

***THE ELECTORAL REFORM SOCIETY
OF SOUTH AUSTRALIA***

28 February 2016

Mr Richard Grant
The Secretary
Joint Standing Committee on Electoral Matters
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Inquiry into the provisions of the Commonwealth Electoral Amendment Bill 2016

Thank you for the invitation to make comment to this Inquiry.

It is disappointing that this Bill has been put together hastily and is now to be considered hastily by the Joint Standing Committee on Electoral Matters. This is unfair on the Committee, as even though the Electoral Reform Society of South Australia does not always agree with its findings, we know that the Committee always takes its time and any report is always well considered. Already the Government has made amendments to this Bill, even after it was referred to the Joint Standing Committee.

In its May 2014 interim report, the Joint Standing Committee highlighted that the current Senate voting system lacks transparency, is overly complex, and needs simplification. The current ballot paper encourages above the line voting, with voter preferences distributed through a complex and opaque system of individual and group voting tickets. The Committee concluded in its interim report that most voters are unlikely to understand, where their preferences flow when they vote above the line.

Given these conclusions, it is surprising that the Joint Standing Committee did not take the obvious step of recommending actually removing the line on the Senate ballot paper and introducing optional preferential voting. This would have immediately made the ballot paper simpler, and more importantly would allow voters to actually vote for the candidates they want as they would have control of their preferences.

Instead the Joint Standing Committee recommended a compromise of allowing for optional preferential above the line voting and partial optional preferential voting below the line. This would mean those voting below the line could now determine which individual candidates they would vote for and their own order of preferences. However for those choosing to vote above the line, they would only have a choice of parties or groups, and would continue to have no say on which individual candidates within those parties they preferred. At least the recommendations would encourage more to vote below the line.

The Government has now ignored the Joint Standing Committee, and hastily introduced the ill-conceived Commonwealth Electoral Amendment Bill 2016.

In essence this Bill allows for partial optional preferential voting above the line but continues virtually full preferential voting below the line.

This means that if voters vote above the line, they have to accept the order within not only their party or group of choice, but also for at least five other groups. This means they would continue to find their votes controlled by the political parties and have no say in who they wanted within these parties and groups.

If a voter instead attempts to vote below the line, they will be faced with the onerous requirement of still marking preferences for 90% of all candidates even if they do not want many of these or know nothing about some of them.

Voters will still not be any better off.

The need for voters to be able to always chose who they want to represent them from within the party of their choice was starkly shown for the last election of the South Australian Senators in 2013.

Those who were Liberal supporters found if they voted above the line they were voting first for Senator Bernardi and secondly for Senator Birmingham. Those who were ALP supporters similarly found they were voting firstly for Senator Wong and secondly for the then Senator Farrell. There were many supporters of the main two parties who did not like the order given them and were faced with the unenviable alternative of voting below the line and marking virtually all preferences

Specific comments on the Bill

In addition to the general comments already made, the Electoral Reform Society of South Australia makes the following specific comments or asks questions that need to be considered in relation to this Bill, under its five stated purposes.

The Bill proposes to:

- ***reduce the complexity of the Senate voting system, by providing for partial optional preferential voting above the line, including the introduction of advice on the Senate ballot paper that voters number, in order of preference, at least six squares;***

Why has 'six' been chosen? Why not 'five' or 'seven'? There has been no real justification given. Will this number change for double dissolutions? Why not just 'one' as allowed for in the vote savings provisions?

For consistency, there needs to be the same requirement when voting below the line.

It is proposed that there by a savings provision to save the vote from informality if a voter marks less than six preferences above the line. Can this be publicly promoted during the election campaign? Can how-to-vote cards ask voters to just vote '1'?

Even if 'six' is chosen, perhaps all how-to-vote cards still need to show how each party or group would give preferences to all candidates nominated if a voter wanted to vote for more than the minimum and wanted guidance from the party of their choice?

- ***capture voter intent improving vote savings provisions for below the line voting;***

Will those checking and counting the votes be reminded about these provisions? So often scrutineers and others currently express concerns about not checking accurately and votes being discarded as informal

While these vote savings provisions are welcomed, these provisions need to be expanded if there is not going to be an increase in informal voting. Allowing a maximum of five errors rather than three is still a window-dressing farce to push voters towards voting above the line.

Assuming that the Australian Electoral Commission will need to embark on a major publicity campaign to get voters to mark at least six squares when voting above the line, it is anticipated that there will also be voters who will attempt to make a formal vote by only marking six squares below the line and similarly for the House of Representatives.

There is also the issue if voters want to give a preference to an ungrouped candidate. This currently can only be done below the line. To avoid discrimination, and for fairness ungrouped candidates also need boxes above the line.

- ***improve transparency around the allocation of preferences in a Senate election, by abolishing group and individual voting tickets;***

The Electoral Reform Society particularly welcomes the abolition of voting tickets.

But now with at least six preferences required when voting above the line, how-to-vote cards will be expected to show how parties still want preferences allocated. The Bill needs to allow for how-to-vote cards to be registered and displayed in each voting cubicle.

To further improve transparency, parties and groups need to be required to list their candidates.

There will still be preference deals between candidates and parties.

With an anticipated increase in the votes that will exhaust, has consideration been given on how to deal with these? The Joint Select Committee needs to consider the procedures used in the ACT for their elections and specifically the counting procedures for minimising exhausted votes when candidates achieve a quota of first preferences. The transfer value definition also needs to be changed in line with what Western Australia now uses for Legislative Council elections, but be more sophisticated to allow for the possibility of quite high levels of non-transferable ballot papers.

- ***introduce a restriction that there be a unique registered officer and deputy registered officer for a federally registered party; and***

This is supposed to provide confidence that registered parties have independent identities. What is more important is that sufficient information is provided to voters as such independent identities may not mean much and voters need to be able to see what connections there are between each party and group through the provision of information about all candidates (including how-to-vote cards) circulated by the Australian Electoral Commission before a Federal election when they give details on electorates and polling places.

- ***reduce the confusion that may arise with political parties with similar names, by allowing party logos to be printed on ballot papers for both the House of Representatives and the Senate.***

This will further clutter the ballot papers, adding to the confusion. Ballot papers need to be as simple as possible.

Senate ballot papers are already far too big and unmanageable. The Australian Electoral Commission will need to provide more space in each individual voting cubicle and also longer strings on pencils.

Submission from the Electoral Reform Society of South Australia to the Inquiry into the provisions of the Commonwealth Electoral Amendment Bill 2016, February 2016.