

Electoral Reform Australia

The New South Wales Branch of the Proportional Representation Society of Australia

29 February 2016

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Submission to the Joint Standing Committee on Electoral Matters Inquiry into the provisions of the Commonwealth Electoral Amendment Bill 2016

Congratulations on removing group voting tickets from Senate voting.

Should a voter for the Booze and Cars Party want to preference the No Sunday Trading Party they still can, and should a voter for the World Peace Party want to preference the National Socialists they still can, but in both cases this is now the choice of the voter and not of a party official.

Any micro party that is excluded from the count cannot, by definition, win a Senate seat and therefore should be happy with this arrangement knowing that their supporters' votes are going exactly where their supporters wanted.

Everything else in the legislation is a failure and a betrayal of the trust that the Australian voter had in the expectation that this legislation would bring genuine democracy to Senate voting.

Once group voting tickets are abolished there is absolutely no need for any form of above-the-line voting.

There is nothing that an above-the-line voting option gives that a ballot paper without above-the-line voting boxes doesn't do better.

- The ballot paper is smaller, less cluttered and more user friendly; there is only one set of instructions and no distracting big black line.
- A single [1] for the lead candidate in any group has exactly the same result as a single [1] in a party box above the line.
- The number of exhausted votes will drop.
- Votes randomly allocated just to comply with arbitrary and draconian formality requirements will be eliminated.

- Informal voting will be down.
- Voters are not being lied to but are treated with the respect that they deserve.

For a fully democratic Senate voting system the Government must implement a model based on that used to elect the ACT Legislative Assembly. That is, a simple ballot paper with candidates listed in party groups, and with fully optional preferential voting.

Keep it simple and let the Single Transferable Vote work so that the Senate is a true reflection of the voters' wishes.

Apply the ACT Legislative Assembly counting rules - any vote with a single unambiguous [1] must be counted.

The Government's proposed legislation almost does this but attempts it in a slipshod and incompetent way. A single [1] above the line for a group with only two candidates will be counted as a formal vote. The number two candidate in this scenario is a meaningless makeweight addition to the ballot paper who would have long been excluded when this first preference vote is considered. This vote, except for the meaningless number two, is a fully optional preferential vote but the likelihood the vote will stop at [1] is significant. The ballot paper will look identical to previous years and many voters, trained by 30 years of "just vote [1]" will stop.

The Government should adopt the ACT Legislative Assembly model under which this single preference vote is a genuine expression of the voter's intention. Because there is no separate party box this same voter will then number all the boxes in the party list. This is instinctive voter behaviour; it is very difficult for a voter to resist voting for all the candidates in a group.

Did anyone in the Government ask Senator Zed Seselja how preferences work? When he stood as a candidate for the five-member ACT electorate of Brindabella he received 18,566 votes (1.8 quotas) and only 123 of these votes were single [1]s. None of these votes exhausted and none were informal.

Did anyone in the Opposition ask Senator Katy Gallagher about preferences? For the seven-member ACT electorate of Molonglo she received 23,996 votes (2.1 quotas) and only 124 votes were single [1]s. None of these votes exhausted and none were informal.

Doesn't anyone in the Government understand that the method of election to the Senate is by single transferable vote? The single transferable vote gives every voter one vote. It is a first preference vote with contingency preferences. These contingency preferences are available should the candidate to whom the voter gives a first preference have too many or not enough votes.

Apply the ACT counting rules and votes for winning candidates never exhaust.

Some ignorant commentators have argued that if too many voters just give a single preference the transfer value will rise above 1 and votes will exhaust. This is theoretical nonsense – voters find it very hard to resist voting for all candidates when listed in party

blocks. In the examples above 10,594 of Seselja's voters and 11,442 of Gallagher's voters would have to be single [1]s before any problem with exhausted votes arose.

Believing this will happen is like believing that every car in a shopping centre car park has been accidentally or deliberately left unlocked or that people don't automatically lock their doors at night.

Introduce fully optional preferential voting and in a Senate count the equivalent of these 123 and 124 votes will remain in the count. That is, voter participation goes up.

The Government's proposal will greatly increase the number of exhausted votes. Because the ballot paper will look identical to those of the past thirty years many voters will simply vote as they always have. They will just give a single [1] above-the-line. Every vote allocated in this way for a group that is ultimately unsuccessful will exhaust. However, with no above-the-line voting the ballot paper will look different and these voters will see that they have not completed their task and will continue on to another party or group.

A major problem with the retention of above-the-line voting boxes is that many voters, just to comply with the heavy-handed, "**You must vote for six (6) party boxes**" will randomly fill in another five boxes after their first choice. Random allocation is bad enough but there will also be a bias to completing the required number of squares by starting from the left hand column. The last NSW Senate election demonstrated how this left column bias in preference allocations can distort the result.

With the ACT model this distortion does not happen. An examination of ACT Legislative Assembly ballot papers demonstrates that a majority of voters who choose to support groups that do not reach a quota of votes will, without compulsion, find another group to support, but because their support is voluntary they stop when they run out of candidates or parties that they feel that they can support. There are no random or left column biased preferences.

The Government's proposed legislation will increase the informal vote. Many more voters will put more than one [1] above-the-line. These votes will be informal. The more the Australian Electoral Commission advertises that preferences must be given above-the-line the greater will be this form of informal voting. With the ACT Legislative Assembly model this cannot happen as there will be no party boxes.

In Australia there is a great deal of cynicism and contempt for parliamentary institutions. We do not believe that it is right for the Parliament to lie to the Australian voter and instruct voters that it is compulsory to express six (6) preferences when voting above the line.

It is a lie because candidates, political parties and many voters will know that the proposed Act will allow a single [1] above the line to count as a formal vote. Abolishing above-the-line voting resolves this.

We recommend the following wording for Senate ballot papers:

At the top of the ballot paper -

6 Senators to be elected. Vote using numbers only.

And along the bottom of the ballot paper -

Starting from [1] vote for as many candidates as you wish in the order of your preference.

Australians have almost a hundred years experience in voting with numbers and these suggested voting directions will encourage voters to continue numbering beyond their preferred candidate, party or group.

We find the recommendation that below the line voters must give preferences to at least 90% of all the candidates with no more than five errors to be an insult to those voters who want to exercise their right to choose candidates free from regimented party restraints. Our recommended model removes this insult.

There has been a lot of negative publicity around the introduction of this Bill with commentators and politicians saying that the approximately 20% of voters who choose to support micro parties will be “disenfranchised” by the proposed amendments. That’s nonsense of course, but the system is still perceived as being damaged.

It is important that citizens have faith in the systems that elect their governments. You can restore that faith by giving Australian citizens a system that is simple, open and ultimately democratic.

Stephen Lesslie
President
Electoral Reform Australia