

Democratic Design and Democratic Reform The Case of Australia

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Abstract

Distinctive aspects of Australian democracy—high levels of participation, aggregative voting systems, and a utilitarian preference for government to play the role of both rulemaker and arbiter—are rooted in the institutional configuration of Australian politics. This essay argues that Australia’s unique combination of majoritarian and proportional preferential electoral models has seen the emergence of a political system which, for the most part, has balanced the need for strong government in the lower House of Representatives with broader representation in the Senate. Preferential voting also has tended to push Australian politics toward the center, avoiding the polarization found in comparable democracies such as the United States. As a result, Australian electoral institutions are increasingly being examined, advocated, or adopted elsewhere.

Keywords: Australia, alternative vote, elections, polarization, preferential voting.

Democratic Institutions in a Settler Society: The Case of Australia

Following the loss of the American colonies after the American Revolutionary War (1775-1783), Britain needed to find an alternative British colony in the “New World,” including a potential penal settlement. Earlier explorations by Captain James Cook and others had identified the Great South Land of Australia as a suitable site—and one which Cook already had claimed for the British Crown.

Thus, Australia’s founding as a modern nation was ineluctably connected not just with British imperialism but also with America’s revolution against it. In January 1788, as the “First Fleet” sailed through the sandstone headlands of what was to be named Sydney Harbor, the American founding fathers on

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the opposite side of the world had just finished drafting the Constitution of the United States at the Constitutional Convention in Philadelphia. Some of the ideas of the *Federalist Papers*—not least the idea of federalism itself—were to become foundations of Australia’s own constitution.

While a British colony, Australia borrowed from constitutional practices in the United States when choosing its governing institutions at the time of federation. Prominent among these were some of the great innovations of the American founding fathers: the idea of dividing and sharing sovereignty between national and state governments; a federal structure to demarcate responsibilities over vast and far-flung regions; a bicameral legislature, including a Senate to represent the interests of the states; a written constitution; and a High (rather than “Supreme”) Court to interpret the constitution and review laws passed by the federal and state parliaments.

Australia also developed a number of democratic innovations independently, making it something of an entrepreneur in the field of institutional design. A number of routine aspects of Australian electoral democracy are either distinctive in comparative terms (such as compulsory and preferential voting, discussed in more detail below) or first-mover innovations which have since spread elsewhere (for instance, the secret ballot, still sometimes known in the United States as the “Australian ballot”; the first-ever use of proportional representation [PR] for an elected assembly, in 1840 Adelaide; and the establishment of independent electoral management bodies in the 1920s) in the democratic world.¹ While less innovative in recent years, Australia remains an example of a settler society in which democratic institutions were not just copied from a colonial power, but also designed and developed independently, with new ideas about elections and voting in vogue in the late nineteenth century particularly influential.

One such idea was that of preference voting, whereby voters rank their choices among candidates on the ballot paper, which found expression in both single-member (winner-take-all) and multimember (proportional) versions. The resulting mixture of majoritarian and consensual elements in a federal system helps to explain the stability of Australian democracy, but also some of its more unusual features. Distinctive aspects of Australian democracy such as high levels of electoral participation, aggregative national parties combined with minor party representation, and a utilitarian preference for government to play the role of both rulemaker and arbiter, are rooted in the institutional configuration of Australian electoral politics. In particular, the Australian combination of majoritarian and proportional electoral models has been crucial to the emergence of a political system which, for the most part, has balanced the need for strong government in the lower house with broader representation in the Senate.

¹ See Marian Sawer, ed., *Elections: Full, Free and Fair* (Sydney: Federation Press, 2001).

This combination of majoritarianism and proportionality is most evident in terms of Australia's electoral systems, with the national Parliament and most of the states adopting a split between two related but distinct forms of preferential voting—the Alternative Vote (AV) for elections to the lower house, and a proportional Single Transferable Vote (STV) system for upper house elections (the exceptions are Queensland, which is unicameral, and Tasmania, which uses STV in its lower house). For instance, at the national level—the focus of this essay—governments are formed in the House of Representatives, elected under a majoritarian AV system, but subject to a powerful house of review, the Senate, elected by STV proportional representation.

The details of the two systems will be discussed later in this essay. For now, it is important to emphasize that the *interaction* between these two related but distinct electoral systems has served to keep the major parties' focus on the political center and encouraged preference-swapping deals with aligned parties (and occasionally with each other), while allowing the representation of minority views to a greater extent than in either the United Kingdom or the United States. In so doing, Australia has forged an unusual combination of both “majoritarian” and “consensual” models of government.²

Distinctive Traits

Modern Australia began life as six separate British “colonies,” most of them founded as a combination of free and penal settlements, before federating into one nation in 1901. This “coming together” model of federalism drew on the experience of the original eastern regions of the United States and Canada in pooling and sharing sovereignty across a vast (if sparsely settled) land mass, with the interests of the six states embedded in the Constitution of the Commonwealth of Australia. Thus, the responsibilities of national government are specified directly, while other “residual” powers remain with the states. Tasmania, the smallest state, receives the same Senate representation as New South Wales, the largest—twelve senators, in an asymmetric model that again draws on the federal structure of the United States.

The Senate is constitutionally half the size of the lower house, the House of Representatives, which is also where governments are formed, along the British model—with the result that Australia has been characterized as a “Washminster” system: part Washington D. C., part Westminster.³ This is most apparent in the reality of a written constitution which divides power between the national and state governments and thereby places limits on the power of both, and of the Parliament itself, via the adjudication of the High Court. Thus,

² Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1984).

³ Elaine Thompson, “The ‘Washminster’ Mutation,” *Politics* 15, no. 2 (1980): 32-40.

the Australian political model can be seen as a half-way house between the parliamentary sovereignty of the British system and the separation-of-powers model inherent in the United States.

However, the most consequential democratic experiments in Australia have come from reforms which are home-grown, with limited recourse to overseas practice. In particular, three unusual electoral innovations from the first half of the twentieth century—the adoption of compulsory voting in the early years of the century, the nationwide replacement of plurality voting with alternative voting shortly afterward, and the introduction of STV proportional representation in the Senate after the Second World War—helped create the framework for a distinctive political system which privileges the interests of centrist parties of government, while still allowing minority representation.

The reforms, which were introduced and took root in Australia in part because of the new nation's youth and distance from the larger metropolises of the northern hemisphere, reflect two persistent streams of Australian political development. One is a national zeal for experimentation and innovation in democratic procedures, a process which began in the colonial period with the early enfranchisement of women and indigenous voters in the South Australian colony in the 1880s. The other is the desire of the major political parties to shape and control the political rules of the game to their own advantage, particularly in relation to electoral reform—including the introduction of compulsory and preferential voting. The two streams are often in tension with each other, but sometimes align in distinctive ways which then further shape the conduct of democratic politics in Australia.

Three aspects of Australian elections are particularly distinctive when compared to other Western democracies. One is that elections in Australia are based on a significant level of compulsion, with voters both required to enroll by law (although this is not enforced), and then required to vote (which is enforced). Another is the requirement in almost all Australian elections for voters to rank candidates in order of their preference, rather than just make a single categorical choice—hence, the term “preferential” voting to commonly describe the Australian electoral system. Finally, the administration of almost all aspects of elections (right down to those conducted by unions and indigenous bodies) in Australia is handled by an independent electoral management body—including redistricting, boundary delimitation, party registration, finance and disclosure, and the running of elections themselves. This is about as far from the American model of decentralized electoral boards run by parties as one can get.

Compulsory voting was first introduced at the federal level in 1924 (after its state-level application in Queensland in 1915) and has remained a feature of Australian elections ever since. Electors who choose not to vote without a valid excuse, such as absence or illness, risk a small fine. As a result, Australian elections typically feature turnout levels of over 90 percent (compared to

around 50 percent in the United States). While clearly a restriction on individual liberty, compulsory voting increases the participation of marginalized groups in the electoral process, who in other countries are less likely to vote at all—particularly poorer and less educated electors, indigenous Australians, recent migrants, and young people (although estimates suggest that up to half a million mostly young voters are not enrolled). Overall, compulsory voting has produced mixed blessings: while it fosters a more inclusive electoral process and probably makes for a more representative Parliament, it also tends to weaken the impact of partisanship, making electoral outcomes in marginal seats dependent on the votes of those least interested in politics. It is also very expensive to run in an even marginally credible manner. Unsurprisingly, few other countries have chosen to go down this path.

Preferential voting also has been very important in Australian electoral history—it was first introduced federally for lower house elections in 1918 in its AV variant, which has remained largely unchanged ever since. However, the partisan impact of preferential voting has changed over time, helping the conservative coalition to maintain power in the 1960s and 1970s, but aiding the Australian Labor Party during the 1980s and 1990s on the back of preferences from smaller left-of-center parties such as the Australian Democrats and, more recently, the Greens. Today, with such parties polling between 10 and 15 percent of first-preference votes, the distribution of second and later preferences has become even more important to election outcomes, effectively funnelling votes toward the main right or left-of-center parties.

Finally, Australia’s development of independent electoral management bodies is itself an important piece of institutional architecture, and a good example of the country’s “Benthamite” model of institutional development.⁴ It also helps to explain the widespread Australian view of elections as a kind of rule-based game refereed by an independent umpire. While there are other countries with powerful electoral commissions—India and Canada, for example—the Australian practice differs from most other democracies, where elections are either administered by a government agency under ministerial control (as in much of Europe), or controlled by the political parties themselves (as in the United States). Thus, unlike the 2000 Florida experience where decisions were made by different jurisdictions and levels all the way up to the Supreme Court, the Australian Electoral Commission controls and administers the entire electoral process in Australia, and if elections are very close, will order a re-run or file its own petition to the courts.

⁴ Hugh Collins, “Political Ideology in Australia: The Distinctiveness of a Benthamite Society,” *Daedalus* 114, no. 1 (1985): 147-169.

Institutional Innovations: Preferential Voting

Perhaps the most distinctive Australian contribution to electoral innovation is in the design, development, and institutionalization of “preferential voting” systems—that is, systems which enable electors to rank-order their choice of candidates on the ballot, rather than express a categorical selection for a single candidate or party. The Australian experience represents by far the longest-running example of preferential voting in the world today, with all of the major preferential electoral systems developed or substantially refined in Australia (which includes not just AV and STV but also the contingent or supplementary vote, now abandoned in Australia but increasingly used elsewhere). As such, the Australian history of electoral innovation represents one of the more distinctive national contributions to institutional design.⁵

Adoption of preferential voting is one example of how liberal and utilitarian ideas came to be featured in Australia’s institutional architecture. By enabling each voter to indicate, via a new form of ballot structure, his or her strength of support *between* candidates, preferential voting reflected broader liberal ideals much discussed in Australia in the late nineteenth century, such as the once radical notion that people behaved in politics as rational individuals, forming their own opinions and considering their own interests, and that diversity of opinion among thinking individuals was to be encouraged rather than repressed.⁶ John Stuart Mill was a prominent public exponent of preference voting, seeing it as “a scheme of almost unparalleled merit for carrying out a great principle of government” which, via the “aggregate of minorities,” would ensure that the “very best and most capable of the local notabilities would be put forward by preference.”⁷

Having been a feature of Australian politics since the early twentieth century, preferential voting has become an “embedded” institutional factor in Australian politics, enabling us to examine its effects over a long period in a stable political environment. While originally introduced by conservative parties in order to combat the rising labor movement and counter the effects of vote-splitting, preferential voting has evolved to have a significant influence on Australian party politics. It mostly, if not always, has ensured the election of governments which enjoy the majority support of the national electorate. It has

⁵ See Benjamin Reilly, “Preferential Voting and Its Political Consequences,” in *Elections: Full, Free and Fair*, ed. Marian Sawer (Sydney: Federation Press, 2001), 78-95.

⁶ Mill was so enamored of Hare’s proposal that he wrote that Hare 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.” See Jennifer Hart, *Proportional Representation: Critics of the British Electoral System 1820-1945* (Oxford: Clarendon Press, 1995), 38.

⁷ John Stuart Mill, *Utilitarianism, On Liberty and Considerations on Representative Government* (London: J. M. Dent and Sons, 1972 [1910]), 265-269.

sustained the presence of some minor parties, but also constrained tendencies toward broader party system fragmentation. Additionally, it has enabled the development of partnership arrangements between parties—with the long-running coalition between the Liberal and National parties being the most prominent but not the only example.

The subtler impacts of preferential voting also have been consequential. A good example is the way preferential voting has interacted with other aspects of the political system to steer it away from extremes and toward the political center on most policy issues. As such, it acts as an exemplary case of the way some electoral institutions can promote “centripetal” rather than “centrifugal” political incentives.⁸ In this respect, perhaps the most relevant consequence of preferential voting in Australia is that it has provided the 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. This stands in sharp contrast to the trajectory in the United States, and is one reason for the increasing enthusiasm for the introduction of similar “ranked choice” or “instant runoff” systems there.⁹

The centralizing influence of preferential voting is partly due to a little-studied aspect of the mechanics of preference distribution in Australian elections: institutionalized negotiations among major and minor parties for reciprocal support, or “preference-swapping” as it is known in local parlance. These interparty preference negotiations and subsequent deals directing voters on how to distribute their second and later preference votes have become a well-established part of Australian politics. Such “arenas of bargaining” across party lines also have had important, but subtle, influences on the political process and, as such practices have become normalized over time, on the wider political culture.¹⁰ Sharman, Sayers, and Miragliotta identify no less than ten distinctive forms of cross-party preference bargaining, ranging from hostile deals which punish a mutual enemy to cooperative pacts based on ideological or policy affinities.¹¹

However, such subtler impacts of preferential voting have seldom been well understood in the literature, with scholars typically seeing it as a “majoritarian” system, with effects and results much like first-past-the-

⁸ Gary Cox, “Centripetal and Centrifugal Incentives in Electoral Systems,” *American Journal of Political Science* 34, no. 4 (1990): 903-935.

⁹ For more information, see FairVote, Takoma Park, MD, <http://www.fairvote.org/rcv#rcvbenefits> (accessed August 8, 2016).

¹⁰ I discuss this concept in more detail in Benjamin Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge, UK: Cambridge University Press, 2001).

¹¹ C. Sharman, A. M. Sayers, and N. Miragliotta, “Trading Party Preferences: The Australian Experience of Preferential Voting,” *Electoral Studies* 21 (2002): 548.

post voting.¹² This judgement is misconceived. By encouraging parties to look outside their immediate support bases for potential secondary support, preferential voting has tempered some of more adversarial aspects of Australia's majoritarian electoral politics, making elections above all a search for the political middle ground. Because negotiations occur out of sight of the media, they are particularly influential in the context of cross-house preference deals between major parties in the House of Representatives and minor parties in the Senate.¹³ These bargaining arenas have introduced a significant degree of what I call "centripetalism" to Australia's adversarial political culture.¹⁴

To understand how this works, it is important to understand the mechanics of the electoral process. Preferential systems ask voters to rank-order candidates on the ballot paper by marking a "1" for their most favored candidate, a "2" for their second choice, "3" for their third choice, and so on. In AV elections, a candidate who gains an absolute majority of first-preference votes—as happens in roughly half of all cases at the federal level—is immediately elected. If no one has a majority, the candidate with the lowest first-preference vote total is "eliminated" and his or her ballots re-examined for second preferences, which are assigned to the remaining candidates in the order as marked on the ballot. This process is repeated until one candidate has an absolute majority: the votes of the candidate with the fewest votes are redistributed to the remaining candidates, until one candidate has over 50 percent and is declared elected.

A more obscure historical variant of preferential voting is the contingent vote, used in Queensland between 1892 and 1942. Under this system, as for the alternative vote, any candidate who receives an absolute majority of first preferences is declared elected. If no candidate has an absolute majority, however, the elimination process changes: *all* candidates other than the two leaders on first preferences are eliminated, and the votes for eliminated candidates are redistributed to one or the other of the top two, according to the preferences marked, to ensure a majority winner. This is effectively a runoff election compressed into one round via the expression of preferences. While superficially similar to the alternative vote, this system can deliver quite different results, particularly under conditions of high candidature. It is no longer used for elections in Australia, but since has been adopted for presidential elections in Sri Lanka and most recently for mayoral elections in London, where it is known as the supplementary vote.

STV proportional representation is another form of preferential voting. Its most important use in Australia has been for the federal Senate since 1948,

¹² See, for instance, Douglas W. Rae, *The Political Consequences of Electoral Laws* (New Haven: Yale University Press, 1967), 108.

¹³ Sharman et al., "Trading Party Preferences," 543-560.

¹⁴ See Benjamin Reilly, "Centripetalism," in *The Routledge Handbook of Ethnic Conflict*, ed. Karl Cordell and Stefan Wolff (London: Routledge, 2016).

but it is also used to elect the lower house in Tasmania, and the unicameral Australian Capital Territory Legislative Assembly. As a proportional system, STV utilizes multimember districts, with voters ranking candidates in order of preference on the ballot paper in the same manner as described above. The counting process, however, is different. After all first-preference votes are tallied, the “quota” of votes required for the election of a single candidate is set. Any candidate who has more first preferences than the quota is immediately elected. To fill the remaining seats, the candidate with the lowest number of first preferences is eliminated, and his or her preferences redistributed to those candidates left in the race. At the same time, the surplus votes of elected candidates (i.e., those votes above the quota) are redistributed at a fractional “transfer value” according to the second and later preferences on the ballot papers, until all seats are filled.

The systems described were proposed in the first Commonwealth Electoral Bill presented to the new Parliament in 1902, but it was not until 1918 that AV was finally introduced for federal elections to the House of Representatives, after having been used previously in state elections in Western Australia (1907) and Victoria (1911). The decision was prompted more by consideration of partisan advantage than by the finer points of electoral theory. The increasing incidence of minority Labor candidates beating a divided field of conservatives had prompted Sir Joseph Cook’s short-lived Liberal government (1913-1914) to appoint a royal commission to investigate electoral matters, which recommended that AV and STV be used for elections to the House of Representatives and Senate, respectively. After Cook’s defeat, the issue laid dormant until 1917, when the newly formed Nationalist Party, under the leadership of William Morris “Billy” Hughes, was able to form a governing majority.

The 1918 legislation to provide for preferential voting followed a by-election for the seat of the city of Swan in Western Australia, which was won by a Labor candidate with 35 percent of the vote, despite the three non-Labor candidates collectively mustering 65 percent. This result threatened to be repeated in another by-election with a similar constellation of forces, in the Victorian electorate of Corangamite, later that same year. Under considerable pressure from the farming lobby, which threatened to split the Nationalist Party’s vote by fielding its own candidates, the Hughes government introduced AV for the House and passed the Commonwealth Electoral Act 1918, a piece of legislation which, while much amended, remains the statute governing electoral competition at the national level today.¹⁵

The introduction of AV was thus intimately related to the need to counter

¹⁵ See Gordon S. Reid and Martyn Forrest, *Australia’s Commonwealth Parliament 1901-1988* (Melbourne: Melbourne University Press, 1989), 99.

the possibilities of vote-splitting among aligned interests and to encourage and reward collaboration or coalition arrangements among parties. The system came to be seen as a solution to the problem of political aggregation and proliferation of candidature. The distinctive Australian practice of party agents distributing “How to Vote” cards outside polling booths, giving voters each party’s suggested preference ordering among all candidates standing (both their own and those from other parties as well), served to institutionalize such arrangements by making preference deals explicit, without placing excessive expectations on the interest or memory of voters.¹⁶

It was not until 1948 that the Senate finally adopted the original proposal for STV, which since 1983 has been combined with a “ticket vote,” making the act of voting much simpler and allowing political parties more control over the flow of preferences. Under ticket voting, prior to the election, parties and aligned candidates may lodge a preference schedule or “group voting ticket,” which identifies where they would like to see their preferences allocated. These reforms also raised the political importance of the Senate, which has become a powerful check on majoritarian government. With the exception of a brief period in the final term of the Howard government (2004-2007), minor parties have held the balance of power continuously since mid-1981, making the Senate a key voice of minority opinion in federal politics. As a consequence, for most of the postwar period, successive governments have had to gain the support of independent or minor party Senators to pass legislation.

As the number of minor parties has increased, the issue of which major party will receive their preference votes has become steadily more important. The growing importance of these “preference swapping” deals discussed earlier is reflected, by way of example, in the number of lower-house seats which are not won outright but rather 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, to over 50 percent in the 1990s, and to over 60 percent since then. In the 2013 Australian election, two-thirds of all seats “went to preferences” to determine the outcome, the highest rate ever. Preliminary results from the 2016 elections suggest a record proportion of votes for minor parties and independents, and an even higher preference flow.

While on average fewer than one in ten electorates sees the plurality winner defeated on the distribution of preferences, the potential effects on political behavior have been significant. As democratic elections are, as Przeworski

¹⁶ “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. Slightly over half of all voters claim to follow their favored parties’ suggested preference ordering, although rates of doing so differ markedly between major party and minor party voters.

reminds us, “organised uncertainty,” vote-seeking parties always will have an incentive to strike preference deals before an election if they think it may benefit their own candidates.¹⁷ As most Australian districts are competitive contests, this uncertainty of outcomes has helped to institutionalize behavioral norms of back-door cooperation among parties. In the 2013 elections, for instance, fifteen seats were won by candidates who came from behind to win after the distribution of preferences. Most of these were Labor candidates who benefited from the receipt of Green and other minor party preferences.

The 2013 election also saw a new form of preference-swapping centered around Senate elections. This featured not “minor parties”—small but established parties with clear profiles, such as the Greens—but rather “micro”-parties with no public profile and a vote share of less than one percent. Despite this negligible support base, some of these micro-parties were able to win Senate seats by engaging in promiscuous preference-trading deals with other parties and reaping the (essentially random) rewards of victory which accrued to whoever was able to assemble the necessary quota for victory. These perverse results came from an electoral system designed in an earlier era when a few large parties and a smaller number of candidates predominated. But recently, the electoral system has failed to keep pace with the growth in candidature: the 2013 election saw an average of almost eight candidates per lower-house seat, while in the Senate, candidate numbers have doubled over the past twenty years. Large states such as New South Wales now attract over one hundred candidates, making a sincere rank-ordering of preferences among all candidates an impossibility.

The reality of increasing numbers of candidates seeking to stand for election eventually prompted a series of electoral reforms in 2016, which have had the effect of allowing electors to vote preferentially among parties, not just candidates, with their ticket vote, or needing only to number as many candidates as there are to be elected “below the line.” These reforms have proved consequential: in the recent 2016 federal elections, the Senate micro-parties were replaced by a range of issue- or personality-based movements with a strong state-based vote, often associated with a prominent individual (such as the Nick Xenophon Team in South Australia, Pauline Hanson’s One Nation in Queensland, or the Jacqui Lambie Network in Tasmania). While clearly increasing the “personalization of politics” in Australia,¹⁸ this may also push the Senate a little closer to its original incarnation of a “State’s House,” representing diverse but established state-level interests.

¹⁷ See Adam Przeworski, *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America* (Cambridge, UK: Cambridge University Press, 1991), 14-19.

¹⁸ See Ian McAllister, “The Personalization of Politics in Australia,” *Party Politics* 21 (2015): 337-345.

Wider Impacts

As has been pointed out already, preferential elections enable the votes of aligned candidates to accumulate so that related electoral interests can be aggregated without the vote being “split.” The long-standing coalition agreement between the Liberal and National parties in Australia is probably the best example of this arrangement in practice, as it allows both the them to field candidates in so-called “three-cornered contests” against Labor, but direct preferences to each other. It is unlikely, in fact, that the coalition agreement could have been maintained under a different electoral system, as preferential voting is one of the few electoral systems to reward coalition formation *before* elections rather than after them, thus intertwining the politics of coalition formation with the politics of electoral competition.¹⁹

Because the most successful parties in a political system such as Australia’s will be those commanding the middle ground and offering policy positions closest to that of the median voter (thus assuring them of a healthy preference flow from minor parties), preference-swapping should promote “centrist” politics, as major parties have an incentive to be as encompassing as possible (in order to pick up the second preferences of minor party voters), while voters can choose minor parties and still have an opportunity to influence which of the larger parties is elected. There are decades of evidence of this in Australian elections, in which minor parties such as the Democratic Labor Party in the 1960s, the Australian Democrats in the 1980s and 1990s, and the Greens in more recent years have influenced not just election outcomes but also policies.²⁰ As a consequence, Australia’s electoral system can be seen as providing significant institutional encouragement for convergent party policies, although there are many other reasons for convergence.²¹

To understand why this is so, we need to go back to Downsian electoral theory, which assumes that voters are arrayed along a bell curve, with a majority in the political center.²² Under majoritarian systems, winning elections requires a relentless focus on the “median voter”—the voter who sits at the middle of the political and policy spectrum, and thus offers the best target for election campaigning. Compulsory voting compounds this tendency by forcing to the polls the 30 percent or so of the electorate who ordinarily would not vote. This group essentially decides election outcomes, making it much harder for parties to adopt radical policies which could alienate what political professionals

¹⁹ See Michael Laver and Norman Schofield, *Multiparty Government: The Politics of Coalition in Europe* (Oxford: Oxford University Press, 1991), 206.

²⁰ For examples, see Reilly, *Democracy in Divided Societies*, 42-57.

²¹ Ian Marsh, “Policy Convergence between Major Parties and the Representation Gap in Australian Politics,” in *Political Parties in Transition?* ed. Ian Marsh (Sydney: Federation Press, 2006), 116-142.

²² Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row, 1957).

call “low information voters.” In the polling booth, compulsory preference marking (used at the national level and in most states) catches the votes of both these and other groups—including highly engaged voters—who are supporting minor parties. These votes are then funnelled back to the two major parties, assuming that they still can gain sufficient first-preference support, in a process that further encourages convergence. While the major parties do not converge on all issues, most areas (particularly big-ticket items such as defense, health, and foreign affairs) feature very similar policies from both of Australia’s main parties.

To the extent that convergence is a problem, a furthering of the recent Senate reforms to the House of Representatives for optional preferential voting (as is currently the case for New South Wales and Queensland) would probably have an impact, pushing major and minor parties alike to be more focused on differentiating themselves from their competitors rather than imitating them. While optional preferential voting in the lower house is not currently on the agenda, it would seem a natural extension of the loosening of compulsory preference marking in the Senate. But optional preferential voting also would open the question of why, if authorities do not compel voters to express preferences that, in fact, they do not have, they should be compelled to vote under Australia’s system of compulsory voting (which levies a small fine on enrolled voters who abstain without an acceptable reason). This is not a discussion that any of the parties wants at present, as compulsory voting frees them from the kind of “get-out-the-vote” duties that preoccupy parties in other democracies such as the United States.²³

Conclusion: Reversing the Flow of Ideas?

Like the United States and other settler societies, Australian political culture is imbued with the ideas that were in vogue at the time of its separation from colonial rule and emergence as an independent country. Unlike the United States, with its hostility to centralized power and adherence to republican values, Australia was most influenced by the ideals of thinkers such as Jeremy Bentham and John Stuart Mill. Thus, the electoral system has been designed as a giant game, refereed by an impartial state authority, with mass participation ensured by compulsory voting. This is typical of Australian politics more generally, in which the state is seen as a public utility designed to provide the greatest happiness to the greatest number of people. As Farrell and McAllister perceptively note, the entire system has evolved within a political culture that emphasizes both innovation and compliance.²⁴ The Australian Constitution, for

²³ See Lisa Hill, “A Great Leveller: Compulsory Voting as a Democratic Innovation,” in *Elections: Full, Free and Fair*, ed. Marian Sawer (Sydney: Federation Press, 2001), 129-141.

²⁴ David Farrell and Ian McAllister, *The Australian Electoral System: Origins, Variations and Consequences* (Sydney: UNSW Press, 2006), 165.

instance, is a utilitarian document devoid of the lofty rhetoric in its American counterpart.

The contrasts with the United States do not, however, end there. As noted in the introduction, Australia borrowed liberally from the United States when it became a nation in 1901. Recently, however, this flow of ideas and institutions has started to run the other way. Today, it is American reformers who are increasingly looking to the kinds of electoral institutions used in Australia for new ways to tackle the dysfunctions afflicting American politics—among them congressional gridlock, extreme partisanship, and an increasingly polarized democratic process.

With its in-built centripetal spin, Australia's voting system has been of particular interest as a way to counter the centrifugal tendencies currently on display in American politics. In recent years, over a dozen cities and municipalities in the United States have adopted AV or STV for city and county elections. Recent studies have found more civility and less negativity in campaigning in cities using preferential voting compared to plurality voting—an important confirmation of the “moderation” thesis.²⁵ Other distinctive Australian institutions such as compulsory voting, campaign finance restrictions, and independent boundary commissions also have been proposed as ways to encourage more turnout and less polarization in American politics. Importantly, these proposals are now being actively discussed not just in scholarly publications but in the popular press as well.²⁶

In 2012, Thomas Mann and Norman Orenstein published a widely discussed book, *It's Even Worse Than It Looks*, which recommended all of the Australian innovations described above as potential reforms for the ills plaguing politics in the United States. When it came to political polarization, for instance, they proposed that the United States switch to “instant runoff voting,” as AV is sometimes known by Americans, in order to eliminate the effect of spoiler candidates, reduce wasted votes, and allow minor parties to participate more fully in the election process. Already used for elections in San Francisco and several other cities, AV is seen by many American reformers as a way to extend the electoral reach of the major parties and reduce polarization, making elections more of a fight for the political center. On the question of electoral redistribution (or redistricting, as it is known in the United States),

²⁵ T. Donovan, C. Tolbert, and K. Gracey, “Campaign Civility under Preferential and Plurality Voting,” *Electoral Studies* 42 (2016): 157-163.

²⁶ See, for example, Larry Diamond, “De-Polarizing,” *The American Interest* (October 2015), <http://www.the-american-interest.com/2015/10/10/de-polarizing/> (accessed August 8, 2016); Wendy R. Weiser, Rob Richie, and Sanford Levinson, “This Is What a Political Revolution Really Looks Like,” *The Nation* (March 2016), <https://www.thenation.com/article/this-is-what-political-revolution-really-looks-like/> (accessed August 8, 2016); and Thomas Kuhlman, “A Simple Fix for the Broken American Electoral System,” *Forbes* (January 2016), <http://www.forbes.com/sites/realspin/2016/01/14/broken-american-voting-system-ranked-choice-voting/#205dad2e60e0> (accessed August 8, 2016).

they called for the adoption of independent commissions, as long has been the practice in Australia, to demarcate electorates based on respect for communities' boundaries rather than by creating geographically contorted but politically safe seats for whichever party happens to have a majority.

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.²⁷

While the prospect of compulsory voting being introduced in the United States is remote, this final plea highlights the key appeal of Australia's political model for reformers in the United States: Australia's institutions create a centrist spin in electoral politics, with election campaigns more about appealing to the median voter than the party base. This aspect of Australian politics is not always obvious in Australia itself, given the intense politics and minority governments of recent years. Compared to the United States, however, Australian politics is far more a contest for the middle ground than an appeal to the political extremes. In the United States, by contrast, politics has become increasingly centrifugal in nature, as both main parties increasingly focus on appealing to an angry and ideological base of supporters.

While it remains to be seen whether serious electoral reform in the United States is even possible, Australia previously has had some experience with exporting its distinctive electoral institutions overseas, albeit to its near periphery. In the nineteenth century, Australia's role as a Southern Hemisphere power was eagerly embraced, with politicians claiming that the country was destined to be "Mistress of the South Seas," as Sir Henry Parkes told the federal Parliament in 1890. The preamble to the initial draft of the Australian Constitution included provision not just for New Zealand but also Fiji to join the Commonwealth. Since then, Australian electoral institutions have been transplanted to the region via Australia's administration of South Pacific

²⁷ See Thomas J. Mann and Norman J. Ornstein, *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism* (New York: Basic Books, 2012).

jurisdictions such as Papua New Guinea and Nauru, which today remain among the few cases outside Australia to use preferential voting institutions, albeit in rather different forms from their original Australian incarnation.²⁸

As a “settler society,” the idea of Australia as a kind of democratic laboratory for the world has remained important.²⁹ While it took many decades for the founders’ original vision of representative democracy to find expression in national political life, today Australia represents one of the best approximations of a complete package of centripetal electoral institutions among comparable democracies. While far from perfect, the record suggests that Australia’s unique institutional configuration of a majoritarian AV system in the House of Representatives and STV proportional representation in the Senate has been a good one for democratic development.

²⁸ Benjamin Reilly, “The Global Spread of Preferential Voting: Australian Institutional Imperialism?” *Australian Journal of Political Science* 39, no. 2 (2004): 253-266.

²⁹ Donald Denoon, “Understanding Settler Societies,” *Historical Studies* 18, no. 73 (1979): 511-527.