nonwhite citizens in the United States government. In a recent poll of American voters, 44 percent said that they only sometimes vote, compared to 31 percent who almost always vote and 25 percent who never vote.¹⁶¹ According to this poll, nearly 70 percent of the American population does not believe in voting consistently.¹⁶²

¹⁵⁶ See FUMAGALLI & NARCISO, *supra* note 149, at 4.

¹⁵⁷ Gary Fields, *Millions of People in the U.S. Don't Vote. Could Anything Change Their Minds?*, AP NEWS (Oct. 8, 2024), <https://apnews.com/projects/election-2024-our-very-complicated-democracy/election-2024-why-americans-dont-vote-episode-6.html> [https://perma.cc/RMD4-YEC9].

¹⁵⁸ *Id.*

¹⁵⁹ *Id.*

¹⁶⁰ Hartig et al., *supra* note 86.

¹⁶¹ Mallory Newall, *Barriers to Voting Exist for All Types of Voters*, IPSOS (Oct. 26, 2020), <https://www.ipsos.com/en-us/news-polls/538-non-voter-poll-2020> [https://perma.cc/Z5TD-SKZA].

¹⁶² See *id.*

In 2024, voter turnout decreased slightly, with rates at 64 percent.¹⁶³ The rates in 2024 were the second-highest turnout rates since 1908.¹⁶⁴ Higher voter turnout rates in the United States can be attributed to intensifying polarization between political parties.¹⁶⁵ While the percentage of Hispanic voters who participated in the 2020 and 2024 elections remained the same, voter turnout for other groups fell, including white and Black voters, based on polling data.¹⁶⁶ Nonvoter preferences and political affiliation were more sharply divided between the two candidates in 2024, with 44 percent of nonvoters preferring Trump and 50 percent preferring Harris.¹⁶⁷

The choice not to vote can be due to several factors. Some suggest it may be because voting is inaccessible or complicated.¹⁶⁸ In 2020, however, a poll suggested that a majority of respondents who did not vote felt that voting has little impact on their lives or how the country is run.¹⁶⁹ Many nonvoters (two-thirds in the same poll) believe that voting in elections has “little to do with the way that real decisions are made in our country.”¹⁷⁰ This does not necessarily mean that nonvoters do not care. In the same poll, 79 percent of nonvoters said they were not satisfied with the way the nation is going.¹⁷¹ These numbers reflect the fact that many people chose not to vote because they believe that their vote does not impact the way decisions are made. This reflects a problem within the system that may not be fixed just by requiring citizens to vote.

What is potentially more concerning is that 45 percent of voters in the poll agreed that voting in elections has little to do with the way that real decisions are made in our nation.¹⁷² Despite the fact that they are participating in elections, close to half of voters may see voting as not having a real impact on what is happening in the United States.¹⁷³ This reflects a general attitude from voters and nonvoters alike that elections do

¹⁶³ Hartig et al., *supra* note 86.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Hartig et al., *supra* note 63.

¹⁶⁷ *Id.*

¹⁶⁸ *Medill School of Journalism/Ipsos Poll: Non-Voters in 2020 U.S. Election*, IPSOS, https://www.ipsos.com/sites/default/files/ct/news/documents/2020-12/topline_medill_npr_non_voter_poll_121520.pdf [<https://perma.cc/6EWL-CP3H>] (last visited Sept. 23, 2025).

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

not matter in the United States. Others answered that it makes no difference who is elected president—things will go on just as they did before.¹⁷⁴ This specific answer is concerning because it means that people do not believe that the president has real power or control over the nation. Fifty-three percent of nonvoters agreed with this.¹⁷⁵

Many nonvoters cite lack of registration as a reason for not voting.¹⁷⁶ While implementing compulsory registration could be helpful, this still does not address the fact that many Americans who are qualified to vote do not care enough about politics or believe that their vote actually influences the government.¹⁷⁷ This means that even if the voters are automatically registered, they still may not want to take the time to vote or make informed voting choices to ensure proper election results because they do not believe their vote matters.¹⁷⁸ Compulsory registration could help the subset of voters who have experienced voter suppression or do not have the ability to register to vote due to time or other constraints, but it would still fail to address the reason that many people do not participate in elections.

B. VOTING ACCESSIBILITY MEASURES IN AUSTRALIA AND SWEDEN EMPHASIZE THEIR PRIORITIZATION OF VOTER TURNOUT

Both Australia and Sweden have implemented measures through electoral laws to encourage higher voter turnout and meaningful participation. Several factors, such as level of education, income levels, and even family influence can impact the choice to vote.¹⁷⁹ Decisions such as the day voting is held and flexible voting options may help encourage voter participation. Measures such as these are complemented with compulsory voting in places such as Australia, but allows for high voter turnout rates in places without compulsory voting.

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *See id.*

¹⁷⁸ *See id.*

¹⁷⁹ Amanda Lindström, *Who Votes in Sweden?*, LINKÖPING UNIV. (Sept. 1, 2021), <https://liu.se/en/news-item/vem-rostar-i-sverige> [<https://perma.cc/MW96-YQET>].

In both Australia and Sweden, elections are held on the weekend,¹⁸⁰ which helps to accommodate many working individuals.¹⁸¹ Additionally, employers must provide paid leave on election day to allow those who do work on the weekends time to vote.¹⁸² In the United States, elections are held on a Tuesday and most people do not get the day off in order to vote.¹⁸³ The history of the choice for election day gives some insight into why Tuesday was chosen in the United States. Historically, most voters in the United States were farmers.¹⁸⁴ As polling places were located far from rural farmland, many of them had to travel to vote.¹⁸⁵ Having the election on Tuesday gave them enough time to travel to the polling station and back.¹⁸⁶ Sundays were excluded for religious observance.¹⁸⁷

Currently, thirty states and the District of Columbia have implemented laws requiring employers to give their workers time off to vote.¹⁸⁸ Some even provide paid time off so people have a chance to go to the polls and not lose out on important income to provide for themselves and their families.¹⁸⁹ Still, these regulations only account for about half of the states in the United States, and many workers have to decide between voting or earning money if they are not able to vote early. To further complicate matters, many children have the day off from school on election day due to their school buildings being used as polling places.¹⁹⁰

¹⁸⁰ Damon Muller, *So When is the Next Federal Election? A Quick Guide*, PARLIAMENT OF AUSTRALIA (Aug. 22, 2022), https://www.aph.gov.au/AboutParliament/Parliamentary_departments/Parliamentary_Library/Research/Quick_Guides/2022-23/WhenIsTheNextElection2022 [<https://perma.cc/QE3Q-SAN2>]; *Elections to the Riksdag*, SVERIGES RIKSDAG (Apr. 3, 2023), <https://www.riksdagen.se/en/how-the-riksdag-works/democracy/elections-to-the-riksdag/> [<https://perma.cc/8C43-9XND>].

¹⁸¹ See Lindström, *supra* note 179.

¹⁸² *Commonwealth Electoral Act 1918* (Cth) s 345(1) (Austl.).

¹⁸³ Lindström, *supra* note 179.

¹⁸⁴ *Why is Election Day in the United States of America on Tuesday?*, OVERSEAS VOTE, <https://www.overseasvotefoundation.org/post/why-election-day-united-states-america-tuesday> (last visited Aug. 27, 2025) [<https://perma.cc/3BT8-RW2T>].

¹⁸⁵ *See id.*

¹⁸⁶ *Id.*

¹⁸⁷ *See id.*

¹⁸⁸ *Map: State Requirements for Time Off to Vote*, NONPROFIT VOTE, <https://www.nonprofitvote.org/nonprofit-staff-vote-home/map-state-requirements-for-time-off-to-vote/> [<https://perma.cc/Z6ZL-PVFU>] (last visited Aug. 27, 2025).

¹⁸⁹ Kate Gibson, *Getting Time off to Vote Is Based Where You Live and Work. Here Are 28 States Guaranteeing Time off*, CBS NEWS: MONEY WATCH (Nov. 5, 2024, at 6:16 EST), <https://www.cbsnews.com/news/election-day-2024-time-off-to-vote-state-law-employers/> [<https://perma.cc/8QGH-6XQ6>].

¹⁹⁰ *Id.*

Parents must figure out childcare for the day while they are running between work and their polling place to vote. If compulsory voting were to be implemented, many people would not be able to make it to the polls unless the laws that affect these logistics were also changed.

These differences may contribute to differences in voter turnout between states. Minnesota, for instance, allows employees to take as much time as necessary to go to the polls, vote, and return to work on election day.¹⁹¹ In California, however, employees are only allowed time off if they do not have “sufficient time outside of working hours” to vote.¹⁹² Potentially even more confusing, some states, such as Nevada, allow for different amounts of time off based on how far an employee’s polling place is from work.¹⁹³ States that have more flexible voting laws, such as Minnesota, may see higher voter turnout among working voters. If compulsory voting were to be implemented throughout the nation, with states retaining their varying laws for employees and time off for voting, people in some states would have a significantly harder time complying with compulsory voting than others.

Flexible voting options beyond the day on which the election is held in both Australia and Sweden contribute to voter accessibility leading to higher voter turnout. In Australia, early voting, postal voting, mobile voting, and telephone voting for those who are blind are available as options for those who cannot get to the polls on election day.¹⁹⁴ Mobile voting teams in Australia bring the polling places to those residing in nursing homes, mental health facilities, homeless shelters, prisons, remote areas, and more.¹⁹⁵ This creative solution provides access to voting to those who may not be able to make it to the polling places.

In Sweden, voters who cannot make it to the polls on election day can vote early, by mail, or by delivery via messenger.¹⁹⁶ Sweden also has a voter registration system that is based on a civil registry.¹⁹⁷ The

¹⁹¹ Ashli Ahrens, *Time off to Vote: 8 Facts Employers Should Know*, ADP: SPARK, <https://www.adp.com/spark/articles/2024/10/time-off-to-vote-8-facts-employers-should-know.aspx> [<https://perma.cc/G4GK-MH55>] (last visited Mar. 23, 2025).

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Voting Options*, AUSTRALIAN ELECTORAL COMM’N (July 10, 2025), https://www.aec.gov.au/voting/ways_to_vote/ [<https://perma.cc/YD8X-G4M7>].

¹⁹⁵ *Id.*

¹⁹⁶ *Voting Method*, INT’L IDEA, <https://www.idea.int/answer/ans634556353> [<https://perma.cc/DMJ7-X7Y8>] (last visited Aug. 3, 2025).

¹⁹⁷ DEV. ASSOCS., SWEDEN 114 (2006), <https://aceproject.org/ero-en/regions/europe/SE/sweden-voter-registration-case-study.pdf> [<https://perma.cc/2HS7-6YP8>].

registration system is essentially compulsory because it's taken from the population registration database.¹⁹⁸ Even if a Swedish citizen is no longer registered, their vote is considered valid if it is received no later than the day prior to the election.¹⁹⁹ While some states in the United States have automatic voter registration systems²⁰⁰ or allow for same-day registration, voter registration creates an obstacle for many voters who may not be sure how or where to register.²⁰¹ Sweden also allows for "second voting."²⁰² If a person voted early and later changes their mind, they can vote a second time on election day at a polling station.²⁰³ This gives people more time and flexibility to ensure they support the candidate they want.

Cultural differences in attitudes towards elections end up shaping the perspectives of governments and the policies they implement. Each of these creative solutions in Australia and Sweden make voting more accessible to citizens. When voting is more accessible, more people can have a meaningful effect on democracy and the government.

V. INCREASED PARTY POLARIZATION MAKES MAJOR CHANGES TO THE UNITED STATES' VOTING SYSTEM DIFFICULT

A. COMPULSORY VOTING IS UNLIKELY TO FIX DIVISION AMONGST CITIZENS AND POLITICAL LEADERS

Party division has ebbed and flowed throughout history, but is arguably at an all-time high in the present political climate.²⁰⁴ One study found that Americans rated members of their own political party almost fifty points higher than members of the other party.²⁰⁵ While it is true that

¹⁹⁸ *Id.*

¹⁹⁹ *Id.* at 115.

²⁰⁰ *Automatic Voter Registration*, MOVEMENT ADVANCEMENT PROJECT, https://www.lgbtmap.org/democracy-maps/automatic_voter_registration [<https://perma.cc/3MXR-L2GS>] (last visited Sept. 4, 2025).

²⁰¹ *Same-Day Voter Registration*, NCSL (Oct. 25, 2024), <https://www.ncsl.org/elections-and-campaigns/same-day-voter-registration> [<https://perma.cc/BAL9-JKPO>]; Kathleen Malloy, *Understanding Barriers to Voter Registration – and How to Fix Them*, THE LEADERSHIP CONFERENCE (Sept. 28, 2021), <https://civilrights.org/blog/understanding-barriers-to-voter-registration-and-how-to-fix-them/> [<https://perma.cc/WWA5-JG5D>].

²⁰² Bruno Kaufmann, *The Swedish Way to Boost Voter Turnout*, TIME (Nov. 5, 2014, at 13:00 EST), <https://time.com/3558705/boost-voter-turnout-sweden-america/> [<https://perma.cc/D8XR-B4JT>].

²⁰³ *Id.*

²⁰⁴ *See generally U.S. Is Polarizing Faster than Other Democracies, Study Finds*, BROWN UNIV. (Jan. 21, 2020), <https://www.brown.edu/news/2020-01-21/polarization> [<https://perma.cc/Q4QR-YKFX>].

²⁰⁵ *Id.*

many issues have bipartisan support, once something becomes a party issue, any bipartisan support will likely evaporate.²⁰⁶ For example, 85 percent of Americans are in favor of requiring background checks on people who buy guns through private sales or gun shows.²⁰⁷ However, helpful changes such as background check implementation are not being voted on because of polarization driven by party and media politicization of gun violence and gun control.²⁰⁸ Gun violence and gun control are highly polarized by parties and the media.²⁰⁹ Due to increasing polarization among citizens and general dislike for people within the other party, it is unlikely that compulsory voting would get the bipartisan support in needed for implementation if it was independently introduced by one of the parties.

While there is an argument that problems such as polarization could be fixed by compulsory voting, higher voter turnout may have the opposite effect by reinforcing political polarization.²¹⁰ In the United States, many people who choose not to vote claim to be moderate and unwilling to attach themselves to a political party.²¹¹ In reality, many people who do not vote do have opinions about who they would have voted for.²¹² Nonvoter preferences and political affiliations were sharply divided between the two presidential candidates in 2024, with 44 percent of nonvoters preferring Trump and 45 percent preferring Harris.²¹³ A general disinterest in politics among nonvoters also means that they care less about what the people or political parties are actually planning to do.²¹⁴ Nonvoters do not actually support more moderate candidates, and fall in

²⁰⁶ See Paige Rotunda, *History Shows that Bipartisanship Dissolves as Crises Evolve*, WILSON CTR. (Apr. 15, 2020), <https://www.wilsoncenter.org/article/history-shows-bipartisanship-dissolves-crises-evolve> [https://perma.cc/PUX3-8F4U].

²⁰⁷ *Political Polarization in the United States*, FACING HIST. & OURSELVES (Aug. 26, 2024), <https://www.facinghistory.org/resource-library/political-polarization-united-states> [https://perma.cc/J37Q-KSL9].

²⁰⁸ See *The Political Stumbling Blocks that Prevent Gun Legislation from Passing*, NPR (May 26, 2022), <https://www.npr.org/transcripts/1101568184> [https://perma.cc/LV3C-PN94].

²⁰⁹ See William C. Chamblee, *To Be Framed: Investigating the Influence of American Media Frames on Gun Control* (2024) (M.A. thesis, University of Arkansas) (on file with Graduate School and International Education, University of Arkansas).

²¹⁰ See Jason Brennan, *The Impact of Voter Turnout on Polarization*, THE GEO. INST. FOR THE STUDY OF MKTS. & ETHICS, <https://gisme.georgetown.edu/news/the-impact-of-voter-turnout-on-polarization/> [https://perma.cc/T92Y-X89K] (last visited Nov. 16, 2024).

²¹¹ See *id.*

²¹² *Id.*

²¹³ Hartig et al., *supra* note 63.

²¹⁴ Brennan, *supra* note 210.

line with the rest of voters who publicly identify with a party.²¹⁵ If compulsory voting was implemented, an increase in so-called “donkey votes,” as discussed earlier, would likely be imminent.²¹⁶ The political climate could become potentially worse than it is now, because voters would not be seeking out better politicians who may address the concerns of the entire nation rather than just their own party.

Unfortunately, not only are voters becoming more polarized, but party leaders and elected officials are as well. Congressional polarization has varied over the years, but as parties grow more ideologically cohesive, fewer congresspeople remain in the middle.²¹⁷ This leaves less opportunity for compromise as each party’s values move further from each other on the ideological scale. According to a 2022 Pew Research study, there are only about two dozen moderate Democrats and Republicans left in Congress.²¹⁸ In comparison, between 1971 and 1972, there were more than 160 moderate Democrats and Republicans.²¹⁹ With very few people left in the middle, it is unlikely that enough politicians on each side would agree on a compulsory voting law, let alone garner enough support from voters to get it passed.

B. THE RISE OF VOTER FRAUD CONCERNS REFLECTS ADMINISTRATIVE PERSPECTIVES ON THE ELECTORAL SYSTEM AND THAT MAY RESULT IN OPPOSITION TO COMPULSORY VOTING.

Concerns about election legitimacy and voter fraud have influenced politics and elections since the early years of the United States but have seen a notable increase recently. For example, white women in New Jersey between 1776 and 1807 had the right to vote.²²⁰ Political parties on both sides raised concerns and claims that women were responsible for voter fraud as a tactic to limit women’s right to vote.²²¹

²¹⁵ *Id.*

²¹⁶ See *supra* note 38 and accompanying text.

²¹⁷ Drew Desilver, *The Polarization in Today’s Congress Has Roots that Go Back Decades*, PEW RSCH. CTR. (Mar. 10, 2022), <https://www.pewresearch.org/short-reads/2022/03/10/the-polarization-in-todays-congress-has-roots-that-go-back-decades/> [https://perma.cc/VF5C-HUH4].

²¹⁸ *Id.*

²¹⁹ *Id.*

²²⁰ Campbell Curry-Ledbetter, *Women’s Suffrage in New Jersey 1776–1807: A Political Weapon*, 21 GEO. J. GENDER & L. 705, 706 (2020).

²²¹ *Id.* at 717.

Eventually, women in New Jersey lost the right to vote for many years.²²² The rise in election fraud concerns, specifically those pushed by President Donald Trump and the Republican party,²²³ present two problems for the United States that would negatively impact the implementation of compulsory voting laws. Firstly, people do not currently trust the election system and are strongly influenced by party messages. For compulsory voting to even be considered, it would have to be presented by a bipartisan group. In our current political climate this is an unrealistic notion. Secondly, politicians may use voter fraud concerns as a political scare tactic to drive opposition to compulsory voting, further suppressing voter rights rather than truly protecting the electoral system.

Despite the beliefs of many Americans, actual evidence of election fraud is limited in modern times. A study by the Washington Post found that between 2000 and 2014, there were just thirty-one cases of impersonation fraud out of one billion ballots cast.²²⁴ This number includes any credible claims, and not all thirty-one of these claims led to convictions or prosecution.²²⁵ Despite the limited evidence of actual fraud, a study spanning from 2012 to 2020 found that over 40 percent of Americans believe that if their favored candidate loses, it is because of fraud.²²⁶ Supporters of President Donald Trump may be more concerned about specific types of fraud, such as impersonation, mail-in ballots, or absentee voting.²²⁷ However, more general concerns about election fraud impact people across ideologies and beliefs

It seems that in recent elections, Republican voters have been more concerned about election fraud.²²⁸ This may be because beliefs about fraudulent actions can be influenced by elite cues.²²⁹ Democratic candidates have been more likely to publicly hold that the elections are not being impacted by fraud, leading to less concern from the Democrats after the elections.²³⁰ On the other hand, President Trump has consistently held

²²² *Id.* at 718.

²²³ Adam M. Enders, Joseph E. Uscinski, Casey A. Klofstad, Kamal Premaratne, Michelle I. Seelig, Stefan Wuchty, Manohar N. Murthi & John R. Funchion, *The 2020 Presidential Election and Beliefs About Fraud: Continuity or Change?*, 72 ELECTORAL STUD. 1, 2 (2021).

²²⁴ *Debunking the Voter Fraud Myth*, BRENNAN CTR. FOR JUST. (Jan. 31, 2017), <https://www.brennancenter.org/our-work/research-reports/debunking-voter-fraud-myth> [<https://perma.cc/7KSW-K65K>].

²²⁵ *Id.*

²²⁶ Enders et al., *supra* note 223, at 2.

²²⁷ *Id.* at 6.

²²⁸ *Id.* at 2.

²²⁹ *Id.*

²³⁰ *Id.* at 4.

that recent elections in 2016, 2020, and, before the results were confirmed, in 2024, were fraudulent.²³¹ This explains why a greater number of people who identify with the Republican Party continue to push concerns of election fraud, despite thorough investigation and reporting on the lack of fraudulent cases.

Voter fraud concerns are often used to suppress voters and raise questions about election legitimacy rather than to ensure fair elections.²³² This reflects a very different perspective being pushed by some political leaders in the United States from perspectives in Australia. This difference would make the implementation of a compulsory voting system in the United States especially difficult.

VI. CONCLUSION

Though compulsory voting may intuitively seem to provide an easy fix for low voter turnout and engagement with the government, its success is dependent on several factors. The history of voting laws in a nation, structure of the government, attitudes of the citizens, and voter accessibility all have a real impact on the success of compulsory voting. If compulsory voting were implemented in the United States with our current government structure and election laws, it likely would not be as successful as it is in Australia. Though compulsory voting may initially create a jump in turnout, particularly if the rules were enforced, meaningful engagement would not necessarily be the result.

²³¹ *Id.* at 2; Jeremy Herb, *How Donald Trump Is Laying the Groundwork to Dispute the Election Results – Again*, CNN: POLITICS (Nov. 4, 2024, at 20:35 EST), <https://www.cnn.com/2024/11/03/politics/donald-trump-disputing-election-results> [<https://perma.cc/5PGQ-9T33>].

²³² See Enders et al., *supra* note 223.