



Joint Standing Committee on Electoral Matters	
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The Conduct of the 2004 Commonwealth Election

**Submission to the Joint Standing Committee on Electoral Matters
Commonwealth Parliament**

By

**Antony Green
Election Analyst**

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Disclaimer

I have prepared this submission as a private citizen based on my knowledge and experience of Australian electoral systems. It is my own personal opinion, and in no way expresses any view of the major employer, Australian Broadcasting Corporation, or any other organisation for which I do work.

Preliminary Remarks

This submission concentrates on several issues with the 2004 Commonwealth election.

- (1) The high rate of informal voting. Part 2 of this submission provides a substantial paper outlining the problem and suggesting possible solutions. Part 3 is an information appendix outlining the experience of informal voting at state elections.
- (2) The problems created by Group Ticket Voting in the Senate. Part 4 dissects the problem and suggests possible solutions. Part 5 explains the complex preference deals created by Group Ticket Voting by explaining the progress of the count at the 2004 Senate election in New South Wales, Victoria, South Australia and Tasmania.

Two other matters are briefly addressed in this paper:

- (1) The loose rules governing political parties.
- (2) Proposed changes to electoral enrolment regulations.

Registration of Political Parties

In 2003, Pauline Hanson and David Ettridge were imprisoned on fraud charges that arose under the Queensland Electoral Act. This case against both flowed from an early civil court ruling that One Nation had been fraudulently registered as a political party in Queensland. At its heart, the case turned on what is meant by the term 'member' of a political party.

Hanson and Ettridge's gaoling was eventually overturned, essentially because the Queensland Court of Appeal made a different ruling on what it meant to be a member of a political party. The Appeal Court's finding was based on complex interpretation of past High Court rulings. Note that the inconsistency between the two rulings has not been resolved by the courts.

All this would have minimal relevance to the Commonwealth Electoral Act, except that the party registration provisions that applied in Queensland were essentially those that still apply to the Commonwealth.

The Commonwealth Electoral Act provides no definition of what it means to be a member of a political party. As the constitutions of some political parties also make no definition of what a member is, the Electoral Commission must make all sorts of assumptions in deciding whether a party does or does not have the required 500 members required by Legislation.

The gaoling of Hanson and Ettridge came about because the electoral provisions governing political parties are grossly inadequate in defining what it is to be a member of a political party. The question of whether the electoral act should have specific offences and penalties for this type of electoral fraud also needs to be addressed.

Before the 2001 Federal election, the JSCEM undertook a specific inquiry into problems with the electoral roll. In essence, the inquiry found attempts to use false enrolment by political parties to manipulate internal party ballots.

The problems exposed by the 2001 inquiry say more about the loose state of party registration rules than they do about problems with electoral enrolment. The Queensland government to its credit has taken steps to fix the problem, changing the entire structure of party registration rules and giving the Electoral Commissioner oversight of internal party ballots. Parties are better regulated as a result, and the incentive by parties to engage in electoral roll fraud is therefore diminished.

The JSCEM would be well served to address this problem, before the inadequate structure of party registration law in the Commonwealth Electoral Act again sees the Courts forced to make decisions about the internal workings of political parties.

Recommendation 1

That the Commonwealth Electoral Act be altered to include some definition of membership for political parties, and also to give the Electoral Commissioner the first adjudication role in internal party disputes ahead of the civil courts.

New Enrolment Procedures

Given the government will have control of the Senate from 1 July 2005, it can be assumed the government will finally implement its regulations tightening enrolment procedures for first time voters.

My concern with the new rules is that voters who present themselves to register under the new rules, may not have the correct level of documentation to go on the electoral roll for commonwealth elections, though they may meet the standards for state elections.

My proposal is to introduce some form of provisional enrolment, so that a voter with insufficient documentation can go on the roll, though at that point not have the right to vote. When a Commonwealth election is called, all voters whose enrolment has not been regularised would be sent a letter informing them that if they wish to vote, they will need to bring along certain documentation.

My objective in raising this proposal is to prevent voters from having to turn up more than once to sort out their enrolment, but protects the intent of the new regulations by preventing the elector from voting until their identity is confirmed.

It also deals with problems that will be created for the Joint Roll Agreement between the Commonwealth and States. Many of the new enrolments rejected by the new arrangements may be perfectly valid under state law. Some arrangement needs to be made so that the Joint Roll Agreement can continue to provide voters with one-stop enrolment procedures.

It should be noted that in countries such as New Zealand, where compulsory electoral enrolment applies, voters can enrol to vote or regularise their enrolment address at polling places on election day. I do not propose to allow this level enrolment flexibility, but amendments that prevent voters having to make more than a single visit to enrol would be an improvement on the procedures the government is proposing.

Recommendation 2

A new form of provisional enrolment be introduced for voters who have not presented sufficient identity documents when applying to join the electoral roll. All voters provisionally enrolled under this provision would be sent a letter at the start of an election campaign informing them of the need to present the required identity documentation when they turn up to vote at the election.

Informal Voting

The following recommendations stem from the paper on informal voting attached as Part 2 of this submission.

Recommendation 3

That Optional Preferential Voting be adopted for Commonwealth election. Electors should not be forced to invent preferences or arbitrarily assign rankings to candidates about whom they know nothing and care less, simply to have their ballot paper count for candidates they do care about and want to see elected. The South Australian Constitutional Convention suggests this is a reform voters give high priority to, and evidence from Queensland and New South Wales elections suggests it would substantially cut the level of informal voting, as well as improve the workings of Australian democracy.

Recommendation 4

If Optional Preferential Voting is rejected, then some upper limit be adopted for compulsory preferences.

Recommendation 5

That ballot papers with a non-sequential list of preferences, but where a complete ordering of preferences for every candidate is present, be admitted to the count on the basis that the voters intent is clear.

Recommendation 6

If Compulsory Preferential Voting is retained, then the South Australian use of ticket voting as a savings provision be adopted to save the large number of ballot papers where voters have incorrectly used the Senate voting method on their House ballot paper.

Recommendation 7

No attempt be made to implement a system where the primary vote of ballot papers can be saved if that votes preferences could never be counted. Such a system makes it difficult to define a formal vote, and also disadvantages all but the leading two candidates in each seat.

Senate Group Ticket Voting

Recommendation 8

Unless fully optional preferential voting is introduced, then the Hare-Clark voting system used in Tasmania and the ACT should not be used for the Senate.

Recommendation 9

That the use of 'above the line' voting be retained, but the manner of voting both above and below the line be modified, and restrictions be put on lodged Group Ticket Votes.

Recommendation 10

The registered preferences tickets for group ticket votes should be lodged to other parties on the ballot paper, not to individual candidates. Parties will be denied the right to pick and choose candidates of other parties in an attempt to make the preference tickets easier to understand by electors.

Recommendation 11

A new form of above the line voting similar to that which applies in the NSW Legislative Council be adopted. Electors should be allowed to express preferences for parties above the line in the same way that they can express preferences for candidates below the line. Ideally this should be implemented with optional preferential voting, but even if compulsion is retained, this option should be adopted to give voters an easier option to vote for candidates and parties in the order electors wish to see them elected.

Recommendation 12

That optional preferential voting be adopted for both above and below the line voting. As a minimum, optional preferential voting with a minimum number of six preferences should be adopted as the standard for formality. Voters need a viable alternative to group ticket voting that does not require the numbering of preferences for dozens of candidates the elector does not know of or care for.

Recommendation 13

Parties be limited in the number of other parties that can be listed on Group Ticket Votes. Parties should be limited to a maximum of six parties on their preference lists. This will encourage parties to preference like-minded parties, discourage gambling on strategic preference deals, and make it much harder for micro parties to win election via preference harvesting.

Recommendation 14

That a minimum cut-of quota for election NOT be adopted. This would introduce an arbitrary solution to the problem of preference harvesting by micro-parties without addressing the cause of the problem, which is group ticket voting.

Dealing with the Increased Numbers of Candidates

The increasing number of candidates contesting election is one of the causes of the rise in informal voting. It is also increasing the number of candidates on Senate ballot papers and encouraging increasingly complex preference deals.

The committee should consider the following recommendations.

Recommendation 15

Some fee should apply for the registration and supervision of political parties.

Recommendation 16

Some form of local endorsement should be required for parties nominating candidates using the central list nomination procedure.

Recommendation 17

Deposit fees should be reviewed. Some special deposit fee could be introduced to Senate Group Ticket Votes.

Further Information

If the committee requires further information or research related to my submission, I am quite happy to provide it, within reason.

Hearings

I am happy to attend public hearings. However, I will be out of the country between 19 April and 21 May attending overseas elections.

Informal Voting in the House of Representatives

At the Australian election in October 2004, an estimated half a million Australian voters wasted their time turning out to vote. Despite making their best effort to indicate who they wanted to see elected, these electors had their votes excluded from the House of Representatives count because they failed to meet the exacting formality requirements set out in the Commonwealth Electoral Act, the legislation that governs Australian federal elections.

A total of 639,851 ballot papers¹ were excluded from the House of Representatives count, 5.18% of all votes cast, up 0.36 percentage points from the 2001 election. Yet the same voters had less difficulty with the far larger and more complex Senate ballot paper, a total of 466,370 ballot papers excluded from the count, an informal rate of 3.75%, down 0.14 percentage votes from 2001.

While research on the 2004 ballot papers is not yet available, past surveys indicate that between a quarter and a third of all 'informal'² ballot papers have no discernible first preference vote. These ballot papers are presumably those cast by voters so alienated by politics or confused by voting procedures that their vote was either left blank or marked in such a way that no discernible preference was evident.

Yet past surveys of informal ballot papers also show that between two-thirds and three-quarters of informal votes do have discernible preference for one or several candidates on the ballot paper. The problem for electors who cast such ballots is that in the end their vote is rejected from the count. Despite a clear preference being evident, the complex rules for House of Representatives elections set down by the Parliament simply will not allow such votes to count towards electing representatives.

Since informal voting became a political issue after a dramatic rise in its incidence at the 1984 election, most researchers and commentators have tended to address the issue of how voters can be made better informed on how to cast a ballot that meets the exacting requirements of the Electoral Act. This paper sets out to reverse this approach and address two basic questions.

First, why does the Commonwealth parliament express concern about informal voting, but at the same time insist on using a set of formality rules that results in the use of a single '1' vote being formal for the Senate but informal for the House? As this paper makes clear with evidence from state elections, removing this inconsistency would immediately cut the rate of informal voting, and other changes could allow even more incorrectly numbered ballots to be admitted to the count.

The second question addressed is why does the Commonwealth continue to insist on compulsory preferential voting, which means for voters to have their vote count for the candidates they do care for, they have to also express preferences for candidates for who they don't care, don't know, and in many cases have no chance of being elected anyway.

In summary, this paper argues that the Commonwealth applies a set of formality criteria that is far too exacting. The easiest way to cut informal voting is to simply change the act so that more votes with perfectly useable preferences can be admitted to the count.

¹ Official returns for the 2004 election are not available at the time of writing in March 2005. However, the final figures are unlikely to differ from those published in the Australian Electoral Commission's website at www.aec.gov.au. All figures used in this paper have been sourced from that site as at the end of March 2005.

² The more common term overseas is 'spoiled' ballot papers.

The Problems with Compulsion.

Australian electors face three compulsions. The first is a requirement to enrol to vote, a requirement that also exists in the United Kingdom and New Zealand, countries with similar electoral traditions to Australia. Voters can be fined for not enrolling to vote, but no fine will be levied if a voter lodges an enrolment form on being found to be missing from the roll.

The second compulsion is loosely termed 'compulsory voting'. With strict secrecy applying to the ballot, it is not possible to know whether a person filled in their ballot paper. The compulsion voters face is to attend a polling place in their district on polling day, or make use of the ample opportunities to cast a pre-poll, postal or absentee ballot. Whichever of these methods an elector uses, they are required to have their name crossed off the electoral roll, to accept ballot paper(s) from the polling official, retire to a voting screen, and to deposit ballot papers in a ballot box before leaving the polling place. It is more accurate to describe the system as one of compulsory attendance rather than compulsory voting.³

As a result of the first two compulsions, the turnout rate at Australian elections is usually around 95%, far higher than in any other western democracy. It is therefore certain that without compulsion, a minority of the electorate would not bother to vote. It is certain that some electors only vote to avoid a fine, and some of the level of informal voting can be put down to this factor, with the most alienated and confused turning up to vote but deliberately casting an informal ballot.⁴

However, deliberately spoilt ballot papers make up only a minority of the informal vote. The majority of informal votes are caused by incorrect or incomplete marking, a consequence of the third compulsion faced by Australian voters, compulsory preferential voting. There are arguments for and against compulsory voting, but these are based on the minimum level of civic participation required in a democracy, not on its impact on informal voting. It is clear from past research that the majority of informal votes are caused by incorrect or incomplete marking, and the blame for this appears to lie with compulsory preferential voting, not compulsory voting itself. If compulsory voting sets a high bar of political awareness, compulsory preferential voting pushes the bar even higher by insisting voters be able to express a preference for *all* candidates, not just the candidates they know.

All Australian elections are conducted using the alternate ballot, generally known in Australia as preferential voting. Voters must number their ballot paper rather than use ticks and crosses. Electors must indicate their 'first preference' with the number 1, and then go on to indicate further preferences with a sequential ordering of numbers for all other candidates. At Commonwealth elections⁵, a vote will be informal if it has no clear first preference, if any preference is repeated, or if any preference is skipped. The only 'savings' provision is that if the last preference is blank or out of sequence, the final preference can be implied.⁶

³ Electors who do not 'vote' receive a penalty notice for a A\$50 fine. If a reasonable excuse is offered, electoral authorities will waive the fine. If an elector refuses to pay or chooses to contest the matter, a court date will be set, after which the voter usually ends up encumbered with court costs as well. The occasional martyr will still refuse to pay at this point, and on rare occasions voters have been briefly jailed for failing to pay a court imposed penalty.

⁴ A useful summary of the material on the interaction between informal and compulsory voting is provided in the Australian Electoral Commission's report into informal voting at the 2001 election. The report is Research Report Number 1, 2003, and can be found on the AEC's website at http://www.aec.gov.au/content/What/publications/research_papers/paper1/index.htm.

⁵ As discussed later, not all states and territories have such strict formality rules.

⁶ The various compulsions have played a part in another peculiarity of Australian elections, so-called 'donkey voting', where voters forced to vote simply number straight down the ballot. Donkey voting seems to have declined since party names were included on the ballot paper, but numbering straight

So in a field of 10 candidates, a vote will only be counted if it has valid preferences from 1 to 9, any missing or incorrect final preference being deemed to apply to the tenth square. A vote with less than nine preferences is informal. A vote with any duplicate preferences is informal, including any votes with two 9th preferences. Any elector who votes creatively, such as preferencing up from 1 using odd numbers, base prime numbers or factors of ten, would also have their vote declared informal. A voter who voted sequentially before marking the last two candidates 99 and 100 would also be casting an informal vote.

Yet at the same time as voters face this challenge in the House, they also receive a Senate ballot paper. This ballot paper is divided horizontally by a thick black line, with parties listed above the line, and candidates for each party below the line. Voters may choose to vote for candidates below the line, in which case they must give a preference for every candidate⁷, or they can select the preference ticket for a single party listed above the line. This is known formally as a 'group ticket vote', or more colloquially as an 'above the line' vote. The instruction for group ticket voting indicate a '1' must be used, but savings provisions allow a single tick or cross to be treated as a clear expression of preference.

The combined effect of compulsory voting and compulsory preferences can be seen in the intense level of canvassing outside Australian polling places. In many countries it is illegal to canvass or indeed even approach a voter outside of a polling place. In many countries, advertising on polling day is completely banned.

Not so at Australian elections⁸. Some voters who turn up on election day will still be undecided on who to vote for. Many with a preferred candidate or party for first preference may not have given much thought to how they will number other candidates on the ballot paper. So representatives of parties and candidate distribute 'how-to-vote' leaflets outside polling places. The aim is to attract support from those last wavering and disinterested voters. But candidates also want to ensure that their supporters cast a formal ballot by numbering preferences for every candidate. Candidates unlikely to be elected may also be interested in directing preferences towards or away from other candidates in the contest.

The impact of these rules on the 2004 election can be seen in the results for the outer Sydney district of Greenway. The district attracted the country's largest field of 14 candidates. It also recorded the country's highest rate of informal voting at 11.83%, up 5.04 percentage points from 2001 when only eight candidates contested. The two leading candidates from the Liberal and Labor Parties attracted 44% and 40% respectively and were the final two candidates after the 16% of the vote cast for the other 12 candidates had been excluded and distributed as preferences.

Compare this with the Senate in Greenway, where the informal rate was only 4.07%, nearly a third of the rate amongst the same electors in the House of Representatives. Yet this was with a forbidding Senate ballot paper nearly a metre long and including 78 candidates distributed across 30 columns on the ballot paper.

down the ballot paper still appears to be a strategy adopted by voters to complete their ballot paper once they have filled in preferences for candidates and parties they know or prefer. Parties certainly design their suggested preferences on how-to-vote material to simplify the sequence of numbers they wish voters to transcribe on to their ballot papers.

⁷ There are more liberal savings provisions for below the line Senate votes. A voter can make three sequencing errors with their preferences before their vote becomes invalid.

⁸ At all Australian elections, television and radio advertising is banned on polling day and for two days in advance. At parliamentary elections in Tasmania and the Australian Capital Territory, print media advertising is also banned, as is canvassing outside polling places.

The inanity of compulsory preferential voting is that any vote for the Liberal or Labor candidates in Greenway had 13 further preferences that were not necessary. Yet these further preferences were required to be filled in correctly for the first preference to be counted. An error with any lower preference would see the valid first preference excluded from the count. Any Liberal or Labor ballot paper could be excluded because at the 12th preference it did not have a clear distinction between candidates from the Fishing Party, the Citizens Electoral Council or the Independent campaigning for spelling reform. No logic or reason is attached to such an exclusion, it is simply a provision of the act that *all* preferences must be correct for *any* preference to count.

The large number of votes cast with a single preference, either a single '1' or a tick or a cross, strongly suggests that voters are using the much simpler Senate voting system to mark their House ballot papers. As ignorance is never a defence in law, perhaps it is all the fault of the voters for not reading the instructions on their House ballot paper before voting. Yet even in these days of increased cynicism about politics, voters are entitled to believe that well informed legislators would not go conducting conjoint elections under rules where a formal vote on one ballot paper would be informal on the other.

The current formality rules and their insistence on absolutely perfect sequences of preferences demeans the electoral process. Voters either carefully transcribe how-to-vote material on to the ballot paper, or are forced to randomly allocate preferences to unknown and unwanted candidates just so their ballot paper can pass the formality requirements and register a vote for the candidates they do want.

The result in Greenway is justification for why this paper says the problem with informal voting is the Electoral Act, not the voters. The act forces out categories of votes with simple numbering problems, even if those incorrectly numbered preferences would never be required to be counted. Voters using the form of voting valid for the Senate find their votes excluded from the count.

If the act was modified to allow such votes to stay in the count, it would help the supporters of the two finishing candidates in each electorate. As this is nearly always candidates of the three major political parties, the Labor, Liberal and National Parties, the attractive simple change to procedures would merely be yet another advantage for major political parties at the expense of minor parties and independents.

Some further provision needs to be provided to capture inadvertent errors for minor parties as well as major parties. Electors who have used the single mark Senate voting method on the House ballot paper presumably come from all parties. Any attempt to resolve this single mark confusion must provide equal treatment to supporters of all parties, not just the final finishers in each House seat.

As outlined in the following section, experience at Australian state and territory elections shows how the Commonwealth Electoral Act can be modified to cut the informal rate. But simply allowing more votes to remain in the count does not answer the more philosophical questions of why must an elector, supporting some parties on the ballot paper, in the end be forced to make a choice between candidates he finds either equally unknown or equally objectionable.

Informal Voting at Australian State and Territory Elections

As well as the Commonwealth parliament, Australians elect six state and two territory parliaments. These elections take place according to their own electoral cycle out of step with

the Commonwealth and each other. Electoral systems and formality rules differ between jurisdictions, creating different rates and categories of informal voting.

An extensive appendix is provided to this paper showing the formality rate in each state at Commonwealth, state and territory elections, as well as available research on the incidence of informal voting. In summary, the rate and type of informal voting comes down to several factors.

First, jurisdictions using compulsory preferential voting have higher informal rates than those with optional preferential voting. The lowest recent informal rates have been recorded in New South Wales, Queensland and the ACT where only a single first preference is required for a formal vote.

Every state using compulsory voting shows a clear relationship between the number of candidates on the ballot paper and the incidence of informal voting. In the (increasingly rare) case of ballot papers with only two candidates, informal voting is nearly always higher than in three and four candidate contests. In its 1984 report into informal voting, the AEC noted the higher incidence of ticks and crosses being used in two candidate contests.⁹ The Western Australian Electoral Act permits the use of ticks and crosses in two-candidate contests and is the only state where informal voting is lower in two-candidate contests. Yet the fact that informal voting is still higher in two-candidate contests under optional preferential voting suggests the cause may also relate to voter objection to more candidate choice not being available.

As the number of candidates increases, the rate of informal voting generally increases, with the exception of Queensland elections conducted under optional preferential voting rules. The only sensible explanation for this is that the more candidates there are on the ballot paper, the greater the chance of voters making a numbering error. This trend also appears in NSW state elections despite the use of optional preferential voting, though the rise in informal voting as candidate numbers increase is not as marked as in states where compulsion is used, and is certainly less than applies in NSW at Commonwealth elections.

It should be noted that most jurisdictions have seen an increase in the number of candidates contesting elections in the last two decades, which therefore explains some of the increase in informal voting. Rising candidate numbers is a consequence of party registration laws that allow the central nomination of candidates. If parties were forced to obtain local nominators in each district, then many minor parties would struggle to contest seats in which they had little or no party membership.

Informal voting is also higher in states where two chambers with different electoral systems are elected on the same day. There is a lower rate of informal voting in Victoria at state elections than occurs in Victoria at Commonwealth elections. The formality rules are the same in both jurisdictions, but Victoria is the only state to use the same electoral system in both chambers of Parliament. At state elections, Victorian electors are presented with two small ballot papers for single member electorates with the same voting instructions. Comparisons seem to indicate that upper house ballot papers with an instruction to use a single '1' seems to encourage the incorrect application of this voting method to the lower house of Parliament.¹⁰

⁹ Informal Voting 1984: House of Representatives, Research report No. 1 of 1985, Australian Electoral Commission, p 36

¹⁰ A prediction from this point is that when Victoria introduces its new multi-member Legislative Council election in November 2006, it is likely to produce an increase in informal voting in the lower house. This was certainly the experience when ticket voting was introduced in the Senate in 1984 and the Western Australian Legislative Council in 1989.

Similarly, informal voting at Queensland state elections was lower than at Commonwealth elections even before the introduction of optional preferential voting in 1992. Presumably with only one chamber to elect, sources of confusion on voting are diminished. Evidence from other jurisdictions is more ambiguous. The use of multi-member electorates makes comparisons in Tasmania and the ACT difficult. Evidence from the Northern Territory is unclear, though it should be remembered that the lack of party names on ballot papers at Territory elections may not assist electors to vote. It is interesting that New South Wales saw lower informal voting under optional preferential voting in 1999 and 2003 than before party names were included on the ballot paper in 1988.

Holding joint elections may help explain why New South Wales has a higher informal rate than Queensland despite both states using optional preferential voting. The increasing size of NSW Legislative Council ballot papers may distract voters from their lower house obligations, and the higher non-English speaking migrant population in NSW may also play a role. One consequence of optional preferential voting is the increasing level of informal voting in both states at Federal election, especially numbering errors that correspond to optional preferential voting.

The high informal voting at the 1991 and 1995 NSW elections demonstrates clearly how conducting joint elections with inconsistent electoral laws can raise the rate of informal voting. In 1990 the Greiner government legislated to prevent ticks and crosses being accepted as a clear intent of vote under optional preferential voting. At the 1991 election, a referendum was held in conjunction with the election, the referendum ballot paper instructing voters to use a tick in marking the 'Yes' or 'No' box. If the voter then used a tick on the Legislative Council ballot paper, the vote was formal, but in the Assembly election the vote was informal. The informal voting rate tripled, reaching as high as 25% in two-candidate electorates.

It should also be noted that at Commonwealth and Western Australian elections, the informal rate in the lower house has generally been higher than in the upper house election conducted the same day. Victorian elections, conducted with the same electoral system in both houses, display the reverse trend with the informal vote slightly higher in the Legislative Council. That NSW remains with a higher Council than Assembly vote may be due to the large number of below the line preferences required for a formal vote (15), as well as the enormous size of recent Council ballot papers, with 264 candidates in 1999 and 284 in 2003.

The odd state out is South Australia. It has a lower House of Assembly informal rate than either the Commonwealth or Western Australia despite sharing the same system of conjoint election with ticket voting in the upper house. It also stands out for having a lower informality rate in the House of Assembly than the Legislative Council.

The reason for this is that South Australia is unique in providing a 'savings' provision so that House of Assembly ballot papers with insufficient or duplicated preferences can remain in the count. Any voter, having used a single one, tick or cross on the Legislative Council ballot paper who then votes the same way with their Assembly ballot, will have their vote remain in the count, the ballot paper deemed to default to a pre-registered ticket vote lodged by the candidate. The ticket votes are also displayed on voting screens in polling places.

The variety of systems used across Australia point to how the high level of Commonwealth informal voting can be lowered. The rest of this paper addresses the possible solutions.

Full Ticket Voting for the House of Representatives

When Western Australia introduced group ticket voting for its Legislative Council in 1989, it adopted a vertical rather than horizontal division of the ballot paper into groups and candidates. This was done to match similar provisions introduced for ticket voting in the single member electorates of the Legislative Assembly.

This form of ticket voting applied for three by-elections conducted in 1988 where several problems with the system became apparent. The provision was removed from the act before it could be used at the 1989 state election.

The first problem was that voters were confused and there was a rise in informal voting. Second, parties and candidates could only lodge a single ticket of preferences, creating problems for parties like the Australian Democrats who normally issued split tickets. Thirdly, any candidate who did not want to direct preferences to other candidates on the ballot paper did not receive a group voting square on the left of the ballot paper, and was therefore disadvantaged by electors having to number every square.¹¹

Introducing Senate-style ticket voting for House of Representatives elections would meet all the same objections from minor parties and independents as when applied in Western Australia. In addition, the Western Australian Act designed ticket voting so the ballot papers in both houses would be similar. Adopting ticket voting for the House of Representatives would require re-designing the Senate ballot paper, or laying out the House ballot paper horizontally. It would also produce the same problem as Senate group ticket voting in allowing political parties to do deals in an attempt to engineer results.

If the problem to be solved is informal voting, there are better solutions than redesigning ballot papers to introduce group ticket voting. This worked well in the Senate, drastically cutting the level of informal voting. However, the by-product has been increasingly Byzantine preference deals engineering election results, deals that could never have been delivered, nor would even have been attempted, if voters had been required to fill in their own preferences. There seems no reasons to copy what has become a problematic feature of the Senate voting system in an attempt to fix lower house informal voting. There are better solutions.

Saving Votes With Numbering Errors

Major changes were made to the Commonwealth Electoral Act ahead of the 1984 election. Party names were added to the ballot paper, helping voters to be better informed of which party each candidate represented. Group ticket voting was introduced for the Senate to cut the previously scandalous level of informal voting. Also aware that numbering errors were a problem in the House, changes were made so that votes with duplicate preferences could remain in the count, their preferences exhausting at the point of duplication. Aware this provision could become a de-facto form of optional preferential voting, it was later made an offence to advocate a vote with duplicate preferences.

However, political activist Albert Langer openly defied the Australian Electoral Commission by publicly encouraging voters to use duplicate numbering and deny the major parties preferences. His advocacy resulted in such votes being termed 'Langer' votes, and led to Langer briefly being jailed on the matter. Eventually the provision was withdrawn ahead of

¹¹ Western Australian Electoral Commission, "Analysis of New Ballot Paper Usage and Informal Votes, Ascot and Balga Elections, 19 March 1988"

the 1998 election, and once again any form of numbering error on a ballot paper resulted in it being declared informal.¹²

Allowing Langer-style votes to remain formal was a good provision, but its implementation was an open invitation to optional preferential voting. Given all research since 1984 has shown that numbering errors continue to be the main cause of informal voting, the aims behind allowing Langer voting should be re-visited.

The easiest form of votes that could be allowed into the count are those that do not have a sequential ordering of numbers, but do have an ordered list of preferences. If a ballot paper has listed all minor parties with a valid sequence of preferences, but then finished 99 and 100 for the two-major parties, there seems no reason to declare this vote informal. An intent of preferences is clear, as is a political statement of the voters view on the final two-candidates. It makes no sense for the scrutiny provisions to declare such votes informal.

There are also clearly many ballot papers for the two final candidates in each electorate that could stay in the count because their preferences would never need to be counted. In its 1987 informal voting report, the AEC estimated that at the 1987 election, around 285,000 ballot papers with incorrect preferences that would never need to be counted were excluded from the count to keep out around 13,000 incomplete ballot papers where preferences were required. Admittedly, since 1987 the number of seats where preferences are required to be counted has increased with the rise in minor party vote. Since 1987, the AEC has not undertaken analysis based on the evident first preference of informal voting. However, logic suggests that in most electorates, the overwhelming majority of mis-numbered ballots would be for the final two candidates in each seat, so it is only the formality requirements of the electoral act that prevent these first preference votes from being included in the count.

The problem with this approach is that it is not always clear at the start of the count who will be the final two-candidates in each electorate. In such circumstances, all ballot papers with suspect preferences would have to stay in the count, and only be declared informal and excluded at the point where preferences were required. Conceivably, votes excluded as informal at later distributions of preferences could have changed the order of candidates earlier in the count had they already been excluded. It is highly undesirable for the formality of a ballot paper to be determined by the order candidates are excluded. Under compulsory preferential voting, a ballot paper has to be either formal or informal at the start of the count.

In addition, allowing only votes for the final two-candidates to remain in the count does not treat all votes equally. Presumably voters from all parties are induced to vote '1' by the Senate ballot paper instructions. It is not fair that only those induced votes for two candidates in each lower house should be admitted to the count. Simply allowing votes into the count on the basis of who the first preference vote was for is unfair to other candidates.

If compulsory preferential voting is to be maintained, the best solution to adopt the South Australian system of registered ticket votes.

The South Australian Experience with Registered Voting Tickets

South Australia has retained compulsory preferential voting, but taken steps to ensure that as many votes as possible with incomplete or out of sequence preferences can remain in the count.

¹² The full story of Langer-style voting is explained in the Australian Electoral Commissions 'Electoral Backgrounder No. 7'.

All candidates in an electorate have the right to register one or two ticket votes. On election day, a copy of each registered ticket in an electorate will be displayed on the voting screens of every polling place in an electorate. These are a guide to voters on how to fill in the sequence of further preferences for their first choice candidate. Note that a candidate's how-to-vote material does not have to match the registered ticket vote. Parties are banned from advocating a vote that does not include preferences.

During the count, all ballot papers with numbering errors are set aside for later scrutiny. All set aside votes are compared to the registered ticket, and if they match the ticket up to the point of the sequencing error, they are admitted to the count and deemed to have the preference list on the registered ticket. If the vote deviates from the registered ticket, it is set aside as informal.

Consider the following examples. Five candidates are contesting the electorate, and candidate Sgroi has lodged two registered tickets.

Determining Formality with Ticket Preferences

Ballot Paper	Registered Tickets		Example Ballots			
	Ticket 1	Ticket 2	1	2	3	4
Smith	4	3	(blank)	(blank)	(blank)	3
Jones	3	4	(blank)	(blank)	(blank)	(blank)
Nguyen	5	5	(blank)	(blank)	3	(blank)
Sgroi	1	1	X	1	1	1
Anderson	2	2	(blank)	2	2	2
Status of vote			Formal	Formal	Informal	Formal

In example 1, the ballot has been marked with a single 'X', a vote which is taken to imply a single first preference, and the vote will be deemed to have the preference ticket lodged by Sgroi. In this case, as two tickets have been lodged, it will end up being counted according to one or other of the lodged tickets.¹³

Example 2 will also be deemed to follow the preference ticket. Example 3 will be declared informal because its third preference has deviated from the registered tickets. Example 4 is more complex, matching one of the registered tickets, and therefore deemed to have the second version of the registered tickets.

Informal and Ticket Voting – South Australian Elections 1985-2002

	1985	1989	1993	1997	2002
% Informal Vote	3.5	2.8	3.1	4.0	3.1
% Ticket Votes	4.1	6.0	5.9	4.9	4.0

Source: South Australian State Electoral Office. Informal vote as a percentage of total vote, ticket vote as a percentage of formal vote.

As can be seen in the above table, ticket voting has halved the level of informal voting that would have applied under Commonwealth legislation. South Australian ticket voting saves ballot papers where the elector mistakenly uses the Legislative Council's voting method in the House of Assembly. It also saves many ballot papers where an elector has made a mistake

¹³ In South Australia, preferences are distributed at both polling place and electorate level. The total of ticket votes for each candidate with split tickets is evenly divided between the two tickets, which means where a candidate has an odd number of votes, the occasional stray vote is lost in the process. It also means that the total preferences vote by booth may differ slightly from the distribution carried out for the electorate.

transcribing a party's ticket of preferences, either provided in the samples on the voting screen, or distributed as how-to-vote material outside the polling place.

What ticket voting does not save is ballot papers where the elector made a mistake having set out to fill in their own preferences rather than follow a ticket. In effect, ticket voting is very kind to voters who have not understood the instructions, or who make a transcription error in copying preferences. It is less helpful for informed voters who make an honest mistake.

Ticket voting may cut the informal vote, but it still works within a system that insists voters express a preference for every candidate. Even with ticket voting, the rate of informal voting in South Australia is still higher than applies under optional preferential voting. Ticket voting is merely an attempt to maintain compulsory preferential voting. What it does not offer is an option to voters who only wish to vote for selected candidates on their ballot paper, something only possible with Optional Preferential Voting.

The Case for Optional Preferential Voting

While Parliaments continue to insist on compulsory preferential voting, it is doubtful whether voters have the same commitment to expressing preferences for every candidate. At the South Australian Constitutional Convention in 2002, the 323 attendees chosen as part of a deliberative poll nominated optional preferential voting as the most important reform that could be introduced to the political process in the state.¹⁴ This was despite the issue not being on the agenda of the convention.

Completely optional preferential voting, where only a single preference is required for a formal vote, exists in New South Wales, Queensland and the Australian Capital Territory¹⁵. All that is required for a formal vote is that an elector's intent for a first preference be clear. As well as a single '1', ticks or crosses are recognised as a valid first preference. All preferences beyond the first preference are optional.

Optional preferential voting was introduced in NSW by the Wran government in 1980 as part of a raft of constitutional changes. Along with compulsory voting and one-vote one-value electoral laws, optional preferential voting was entrenched in the constitution and can now only be removed by a referendum. In his speech introducing the changes¹⁶, Premier Wran did not argue democratic principles in support of optional preferential voting. His argument was about informal voting, with reference to the cut in Legislative Council informal voting by the limited optional preferential voting introduced in 1978.¹⁷ The partisan justification not mentioned was the view in the Labor Party that optional preferential voting would hurt the Liberal-National Party coalition by making it harder to run three cornered contests against Labor. Experience since 1981 has shown that the NSW Coalition is now keen to avoid three-

¹⁴ See summary of finding published by Issues Deliberation Australia.

http://www.ida.org.au/constitutional_summary.htm

¹⁵ ACT ballot papers instruct voters to fill in as many preferences as there are candidates to be elected, five in two electorates and seven in the third electorate. However, only a single preference is required for a formal vote. Optional preferential voting also exists in a more restricted form where a minimum number of preferences are required, for the NSW Legislative Council (15 preferences), the Tasmanian House of Assembly (5) and Legislative Council (3), and from November 2002, in the Victorian Legislative Council (5).

¹⁶ NSW Parliamentary Hansard, 11 April 1979, pp 4042-49

¹⁷ After decades as an indirectly elected chamber, the 1978 election was the first at which a direct election was held for the NSW Legislative Council. It used the old Senate voting and counting method that applied before the introduction of group ticket voting in 1984. However, to avoid the massive informal vote then prevalent at Senate elections, only 10 preferences were required, increased to 15 in 1991. Ticket voting for the Legislative Council was introduced in 1988, with party names added to the ballot in 1991.

cornered contests, but only the electorate of Clarence at the 1999 NSW election is a clear example of a seat being lost by the Coalition because of the failure of Liberal and National Party supporters to swap preferences.

Optional preferential voting was introduced in Queensland ahead of the 1992 state election. Not supported by any of the major political parties, it was recommended by the Queensland Electoral and Administrative Review Commission (EARC), one of the reform bodies created following the Fitzgerald Commission into police corruption. The Goss government implemented optional preferential voting having promised beforehand to introduce all the recommendations of EARC. The report's justification for optional preferential voting was elegantly set out as follows:¹⁸

Nevertheless the Commission is concerned that electors are currently required to record views they may not have, by ranking in order of preference all candidates offering in their electoral district. If they do not have a complete set of preferences they have either to invent preferences, or arbitrarily assign rankings to candidates about whom they know nothing and care less or accept that their ballot-paper will be excluded from the scrutiny. The Commission believes that it is not unreasonable or oppressive to require every adult citizen to play a meaningful part in the choice of their government, and has set out its views on compulsory voting in Chapter Five. But having required that duty be discharged, it is inappropriate for the electoral system to corral votes on behalf of candidates or parties who electors do not wish to support but merely consider less objectionable than the other on the ballot-paper.

The Commission is also conscious that there is emerging evidence in New South Wales that optional preferential voting is resulting in many voters only expressing a first preference. The Commission considers that this phenomenon reinforces the view that under the current compulsory preferential system voters are being required to express views they may not have. Encouraging voters to express preferences is ultimately a matter for candidates and parties, not the electoral system.

Experience of optional preferential voting in Queensland, which has more clearly hurt the conservative side of politics, has made both the Liberal and National Parties wary of abandoning compulsion. Yet Labor has also found the system can work to its disadvantage. The failure of Green voters to direct preferences to Labor cost it the seat of Mulgrave at the 1995 state election, and also prevented Labor winning a clear victory in Mundingburra, Labor's narrow victory eventually overturned by the courts and the Goss government defeated after a subsequent re-election. Exhausted preferences have also thwarted attempts by Labor in NSW to run third and elect Independents in safe Coalition seats.¹⁹

Experience with the Democratic Labor Party and three-cornered contests prior to the 1980s may have turned many in the Labor Party against preferential voting, but experience since 1980 suggests that these days it is Labor that benefits more from the operation of preference. Between 1955 and 1972, the Labor Party won only a single contest having trailed on the primary vote compared to 34 such victories for the Coalition. Since 1980, the Coalition has

¹⁸ Queensland Electoral and Administrative Review Commission, Report on Queensland Legislative Assembly Electoral System, Volume 1, p59

¹⁹ See Albury at the 1999 state election, where the high rate of exhausted Labor preferences prevented an Independent winning the seat. At the same election, the Independent in Dubbo also came close to defeat due to a high exhaustion rate with Labor preferences.

won only 5 contests where its combined vote trailed Labor compared to fully 41 such come from behind wins for Labor.

One of the arguments raised by the NSW Opposition in 1980 was that optional preferential voting would open the door to first past the post voting. This has certainly been seen as one of the problems in Queensland at state elections in 2001 and 2004. At the 1998 election, political controversy had been raised by the decision of the Liberal and National Parties to direct preferences towards the newly formed Pauline Hanson's One Nation party. The Labor Party had promised to put the party last, and did so on all of its how-to-vote material.

At the 2001 election, the Labor Party took a different approach, advocating a 'Just Vote 1' strategy. Clearly, supporters of many parties took this slogan to heart, and the 2001 election saw a dramatic increase on ballot papers marked with a first preference only. According to surveys in a sample of districts, the number of ballot papers with only a single preference rose from 23% in 1992 and 20% in 1995 to 60% in 2001.²⁰

As Professor John Wanna has outlined in a paper on the operation of optional preferential voting in Queensland, this shift towards first past the post voting raises problems in democratic theory.

In democratic terms, the use of optional preferential voting in Queensland appears to empower the voter, allowing individuals to decide whether or not to allocate preferences to some or all candidates. But in the hands of parties anxious to maximize their electoral advantage, optional preferential voting risks becoming a de facto first-past-the-post system-in which candidates can be elected with around 35 per cent of the formal vote. Optional preferential voting has the potential, then, to inflate majorities while penalising the most divided side of politics.

If voters deliberately choose to 'just vote one' (plumping) and intend their vote to exhaust if their candidate comes 3rd or worse, then this does not undermine democracy. However, if voters simply follow party instructions to vote for one candidate and out of ignorance or unfamiliarity do not allocate preferences, then if their votes exhaust this could be a denial of a true democratic outcome.²¹

While this is a concern with optional preferential voting, the question has to be asked as to whether it is any more a corruption of the electoral process than the engineering of results that can occur under compulsory preferential voting. In recent years, the major political parties have developed the art of defeating their opponents in safe seats by 'running dead' with their own candidate and directing preferences to high profile Independents.

Consider also the following example for the Victorian state electorate of Warrnambool.

²⁰ These summary numbers have been sourced from Table 8 of 'Report of Optional Preferential Voting 2003-2004', a research paper prepared for the South Australian State Electoral Office. The Electoral Commission Queensland has undertaken extensive ballot paper surveys on informality and the use of optional preferential voting. Surveys are available on the 1992, 1995 and 2001 elections, with the 2004 survey to be published later in 2005.

²¹ John Wanna, 'Democratic and Electoral Shifts in Queensland: Back to First Past the Post Voting', published at the Democratic Audit of Australia website <<<http://democratic.audit.anu.edu.au/wannadiscuss.pdf>>>

The Turnaround in Warrnambool

Candidate (Party)	Primary Vote			After Preferences			
	Vote	%	% Swing	Prefs	Votes	%	% Swing
By-election – 7 May 1983							
Cox (Labor)	7,595	31.0					
Kempton (Liberal)	7,797	31.8		+5,879	13,676	55.8	
McGrath (National)	9,114	37.2		+1,716	10,830	44.2	
State election 2 March 1985							
Cox (Labor)	7,265	26.4	-4.6				
McGrath (National)	8,871	32.2	-5.0	+6,707	15,578	56.5	+12.3
Kempton (Liberal)	11,417	41.4	+9.6	+558	11,975	43.5	-12.3

Those concerned that optional preferential voting can be manipulated by political parties need only examine the Warrnambool result to understand how compulsory preferential voting is just as corruptible. The same three candidates and parties contested both the by-election and the subsequent state election. At both elections, the Labor candidate finished third. At the 1983 by-election, preferences were directed to the Liberal Party and elected its candidate Kempton. Two years later at the state election, the same three candidates contested. Labor's primary vote fell, as did the National Party's, while Kempton substantially increased the Liberal primary vote. However, this time Kempton was defeated because the Labor Party decided to direct preferences to the National Party, and the overwhelming majority of Labor voters followed the switch in preferences.

While compulsory preferential voting did construct a majority after preferences at both elections, the great advantage always claimed to preferential voting, it is fair to ask how much these results reflected the real will of the electorate. The winner on both occasions was determined by the strategic decision of the Labor Party.

As Wanna pointed out, candidates have won with as little as 35% of the primary vote, coasting home on exhausted preferences. The problem is, with support for individual candidates so low in an electorate, there is no guarantee that compulsory preferential voting will produce a result that really reflected the will of the electorate. When an election is no longer a two-party contest, as has occurred at some recent Queensland and Western Australian elections, the result under compulsory preferential voting can become indeterminate, with results as shown in the Warrnambool example above, where the bronze medallist gets to determine who wins gold and silver.

Compulsory preferential voting really only works in contests with two dominant players. In multi-party contests, preferential voting falls foul of Arrow's Impossibility Theorem, also known as the paradox of voting. One of the assumptions about rational voting is that behaviour is 'transitive', that is if a voter prefers, Candidate A to Candidate B, and Candidate B to Candidate C, then they will also prefer Candidate A to Candidate C. This is a reasonable assumption for almost all individual voters.

The paradox of voting is that in systems of preferential voting, this assumption of transitive behaviour can be breached when preferences are accumulated for the electorate as a whole. In multi-party systems, it is not always clear that the ordering of preferences for A, B and C is transitive. That is why systems become prone to indeterminate results where the third or fourth finishing candidate determines the winner.

Optional preferential voting at least provides a solution to this problem in weighting votes towards the most important preferences on each ballot paper. Instead of electorates being determined by the less firmly held opinions at the bottom end of a voters preference list, the most preferred candidate is assisted over the line by exhausted preferences.

Experience at NSW and Queensland elections has shown that the proportion of voters directing preferences has declined in recent years.

Exhaustion of Preferences in Two-Party Contest under Optional Preferential Voting

Election	Electorates	% Vote	% Exhausted
New South Wales 1981	4	6.6	21.2
New South Wales 1984	7	14.8	25.0
New South Wales 1988	58	15.0	30.5
New South Wales 1991	80	13.9	33.4
New South Wales 1995	87	14.1	30.9
New South Wales 1999	76	21.6	55.0
New South Wales 2003	79	18.6	54.6
Queensland 1992	43	22.6	20.8
Queensland 1995	65	10.1	22.0
Queensland 1998	52	24.3	29.9
Queensland 2001	66	22.4	51.7
Queensland 2004	78	14.6	47.6

Notes: This table includes only electorates where preferences were distributed and the final contest was between one Labor and one Coalition candidate. It does not include contests with both Liberal and National candidates, and does not include seats where one of the major parties was excluded in the distribution of preferences. % Exhausted is as a percentage of the minor party vote distributed, not of all formal votes. Calculations by the author.

The increase in exhausted preferences has grown as the number of candidates per ballot paper has increased. It has also increased as parties have taken the opportunity to produce simpler how to vote material with no preferences indicated.

In the past few years, debate on preferences has sometimes degenerated into a pointless debate on who parties put last on how to vote leaflets. Engineering how to votes on this basis has made the sequencing of numbers more complex, and may be of the causes in the increase in informal voting.

Under optional preferential voting, parties at least have the opportunity to avoid this pointless debate. In both 2001 and 2004, the Queensland Labor Party avoided having to choose between One Nation and the National Party. At the 2003 NSW election, the Liberal Party chose to exhaust preference in several seats rather than choose between Labor and the Greens.

In this latter case, the Liberal Party could have helped to defeat Labor MPs by helping to elect the Greens. To do so would have made no ideological sense, given Labor and Liberal are closer on the political spectrum than the Liberal Party and the Greens. Under compulsory preferential voting at the 2004 Federal election, the Liberal Party chose to direct preferences to the Greens. If this had resulted in the defeat of Labor MPs, it would have been a result engineered entirely on the basis of strategy. The Liberal Party had spent the campaign arguing the dangers of a Labor government dependent on the Greens, but were prepared for strategic reasons to assist the possibility to become a reality.

As the vote for major party vote declines, the possibility for such paradoxical results to occur will become more common. The central tendency of compulsory preferential voting only continues to exist as long as there are two dominant players in the election. The more the major party vote declines, the more that compulsory preferential voting can lead to paradoxical results. Of itself, this is enough of an argument to move away from a system of compulsory preferential voting.

Part 2 – Informal Voting

But the better argument is voter choice. If electors do not have preferences for candidates they don't know, or who they do not wish to choose between, why must they be forced to fill in preferences for candidates they wish to play no part in helping to elect. If elections are process designed to measure the will of the electorate, then preferential voting should be measuring that will, and only optional preferential voting truly measures up to this task.

Appendix: Informal Voting Tables**Federal Elections 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	2.44	3.10	..	..	..	..
3	3.15	2.87	2.44	..	..	..
4	2.73	2.55	3.20	2.79	3.36	4.35
5	3.00	2.68	3.15	3.57	4.38	4.39
6	3.36	3.03	3.00	3.38	4.49	4.70
7	3.75	3.25	3.12	3.85	4.56	4.89
8	3.72	3.06	3.55	3.69	5.33	5.58
9	4.35	3.23	3.29	4.12	6.04	5.70
10	7.00	3.43	3.98	4.10	6.09	5.83
11	..	3.50	..	4.39	5.35	6.83
12	..	..	..	4.77	5.91	7.41
13	..	..	..	5.67	..	..
14	..	..	..	..	..	11.83
Overall Informality						
House	3.19	2.98	3.20	3.77	4.82	5.18
Senate	3.4	2.55	3.50	3.24	3.89	3.75
Electoraltes	148	146	148	147	150	150
Candidates per scat	5.3	6.4	6.1	7.5	6.9	7.3

Note: Excludes Dickson supplementary election in 1993 and Newcastle supplementary election in 1998.

House of Representatives Informal Vote Research: National

Informal Category	1984	1987	1996	2001
Blanks	16.8	15.9	23.0	21.4
Marks / Writing	7.5	10.2	10.1	6.3
Ticks and Crosses	30.7	25.3	23.3	12.4
Number '1' only	n.a.	n.a.	n.a.	33.6
Non Sequential	n.a.	n.a.	n.a.	17.2
Larger Style	n.a.	n.a.	n.a.	2.7
Total numbering errors	44.6	48.0	41.7	53.5
Other	..	..	1.9	6.4

NEW SOUTH WALES**Federal Elections in NSW 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	2.4	..	..	..	..	..
3	2.7	2.9	..	..	..	..
4	2.5	2.6	3.9	..	4.2	4.7
5	2.8	2.7	3.4	4.6	3.5	5.5
6	3.2	3.6	3.4	3.0	4.2	5.0
7	3.9	3.3	3.4	4.3	4.7	5.6
8	2.8	3.2	3.2	3.9	6.3	6.7
9	..	3.4	4.4	4.1	7.0	6.7
10	7.0	3.7	5.0	4.6	6.2	6.3
11	..	4.4	..	4.4	5.3	6.8
12	..	..	..	..	6.0	7.4
13	..	..	..	5.7	..	..
14	..	..	..	..	..	11.8
Overall Informality						
House	3.1	3.1	3.6	4.0	5.4	6.1
Senate	4.2	2.7	3.8	3.3	3.5	3.5
Electorates	51	50	50	50	50	50
Candidates per seat	5.6	6.2	6.4	7.8	7.9	7.6

State Elections 1984-2003

Candidates per electorate	% Informal Vote by Number of Candidates					
	1984	1988	1991	1995	1999	2003
2	2.75	3.21	18.66	7.58	..	..
3	2.20	2.97	9.80	5.62	..	1.98
4	2.20	3.40	9.25	5.23	1.38	2.11
5	2.70	3.48	7.05	5.12	2.17	2.28
6	3.65	5.19	9.61	4.36	2.26	2.32
7	..	3.73	10.50	3.99	2.68	2.58
8	..	3.80	5.62	4.06	2.33	2.61
9	..	..	..	3.22	2.57	3.33
10	..	..	..	..	2.96	3.46
11	..	..	..	..	3.22	3.47
12	..	..	..	..	3.02	..
13	..	..	..	..	2.99	..
Overall Informality						
Legislative Assembly	2.41	3.28	9.32	5.15	2.51	2.62
Legislative Council	6.66	8.08	5.67	6.11	7.17	5.34
Electorates	99	109	99	99	93	93
Candidates per seat	3.0	3.4	4.4	4.6	7.9	7.1

House of Representatives Informal Vote Research: New South Wales

Informal Category	1984	1987	1996	2001
Blanks	18.3	16.0	22.0	20.4
Marks / Writing	8.2	9.2	7.9	5.8
Ticks and Crosses	37.5	31.5	21.4	12.6
Number '1' only	n.a.	n.a.	n.a.	32.5
Non Sequential	n.a.	n.a.	n.a.	22.5
Larger Style	n.a.	n.a.	n.a.	2.4
Total numbering errors	36.0	42.4	47.2	57.4
Other			1.6	3.9

NOTES

- Elections are conducted using optional preferential in single member electorates for the Legislative Assembly, and for a statewide electorate in the Legislative Council. A minimum of 10 preferences were required in the Council in 1984, ten preferences and ticket voting in 1988, and 1991, and 15 preferences or ticket voting since 1995. Party names have appeared on the ballot paper since 1991.
- Ticks and crosses have been treated as valid first preferences under optional preferential, except at the 1991 and 1995 elections. Referendums held at both elections, with a ballot paper instructing voters to use a tick, is the reason for the high informal vote in 1991 and 1995.
- At the 1991 election, confusion over the use of ticks was particularly bad in the four electorate where only two candidates nominated. The informal vote was 13.9% in Burrinjuck, 14.9% in Wagga Wagga, 22.2% in Londonderry and 23.5% in Bankstown.
- NSW is the only state where a first preference completed outside of the voting square on a ballot paper is automatically informal.
- Despite sharing Optional Preferential Voting with Queensland, the level of informal voting in NSW is higher. This may be because NSW also conducts the Legislative Council election where Queensland elects only one chamber.
- High informal voting may also have been induced by the size of recent ballot papers. That famous 'tablecloth' ballot paper at the 1999 election had 264 candidates, while 284 candidates contested on a smaller ballot paper in 2003.
- NSW also has the country's highest proportion of voters from non-English speaking backgrounds, voters from countries with different methods of voting and with limited ability to understand ballot paper instructions
- As in Queensland, it is clear that optional preferential voting cuts the level of informal voting. New South Wales has the second lowest level of informal voting at state elections. But New South Wales also has the highest level of informal voting at Federal elections, and the strongest tendency for informal voting to rise as the number of candidates increases. The 2001 election also revealed the incidence of defective numbering and single '1' votes was highest in New South Wales.
- Optional preferential voting is embedded in the New South Wales constitution and cannot be removed without a referendum. It seems highly unlikely that such a referendum would be put, and equally unlikely that such a referendum would pass. Any move to solve the preferential confusion at Commonwealth elections will require changes to the formality rules for Commonwealth elections.

VICTORIA**Federal Elections in Victoria 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	3.8	..	2.7	..	..	..
4	3.0	2.5	2.7	..	3.3	..
5	3.7	2.8	2.8	3.5	3.8	3.9
6	3.9	3.1	2.9	3.1	4.1	3.8
7	2.4	2.7	2.9	3.6	3.5	4.1
8	4.6	3.5	4.3	3.4	4.4	4.4
9	..	..	2.8	3.5	5.2	4.9
10	..	3.2	..	3.5	..	4.5
11	..	..	..	4.4	..	..
12	..	..	..	4.1	5.6	..
Informal Vote	3.5	2.8	2.9	3.5	4.0	4.1
Senate Informality	3.6	3.1	3.6	3.8	5.6	5.1
Electorates	38	38	37	37	37	37
Candidates per seat	4.9	5.6	5.8	7.8	6.1	6.9

State Elections 1985-2002

Candidates per electorate	% Informal Vote by Number of Candidates					
	1985	1988	1992	1996	1999	2002
2	3.04	4.68	3.48	2.79	3.24	..
3	1.93	3.83	3.12	2.37	3.06	3.33
4	2.34	3.33	3.43	1.94	2.65	3.30
5	..	4.01	4.16	2.48	3.01	3.37
6	..	2.90	4.97	2.30	2.85	4.00
7	..	4.12	5.28	..	2.96	4.63
8	..	..	3.95	..	..	4.09
9	..	..	7.03	..	..	..
10	..	..	..	..	..	..
11	..	..	6.92	..	..	..
Overall Informality	..	..	..	..	..	..
Legislative Assembly	2.68	3.89	3.81	2.30	3.01	3.42
Legislative Council	3.01	4.33	4.11	2.58	3.37	3.67
Electorates	88	88	88	88	87	88
Candidates per seat	2.4	3.3	4.1	3.5	3.5	4.2

Note: 1999 totals exclude the Frankston East supplementary election., This was contested by 16 candidates and saw an informal rate of 4.77%.

House of Representatives Informal Vote Research: Victoria				
Informal Category	1984	1987	1996	2001
Blanks	17.5	15.9	24.1	25.0
Marks / Writing	6.3	11.9	11.5	8.7
Ticks and Crosses	23.6	22.5	27.3	13.0
Number '1' only	n.a.	n.a.	n.a.	26.1
Non Sequential	n.a.	n.a.	n.a.	14.2
Larger Style	n.a.	n.a.	n.a.	3.2
Total numbering errors	51.8	49.3	34.8	43.4
Other			2.3	9.9

NOTES

- Victorian state elections take place for two chambers. The Legislative Assembly consists of 88 electorates, the Legislative Council 22 provinces, each made up of four Assembly district. Each province is represented by 2 MLCs, elected at alternate elections. On rare occasions, by-elections are held for the second Council seat at the same time as the general election.
- Under normal circumstances, electors receive two ballot papers, both for single member electorates with members elected under compulsory preferential voting. Unlike other jurisdictions using proportional representation in the upper chamber, voters do not receive a giant ballot paper that allows a single '1' to be cast as a formal vote.
- It is most likely that this consistency of electoral system and ballot paper is the reason why Victoria has the lowest level of informality under compulsory preferential voting. The Legislative Council's electoral system has also made it harder for minor parties to win election, which probably explains why Victoria has also not seen dramatic increases in the number of registered parties and minor party candidates.
- At the 2006 election, Victoria will introduce proportional representation in a reformed Legislative Council, with five MLCs elected from each of eight provinces. On evidence of other elections, it is likely that there will be an increase in informal voting in the Legislative Assembly as a result.

QUEENSLAND

Federal Elections in Queensland 1990-2004

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	2.1	..	..	..	..	..
4	2.2	..	3.0	..	..	..
5	2.1	..	2.4	2.7	5.3	4.3
6	2.5	2.5	2.6	3.1	4.6	5.0
7	2.1	2.4	2.4	3.4	4.5	5.4
8	..	2.7	2.9	3.3	4.0	4.8
9	..	2.6	2.4	3.3	5.6	5.5
10	..	2.7	2.6	..	..	..
11	..	2.7	..	..	..	..
Overall Informality						
House	2.2	2.6	2.6	3.3	4.8	5.2
Senate	2.5	2.0	3.3	3.0	3.0	2.8
Electoralates	24	25	26	27	27	28
Candidates per seat	4.6	8.2	6.9	7.1	6.7	7.3

State Elections 1986-2004

Candidates per electorate	% Informal Vote by Number of Candidates						
	1986	1989	1992	1995	1998	2001	2004
2	2.74	4.44	2.63	2.06	..	4.09	2.36
3	1.95	2.93	2.20	1.64	1.31	2.16	1.98
4	1.94	2.59	2.10	1.60	1.51	1.98	1.99
5	2.59	2.96	2.51	1.83	1.43	2.01	1.93
6	4.32	3.22	2.17	1.58	1.38	1.96	2.15
7	..	4.36	..	1.48	1.50	2.03	1.51
8	2.47	..	2.41	..	1.59	1.64	..
9	..	..	..	..	1.74	1.88	..
Informal Vote	2.17	3.01	2.25	1.75	1.45	2.27	1.99
Electoralates	89	89	89	89	89	89	89
Candidates per seat	3.3	3.8	3.9	3.3	4.9	4.1	4.0

House of Representatives Informal Vote Research: Queensland

Informal Category	1984	1987	1996	2001
Blanks	9.5	12.0	17.7	15.7
Marks / Writing	6.5	10.3	10.7	5.2
Ticks and Crosses	29.0	24.8	21.6	11.5
Number '1' only	n.a.	n.a.	n.a.	46.4
Non Sequential	n.a.	n.a.	n.a.	10.5
Larger Style	n.a.	n.a.	n.a.	2.0
Total numbering errors	55.2	52.4	47.4	58.9
Other			2.7	8.8

NOTES

- Queensland elections are conducted for single chamber, as the state parliament does not have an upper house.
- Optional preferential voting was introduced before the 1992 election. For a formal vote, only a single first preference is required and single ticks and crosses qualify as a voters clear intent.
- Even under compulsory preferential voting in 1986 and 1989, Queensland saw a lower level of informal voting than in any other jurisdiction. With only a single chamber elected, it may be voters pay more attention to ballot paper instructions, and there is no confusion with different voting systems in the second chamber.
- The lack of an upper house may also be why the number of candidates per electorate has not increased, minor parties not needing to contest every seat to increase their chances in the upper house.
- The clearest consequence of optional preferential voting is that there is no evidence of informal voting increasing as the number of candidates rises. However, there is evidence of confusion at Federal elections, with voters in Queensland having the highest incidence of casting votes with only a single preference.

WESTERN AUSTRALIA**Federal Elections in Western Australia 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	..	..	..	..	..	..
4	..	2.4	3.4	..	..	..
5	2.9	2.4	3.0	..	..	..
6	3.5	2.4	2.8	3.5	4.5	..
7	4.5	2.5	3.7	3.4	4.8	4.5
8	4.2	3.0	..	4.6	4.6	5.8
9	4.3	3.5	..	4.8	5.8	5.5
10	..	..	3.4	5.1	5.8	5.4
11	..	..	..	..	..	..
12	..	..	..	5.5	..	..
Overall Informality						
House	3.7	2.5	3.2	4.2	4.9	5.3
Senate	2.9	2.1	3.5	2.7	3.6	3.5
Electorates	14	14	14	14	15	15
Candidates per seat	6.6	6.1	5.7	7.8	7.7	8.3

State Elections 1985-2002

Candidates per electorate	% Informal Vote by Number of Candidates				
	1989	1993	1996	2001	2005
2	2.64	3.07	2.53	..	..
3	7.60	3.61	5.12	..	..
4	7.15	3.67	4.45	3.93	4.73
5	7.95	4.36	4.02	4.03	4.66
6	9.78	3.83	4.38	4.69	5.10
7	..	4.61	5.07	4.53	5.20
8	..	5.32	..	4.99	6.46
9	..	4.23	..	4.50	5.86
10	..	8.11	..	..	5.69
11	..	..	..	4.62	..
Overall Informality					
Legislative Assembly	7.35	4.13	4.39	4.54	5.24
Legislative Council	2.76	3.74	3.01	2.64	3.18
Electorates	57	57	57	57	57
Candidates per seat	3.8	5.0	4.1	6.4	6.6

House of Representatives Informal Vote Research: Western Australia

Informal Category	1984	1987	1996	2001
Blanks	15.6	14.9	24.3	23.4
Marks / Writing	7.2	7.5	13.9	8.0
Ticks and Crosses	33.1	20.5	23.3	9.9
Number '1' only	n.a.	n.a.	n.a.	29.9
Non Sequential	n.a.	n.a.	n.a.	21.8
Larger Style	n.a.	n.a.	n.a.	4.2
Total numbering errors	44.0	56.7	36.3	55.8
Other			2.2	2.9

Western Australian Legislative Assembly Informal Vote Research

Informal Category	1989	1993	1996	2001
Blank	12.8	21.4	26.8	23.2
Scribble	8.0	20.0	16.9	12.0
Number 1 only	50.4	22.6	25.6	29.4
Single Tick or Cross	16.0	14.7	14.3	14.5
Mix of marks	11.7	3.4	n.a.	1.6
Defective sequence	n.a.	15.5	n.a.	n.a.
No first preference	n.a.	n.a.	9.0	8.1
More than one blank box	n.a.	n.a.	2.4	5.9
Elector Identified	0.1	0.2	0.2	0.4
Incorrect District	1.0	1.7	1.0	1.2
Others		0.5	3.8	3.8

NOTES

- Since 1989 Western Australia, state elections have been conducted with roughly the same rules as Commonwealth elections. The Legislative Assembly is elected by compulsory preferential voting in single member electorates, the Legislative Council using compulsory preferential voting in multi-member regions. The major technical difference is that groups and candidates in the Legislative Council are aligned vertically on the ballot paper rather than horizontally.
- This new Legislative Council system was introduced at the 1989 election, and as with the introduction of the new Senate system in 1984, there was a dramatic increase in informal voting in the lower house. This has since declined, as more effort has been committed to encourage formal voting.
- Western Australia has a special provision for ballot papers with only two candidate. As noted in the 1984 AEC informal voting report, and as evidence at the 1991 NSW election showed, two candidate contests tend to lead to an increase in voters using ticks and crosses. In Western Australia, single ticks and crosses are allowed on two-candidate contests, and as a result, Western Australia is the only state where informal voting is lower for two-candidate contests than for ballot papers with more than two candidates.
- Western Australia also allows non-sequential ballot papers to remain in the count as formal if the intent of the voter is clear. These votes are informal under the Commonwealth Electoral Act. 'Langer' voting is still formal under the Western Australian Electoral Act, though the number of votes cast in this way appears quite low.
- As with all states using compulsory preferential voting, the informal vote tables show evidence of the informal vote rising as the number of candidates on a ballot paper increases.
- The categories of informal voting noted in research of Legislative Assembly ballot papers is broadly similar to that noticed in research at Commonwealth elections.

SOUTH AUSTRALIA**Federal Elections in South Australia 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	..	..	..	..	..	..
4	3.5	..	3.5	..	..	..
5	3.6	2.6	4.0	4.3	5.2	..
6	3.6	3.9	3.1	4.7	6.2	5.8
7	3.7	4.4	4.1	4.2	5.5	5.0
8	..	3.8	5.0	4.7	4.5	5.3
9	..	4.9	4.7	5.1	..	6.9
10	..	..	4.5	..	..	..
11	..	4.1	..	..	..	..
Overall Informality						
House	3.7	4.1	4.1	4.5	5.5	5.6
Senate	2.5	2.3	3.3	2.8	3.1	3.5
Electorates	13	12	12	12	12	11
Candidates per seat	5.3	7.5	6.2	6.5	5.9	6.9

State Elections 1985-2002

Candidates per electorate	% Informal Vote by Number of Candidates				
	1985	1989	1993	1997	2002
2	4.58	..	..	..	..
3	3.13	2.79	2.87	3.92	..
4	3.99	2.48	2.71	3.83	1.74
5	2.84	3.03	2.71	3.91	2.61
6	..	5.25	3.41	4.37	3.14
7	3.70	..	4.89	5.18	3.21
8	..	..	4.52	..	4.01
9	..	..	..	..	3.61
Overall Informality					
House of Assembly	3.47	2.83	3.10	4.04	3.12
Legislative Council	3.70	3.89	3.54	4.32	5.40
Electorates	47	47	47	47	47
Candidates per seat	3.5	3.8	4.8	4.2	6.4

House of Representatives Informal Vote Research: South Australia

Informal Category	1984	1987	1996	2001
Blanks	18.8	20.3	28.1	24.5
Marks / Writing	9.3	11.0	9.7	6.6
Ticks and Crosses	30.9	20.1	23.7	15.2
Number '1' only	n.a.	n.a.	n.a.	36.6
Non Sequential	n.a.	n.a.	n.a.	13.8
Larger Style	n.a.	n.a.	n.a.	1.0
Total numbering errors	41.0	48.1	37.6	51.4
Other			0.8	2.4

South Australian House of Assembly Informal Vote Research

Informal Category	1985	1989	1993	1997	2002
Blank Ballots	41.7	44.3	46.7	45.9	42.3
Marked but no vote indicated	41.0	19.1	20.7	30.3	17.2
Total with no first preference	82.7	63.4	67.4	76.2	59.5
Defective marking	11.5	30.5	26.8	20.5	15.2
Unacceptable preferencing	n.a.	n.a.	n.a.	n.a.	21.8
Total with incorrect preferences	11.5	30.5	26.8	20.5	37.0
Other informal votes	5.8	6.0	5.8	3.3	3.5
Total informal votes	3.5	2.8	3.1	4.0	3.1
Accepted ticket votes	4.1	6.0	5.9	4.9	4.0
Average number of candidates	3.5	3.8	4.8	4.2	6.4

- Like the Commonwealth and Western Australia, South Australian elections are for two chambers, the House of Assembly elected by compulsory preferential voting and the Legislative Council elected under compulsory preferential voting and with the use of group ticket voting.
- There are two provisions that make the pattern of informal voting in South Australia different from elsewhere.
- First, South Australia is the only state where the ballot papers states that the voter can leave the ballot blank. As a result, 'blank ballot' informal voting is much higher at South Australian state elections.
- Second, all lower house candidates can register as 'ticket' vote. These tickets are displayed on all voting screens in polling places, assisting voters who do not receive how-to-vote cards. The 'tickets' are also used as a savings provision. All ballot papers that would otherwise be informal, that is marked with a tick, a cross, a single '1' or with an incomplete set of preferences, can remain in the count. If the vote matches the registered ticket of the candidate for which the ballot papers first preference is cast, then the ballot papers is admitted to the count, and the preferences are deemed to flow according to the ticket.
- A consequence of these provisions is that unlike Western Australia and the Commonwealth, South Australian lower house informal voting is lower than in the upper house.

TASMANIA

Federal Elections in Tasmania 1990-2004

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	3.5	..	..	..	..	..
4	3.4	2.8	2.3	2.8	2.9	3.6
5	2.4	2.7	2.4	2.5	3.3	3.5
6	..	2.6	..	2.4	..	3.9
7	..	..	..	..	..	..
8	..	..	..	..	4.3	..
Overall Informality						
House	3.3	2.7	2.4	3.1	3.4	3.6
Senate	3.1	2.6	3.2	3.1	3.3	3.4
Electoraltes	5	5	5	5	5	5
Candidates per seat	4.0	4.6	4.6	5.4	5.4	5.0

State Elections 1986-2002

	% Informal Vote						
	1982	1986	1989	1992	1996	1998	2002
House of Assembly	5.66	5.93	5.35	4.54	5.40	3.90	5.1
Electoraltes	5	5	5	5	5	5	5
MPs per electorate	7	7	7	7	7	5	5
Candidates per seat	25.4	17.2	20.6	27.0	31.6	27.6	22.4

House of Representatives Informal Vote Research: Tasmania

Informal Category	1984	1987	1996	2001
Blanks	17.7	16.8	30.7	27.9
Marks / Writing	9.8	16.8	14.0	12.1
Ticks and Crosses	27.4	27.1	22.2	15.8
Number '1' only	n.a.	n.a.	n.a.	23.6
Non Sequential	n.a.	n.a.	n.a.	13.2
Larger Style	n.a.	n.a.	n.a.	6.9
Total numbering errors	44.6	45.2	31.4	43.7
Other			1.7	0.5

Tasmania uses the Hare-Clark electoral system. Candidates are grouped by party on the ballot paper, but the order candidates appear in each group is randomised. How to vote cards are banned, as is canvassing outside of polling places. Tasmania uses the same five electoraltes for both State and Commonwealth elections, electing five member from each constituency to elect the House of Assembly. Ballot paper must have as many preferences as there are vacancies to be filled, currently five. Legislative Council elections are always conducted on different days to House of Assembly elections.

AUSTRALIAN CAPITAL TERRITORY**Federal Elections in the ACT 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	..	..	..	..	..
3	..	..	3.3	..	..	..
4	..	..	2.6	..	..	..
5	2.6	..	..	..	..	3.4
6	3.3	2.9	2.7	..	3.4	..
7	..	..	..	2.8	3.6	..
8	..	..	..	2.9	..	..
9	..	3.8	..	..	..	..
Overall Informality						
House	3.0	3.4	2.8	2.9	3.5	3.4
Senate	2.4	1.6	2.5	2.0	2.3	2.5
Electorates	2	2	3	2	2	2
Candidates per seat	5.5	7.5	4.3	7.5	6.5	5.0

Territory Elections 1989-2004

	% Informal Vote					
	1989	1992	1995	1998	2001	2004
Legislative Assembly	5.7	6.5	6.2	4.3	4.0	2.7
Electorates	1	1	3	3	3	3
MPs per electorate	17	17	5/7	5/7	5/7	5/7

House of Representatives Informal Vote Research: Australian Capital Territory

Informal Category	1984	1987	1996	2001
Blanks	19.3	18.4	25.7	30.8
Marks / Writing	12.2	14.8	12.4	4.3
Ticks and Crosses	30.5	21.6	26.1	9.0
Number '1' only	n.a.	n.a.	n.a.	28.8
Non Sequential	n.a.	n.a.	n.a.	7.7
Langer Style	n.a.	n.a.	n.a.	0.8
Total numbering errors	36.2	41.7	32.9	37.3
Other			3.0	18.6

ACT elections are conducted under the same Hare-Clark rules as Tasmania. The major difference is that the ACT has two electorates with five members, and one with seven. Ballot paper instructions state that this many preferences must be filled in, but the test of formality requires only that a voter's first preference be clear. All further preferences are optional.

Informal voting has fallen in recent years as the number of blank ballot papers has declined. It is believed the early high incidence of blank ballot papers may have related to the controversial granting of self-government to the ACT.

NORTHERN TERRITORY**Federal Elections in Northern Territory 1990-2004**

Candidates per electorate	% Informal Vote by Number of Candidates					
	1990	1993	1996	1998	2001	2004
2	..	3.1	..	..	..	..
3	..	..	..	..	..	..
4	..	..	..	..	..	..
5	..	..	3.4	..	..	4.9
6	..	..	..	..	4.9	..
7	3.4	..	..	4.2	4.4	4.0
Overall Informality						
House	3.4	3.1	3.4	4.2	4.6	4.4
Senate	2.8	2.8	2.8	2.0	2.8	3.1
Electorates	1	1	1	1	2	2
Candidates per seat	7.0	2.0	5.0	7.0	6.5	6.0

Territory Elections 1987-2001

Candidates per electorate	% Informal Vote by Number of Candidates				
	1987	1990	1994	1997	2001
2	..	3.68	4.20	5.79	4.88
3	3.73	3.33	3.40	4.33	3.51
4	5.19	2.09	3.42	4.82	4.88
5	3.28	6.25	..	..	4.04
6	..	3.32	..	..	..
Legislative Assembly	4.14	3.10	3.81	5.17	4.27
Electorates	25	25	25	25	25
Candidates per seat	3.4	3.3	2.5	2.6	3.5

House of Representatives Informal Vote Research: Northern Territory

Informal Category	1984	1987	1996	2001
Blanks	10.2	13.7	n.a.	20.7
Marks / Writing	6.8	12.7	n.a.	3.0
Ticks and Crosses	38.5	32.9	n.a.	10.6
Number '1' only	n.a.	n.a.	n.a.	28.0
Non Sequential	n.a.	n.a.	n.a.	15.1
Larger Style	n.a.	n.a.	n.a.	14.6
Total numbering errors	44.3	40.4	n.a.	57.6
Other			n.a.	8.1

Party names do not appear on ballot papers in the Northern Territory, though candidate pictures do. Candidates are currently listed in alphabetic order. There is no upper house in the Northern Territory, so voters receive only a single ballot paper. Party names and random draws for ballot position will be introduced at the 2004 Northern Territory election.

The Problem with Senate Group Ticket Voting

Before new electoral rules were introduced in 1984, elections for the Australian Senate were marred by high rates of informal voting. The requirement for voters to fill in preferences for every candidate on the ballot paper, sometimes in excess of 50 preferences¹, on a ballot paper that contained no party names, represented an unreasonable imposition on the time and effort of electors.

The 1984 legislative changes added party names to the ballot paper, and also changed the ballot paper's layout to introduce Group Ticket Voting. The new Senate ballot still in use today is divided by a thick black line, with party names and group ticket voting squares across the top, and candidates for each party or group listed below the black line. Voters could continue to use the old Senate voting method, expressing preference for every candidate using what has become known as a 'below the line' vote. However, the ease of voting under the new system has encouraged most electors to use the group ticket voting square, casting an 'above the line' vote.

All parties with a group voting square have lodged one, two or three tickets of preferences for all candidate on the ballot paper. Voters using the group ticket voting option effectively cede the right to direct preferences to their chosen party. The ballot paper is deemed to have the preferences of the party's preference ticket.

As a result, informal voting at Senate elections has fallen dramatically. Senate informal voting is now lower than for the House. Indeed, informal voting in the House may now be inflated by voters mistakenly using the Senate's single vote method on their House ballot paper.

But the acceptance of Group Ticket Voting has involved a trade-off. With around 95% of votes now cast using the group ticket voting option, increasingly Byzantine preference deals are being engaged in by political parties in an attempt to engineer election results. Democracy has been enhanced by the cut in informal voting, but a democratic deficit is developing, with serious questions as to whether the results engineered by group ticket voting truly represent the will of the electorate.

Categorizing Systems of Proportional Representation.

The generic term to describe electoral systems like the Senate's is Proportional Representation by Single Transferable Vote, or PR-STV for short. Rather than proportionality being achieved on the basis of primary votes, it is achieved using the single transferable vote method, better known in Australia as preferential voting.

There is a vast literature on different forms of proportional representation. Rather than engage in a technical discussion on why PR-STV is an atypical form of proportional representation, it is easiest to try and explain its peculiarities by example.

Proportional representation attempts to elect representatives for parties and groups in the same proportion as the vote each receives. In its simplest form, a quota for election is set, and parties elect a member for each quota of votes achieved. The problem is, few elections produce results where all party totals exactly match a set number of quotas. There are always 'partial quotas' left over, and not all positions can be filled by parties with full quotas.

The following example is a simple PR election based on using one of the most common quotas, the Droop Quota, used in all Australian forms of PR. The Droop quota is calculated

¹ In NSW at the 1974 double dissolution, there were 73 candidates and an informal rate of 12.3%.

by dividing the total number of votes by one more than the number of vacancies. In the following example, with five vacancies and 23,999 votes, the quota is calculated by dividing the total votes by six, rounding up to give a quota of 4,000.

Example Proportional Representation Election (Total Votes 23,999, Quota 4,000)²

Party	Votes	Full Quota		Partial quota		Total Seats
		Quotas	Seats	Partial Quota	Seats	
Party A	8,700	8,000	2	700	0	2
Party B	6,800	4,000	1	2,800	0	1
Party C	5,200	4,000	1	1,200	0	1
Party D	3,299	0	0	3,299	1	1

The problem with quota based system is always how to deal with partial quotas. In the above example, four of the five vacancies have been easily allocated from full quotas. The fifth vacancy has been allocated to Party D with less than a quota using the most common algorithm in this type of election, the largest remainder method.

This method can be a very unfair. In the above example, the two MPs from Party A represent an average of 4,350 voters each, an average of 6,800 voters for Party B, 5,200 for Party C and 3,300 for Party D. Despite receiving twice as many votes as Party D, Party B has only elected the same number of members. The highest remainder method tends to advantage parties that do not receive a full quota of votes.

This problem of filling partial quotas has resulted in most countries abandoning the use of quota based seat allocation methods. Most countries now use divisor systems, where seats are allocated to create equal voter representation per elected party member. Electing more representatives per electorate also improves proportionality, and top-up seats can be used to make the system even more proportional. The key point to make about all these systems is that the aim is to achieve proportionality of seats to *primary votes*. This is *not* a characteristic of Australia's PR-STV systems.

PR-STV comes from a different representational philosophy than other forms of proportional representation. It was designed for candidate rather than party based voting, and gives greater emphasis to minimizing the wasted vote rather than achieving proportionality between parties.

Above all, it adopts a radically different solution to the partial quota problem. Preferences are used to distribute votes from candidates and parties that fail to win election, and candidates and parties are elected with quotas that can consist of both primary votes and preferences. Using the previous example, the final seat would be achieved by distributing the preferences of the party with the lowest surplus, and so on, until the final quota was filled.

So under PR-STV, proportionality is achieved not on the basis of the primary vote, but by the complex interaction of primary votes and preferences. The partial quota problem is dealt with by using preferences to ensure that all quotas end up being filled.

Which means under PR-STV, parties have two electoral objectives. The first is to maximise its own vote, as you would under any system of proportional representation. But each party also has an interest in controlling its preferences, to ensure that if it cannot win one of the final seats itself, it can have a say with preferences over who does. If preferences can be controlled, then parties will also be interested in doing deals with like minded parties.

² This example has been slightly modified from the example provided in Gerard Newman's paper on electoral system for the Commonwealth Parliamentary Library Research Service. The paper can be found on the AEC's website at <<http://www.aec.gov.au/_content/what/voting/elec_sys/index.htm>>.

This is where Group Ticket Voting is beginning to subvert one of the basic aims of an electoral system, which is that the result should reflect the will of the electorate. Group ticket voting has led to the situations where rather than preference tickets listing competing parties in the order a party would like to see them elected, strategic deals are being done, parties relying on their control of preferences through group ticket voting to gamble on the order in which they think parties will finish.

Preferred Voting versus Strategic Voting

At United Kingdom elections, electors get a single vote. Electors have to make a decision on what strategy to adopt with their single vote. Should they vote for the candidate who they *most want* to see elected, or should they vote strategically for a candidate who is most likely to defeat the candidate they *least* want elected?

In recent years, voting against the least preferred candidate has become commonplace at UK elections. It is referred to as *strategic voting*, and has become a particular bane of the Conservative Party, with supporters of the Labour Party and Liberal Democrats quite prepared to switch party to ensure the defeat of Conservative candidates. All parties have taken to targeting the supporters of candidates likely to run third in constituencies with the aim of squeezing out third party support and creating a two-party race.

In theory, this tactic is less relevant in Australia because of preferential voting. Unless a voter knows the order in which candidates will finish in an electorate, then the only safe course for an elector is to cast a *preferred vote*, listing candidates on the ballot paper in the order they would like to see them elected.

Thanks to opinion polling, candidates and parties usually have a better understanding of the order candidates will finish in each seat. As a result, the three major political parties have adopted new strategies in attempts to beat opponents in their own safe seats. The opposing major party, knowing it can never win these seats itself, will often 'run dead', to cease campaigning in an attempt to finish third and direct preferences to an Independent or Minor Party candidate. Voters aware of such contests also switch support to back challenging independent or minor party candidates.

Such tactics become immeasurably more complex in the Senate, where to engineer a result, you need to know not only the order each party will finish, but also how much each is above or below a set number of quotas. Any individual voter attempting to understand these complexities has no chance of having enough information to vote strategically. The only way for a rational voter to behave is to cast a *preferred vote*, to list candidates in the order the voter would want to see them elected.

This is where Group Ticket Voting is undermining the Senate's electoral system. Parties have more knowledge of the likely vote each party will receive. With 95% of the vote locked up as tickets, parties can also arrange preference deals, secure in the knowledge that Group Ticket Voting allows them to deliver on those deals. It is becoming increasingly common for parties to do preference swaps, taking a gamble on the order that parties will finish.

For minor parties, this has become an unseemly 'show and tell' operation, where parties and candidates with no ideological similarity engage in the game of keeping preferences away from the bigger parties. The first successful use of this minor swapping strategy was the 1995 NSW Legislative Council election, when Alan Corbett was elected on behalf of a party called

'A Better Future for Our Children'.³ The tactic was again successful at the 1997 South Australia election, when anti-poker machine campaigner Nick Xenophon was elected after harvesting the preferences of every other minor party on the ballot paper.

This game of preferences 'harvesting' reached new heights at the 1999 NSW election. A plethora of so-called 'micro' parties created a ballot paper the size of a tablecloth, with 264 candidates and 81 groups across three rows. Despite finishing 29th on the primary vote, Malcolm Jones from the Outdoor Recreation Party stormed to victory with just 0.2% of the vote, or 0.04 of a quota.

Jones harvested preferences from 21 other parties, including eight that had achieved a higher primary count. As a result, he was elected ahead of all other minor parties, including the Greens, the Australian Democrats and Christian Democrats. Around 40 parties had been registered by four wheel drive activists concerned about public access to National Parks. Parties with names like the Gay and Lesbian Party, Animal Rights, Marijuana Smokers Rights and the Marine Environment Conservation Party were registered. Research on the ballot papers has shown that electors voting for these parties below the line directed preferences in ways contrary to the registered tickets.⁴ But preference harvesting captured all group ticket votes, and its success was the election of Malcolm Jones.

While the 2001 South Australian election did not see any success for preference harvesting, the tactic was tried with the ballot paper exploding in size to 48 groups across three rows. At the 2004 Western Australian election, wholesale preference swaps between minor parties came perilously close to electing candidates from the Christian Democratic Party and the Fremantle Hospital Support Group.

The power granted by group ticket voting has also been employed by the larger parties to try and engineer preferred outcomes, what can be termed preference 'corralling'. At its first use in 1984, ticket voting was used by the Labor and Liberal parties to prevent the election of the Nuclear Disarmament Party's Peter Garrett, despite winning 9.1% of the vote. Three years later, the preference deals were different, Labor helping to elect the far less threatening Robert Wood on behalf of Nuclear Disarmament, despite polling just 1.2% of the vote.

The 1998 election saw the most extensive use of preference corralling as swaps between the major parties, Greens and Australian Democrats worked to prevent victories by candidates from Pauline Hanson's One Nation. Despite One Nation easily outpolling the Australian Democrats in five states, it was the Democrats that elected five Senators and One Nation a single Senator. Perversely, the Democrats recorded by far their best vote in Victoria, the one state where they failed to elect a Senator, and where One Nation's preferences instead elected Australia's first Asian born Senator.

In 2004, the games with preferences reached new heights. Parties both major and minor engaged in strategic preferences deals that crossed the political divide. But now the game is becoming one of gambles, bets by parties that preference flows will flow one way and not another. It is these increasingly complex deals which are undermining the electoral legitimacy of the Senate.

³ As an elected MLC, Corbett became eligible for public campaign funding. However, he had spent so little on his campaign that he could not claim all the funds he was entitled to under the NSW system of funding only for receipted expenses.

⁴ See Antony Green "Prospects for the 2003 NSW Legislative Council Election", NSW Parliamentary Library Research Service, Background Paper 3/2003.

How Strategic Preference Deals Work

Prior to Group Ticket Voting, parties would not have engaged in the sort of minor-major party preference swaps that have become common in strategic deals. If parties had to rely upon how to vote leaflets to control preference, then only a significant political player could deliver on the deal. A major party might be able to get its supporters to deliver preferences to the minor party, but with only limited distribution of how to vote material, no minor party would be able to deliver its end of the deal.

Because of group ticket voting, parties are now able to guarantee preferences to other parties. Once a deal is done, the only factor that can effect how preferences will flow is the level of vote each party receives. If a party does not receive the level of vote it expects, then a deal guaranteed to make the party a net receiver of preferences may reverse, the party become a net provider of preferences.

The attached appendix sets out all the major exclusions in the 2004 Senate counts for New South Wales, Victoria, Queensland, South Australia and Tasmania. Each of these states witnessed extraordinary preference deals that breached the traditional rule that you should list preferences in the order you wish to see candidates elected.

Parties always have two interests at heart when they engage in preference deals.

- (1) A party is always more interested in electing one of its own candidates than the candidate of any other party.
- (2) If a party cannot elect one of its own candidates, it has an interest in directing preferences to candidates of other parties in the order in which it would like to see these other parties elected.

If you have no knowledge of the order candidates will finish, and cannot guarantee preferences, then the strategy to meet these twin goals is always to list the candidates and parties in the preferred order you would like to see them elected. For individual voters, this is always the best strategy.

But group ticket voting produces the situation where these two interests in listing preferences may no longer be in harmony. If parties are prepared to gamble on the order in which parties will finish, then it can engage in strategic listing of preferences rather than preferred listings. Group ticket voting allows parties to trade off preferred listing of preferences for improved prospects of electing its own candidates. If your prime aim as a party is to elect one of your own candidates, then the strategic deals that become possible under group ticket voting can encourage you to deals that place parties you don't want to see elected higher on your preference ticket in an attempt to elect more of your own candidates. You trade off helping to elect like-minded candidates and parties for improved chances of electing your own candidates.

The Senate count in Victoria at the 2004 election is a prime example of how these decisions come into play. Deals were done by several parties which traded off the opportunity of helping elect like minded parties on preferences in favour of trying to elect one of their own candidates. The basic objectives that drove the Victorian Senate deals were:

- (1) The Labor Party was more interested in re-electing its third candidate, Senator Jacinta Collins, than conceding a Senate seat to the Greens.
- (2) The Australian Democrats were more interested in staying in the count long enough to collect Coalition preferences and elect themselves than they were in helping to elect a Greens Senator.
- (3) Family First, the Christian Democrats and the DLP were always attracted to helping to elect Labor's Jacinta Collins rather than in helping to elect a Greens Senator. Doing a deal

that helped Labor rather than the Coalition met this objective and increased their own chances of election.

- (4) The Coalition was happy to help all the small Christian parties and the Australian Democrats at the expense of Labor and the Greens.

This confluence of interests explains how Family First came to win the final Senate place on Labor preferences. Labor did the deal in an attempt to elect one of its own Senators at the expense of the Greens. The deal would have worked, except in the end, Labor's vote was lower than expected. If Labor had listed its group ticket preferences in a preferred rather than a strategic order, then the Greens would have won the final seat. But without the deal, Labor may have given up any chance of electing Jacinta Collins. The strategic preference was a gamble to elect a third Labor Senator. It was a gamble that failed, electing a Family First Senator to a seat that Labor would have preferred a Green to win.

The Australian Democrats also attempted to protect themselves by swapping preferences with Family First ahead of the Greens, a party with which it has competed for Senate seats for many years. In New South Wales and South Australia, this deal played a party in Labor winning a third seat at the expense of the Greens, and was also important in Family First pulling ahead of Labor in Victoria.

The deals that resulted in Labor winning a third seat in both South Australia and New South Wales were essentially the same as the one that saw Family First elected in Victoria. The only difference between the states is that in Victoria, Labor's surplus to their second quota (0.53 quotas) started off behind the Green's partial quota (0.61), and Labor never received enough preferences to pull ahead of the Greens. At the same count in New South Wales, Labor was ahead of the Greens 0.54 quotas to 0.51, and in South Australia 0.49 to 0.46.

At the final count in all three states, a Christian Party led the race for the final vacancy, Family First in South Australia and Victoria the Christian Democrats New South Wales. In the latter two states, the Greens had never managed to get ahead of Labor, so Green preferences elected Labor senators. In Victoria, it was Labor that failed to catch the Greens, at which point Labor's preference deal backfired and elected Family First.

Similar deals took place in Tasmania, and thanks to a strategic decision by the Liberal Party to only stand three candidates, the deals could have delivered victory to Family First rather than the Greens. The difference was that in Tasmania, 18.8% of electors voted below the line compared to around 4% on the mainland. In essence, below the line voters making up their own mind on preferences undermined the deals.

The last two Western Australian elections have seen Group Ticket Vote preference deals go spectacularly sour. At the 2001 election, the Greens elected MLCs in Agricultural Region and Mining and Pastoral Region on One Nation preferences. One Nation had placed the Greens higher on their preference tickets than the Liberal Party to send a message to the Liberal Party, never thinking it would actually help elect the Greens. The deal was disaster for One Nation, delivering the Legislative Council balance of power to the Greens, where if One Nation had helped elect two Liberal MLCs, One Nation would have held the balance of power itself.

In South West Region at the 2005 election, the National Party chose a strategic deal which swapped preferences with the Greens, thinking it gave the party its best prospects of electing a National MLC. In the end the Greens were ahead at the key count, National Party preferences delivering the key balance of power seat to the Greens. Had the Nationals directed preferences to Family First, that party would have been elected, but at the cost of ensuring the National Party had little chance of election. The National Party gambled on electing one of its own MLCs, but the result has been electing a Green MLC to the balance of power.

Finally, parties can make terrible mistakes with the Group Tickets in picking and choosing candidates from other parties' tickets. Consider the following case.

Christian Democratic Party Preferences, Western Australia, 1998 Senate election

Liberal	Labor	Greens	Democrats
3 Ellison	23 Cook	40 Margetts	45 Greig
9 Campbell	24 Evans	41 Davies	44 Crabbe
37 Knowles	4 Griffiths	42 Xamon	43 Clifford
10 Ivankovic	25 Ellery		
	26 Anderson		
	27 Foo		

The Christian Democrats had 8,540 ticket votes. When the party was finally excluded, the third preference for Liberal Ellison never counted, as Ellison was already elected. So the Christian Democrat preferences flowed to the Labor Party's Griffith. This unexpected flow of preferences resulted in the Labor Party ending up 4,886 votes ahead of the final Green candidate. Had the Christian Democrat preferences not flown to Labor, Labor would have been excluded from the count and elected Margetts from the Greens. As it was, the Christian Democrat preferences resulted in Labor pulling ahead of the Greens, the Greens being excluded and electing the Brian Greig of the Australian Democrats. So it was strangely ironic that the Christian Democrats, a party long opposed to gay law reform, were responsible for electing a gay rights advocate in Brian Greig, a candidate who was actually listed last on their Group Ticket Vote.

What we see here is that in gambling on preference deals, parties can end up defeating their own interests if the gamble fails. The problem with all these deals is they give no room for voters to interfere. As the Tasmanian example showed, if enough people vote below the line, party deals can be undone. But what opportunity are voters given to do this?

Why Group Ticket Voting Is Creating a Democratic Deficit

At the 2004 Senate election in New South Wales, voters were faced with a hopeless choice. Two voting options were available. An elector could vote using a single group ticket voting square, acceding to a deal done by their preferred political party. The only other option was to number a preference for every candidate below the line. That is, you had to number from 1 to 78. A very well informed voter may have known a third of the candidates or parties on the ballot paper. Beyond that, the voter still had to fill in preferences for the two-thirds of candidates on the ballot papers they had never heard of. Even with more generous formality provisions than the house⁵, an elector always takes the risk in voting below the line that their vote may end up as informal.

If an elector wanted to know about the preferences registered for each party, what could they do to find out? They could have looked on the AEC's website, but the booklet on NSW preferences was a .pdf file of 1.6 megabytes, not very useful operating from a slow home modem. The elector could ask the polling official to look at the Group Ticket Voting booklet. If the staff knew what the elector was talking about, they would have had a small number of copies, roughly one per thousand voters expected at a polling place. Even if this interested elector got hold of a booklet, they would have had to be very well informed voter to have the faintest idea what all the deals meant.

⁵ A Senate ballot paper is required to have preference for 90% of candidates, and up to three sequencing errors are allowed before a ballot paper becomes informal. All below the line ballots are entered into a computer system that applies the formality tests.

Take the following example from the 2004 Senate election in Victoria.

DLP Preferences, Victoria, 2004 Senate election

Labor Party		Coalition	
22	Kim Carr	17	Michael Ronaldson
23	Stephen Conroy	13	Julian McGauran
14	Jacinta Collins	18	Judith Troeth
24	Marg Lewis	19	Dino de Marcho
		20	Jim Forbes
		21	Eugene Notermans

To an average voter, this preference ticket looks like the first major party candidate to receive DLP preferences would be Julian McGauran. Any voter who voted presuming these preferences would have applied would be sadly mistaken. It was clear the Coalition would have in excess of two quotas, in all probability in excess of three. Labor on the other hand would have more than two but probably less than three quotas.

For this reason, the 13th preference to Julian McGauran would never have counted, as by the time the DLP had been excluded, McGauran would have already been elected. The effective preference would have been the 14th for Labor's Jacinta Collins. Despite the misleading appearance of the 13th preference, the DLP ticket was always going to flow to Labor, not the Coalition.⁶

But even if our interested elector disapproved of the preference ticket of their preferred party, what could they do? The only way an elector can overcome a preference deal they disapprove of is to vote below the line. But parties offer no assistance in doing this, as how to vote cards for all parties only recommend an above the line vote. So a voter is left having to, in the end, use some random process of choosing between all those candidates they don't know, just to have the preferences count for the candidates and parties they do know.

Group ticket voting produces this ridiculous choice for voters, being forced to choose a party ticket they don't know, can't find out about and probably wouldn't understand if they could, or to vote below the line giving preferences to a vast array of candidates they don't know and don't care about just to have their vote count for the smaller number of candidates they do know.

If elections are about informed voters expressing their opinions, then the choices offered to voters at Senate elections dismally fail any test of democratic worth.

Solutions

Adopt the Tasmania's Hare-Clark System

Tasmania and the ACT use a different version of PR-STV than the Senate. Apart from some technical differences in calculations, the major difference between the Senate and Hare-Clark systems is the ballot paper. There is no ticket voting in Hare-Clark, and while candidates are grouped by party on the ballot paper, the order candidates appear in each party list is randomised. From ballot paper to ballot paper, the candidates in each party will appear in different orders. In addition, how to vote cards showing preferences are banned.

⁶ In fact it did neither. The DLP's preferences never got past Family First, playing an important role in electing Steven Fielding.

While this works well in Tasmania and the ACT, it is used to elect the lower houses of parliament where government is determined. Both elections are for single chambers, with no upper house elected the same day, and both are from electorates where the quota for election is around 10,000 votes. Preferencing is also optional, only a single preference required in the ACT, five in Tasmania.

As a comparison, the quota is more than half a million for the NSW Senate, and the Senate campaign is conducted whilst most attention is focussed on the battle for control of the House of Representatives. The Senate contest receives little coverage, resulting in most electors voting for parties rather than candidates, happy to accept the list put forward by their preferred party.

The Senate cannot be turned into the intimate election demanded by the Hare-Clark electoral system. The dominant control of parties over preferences needs to be addressed in the Senate, but adopting Hare-Clark is unlikely to be the solution.

Adopt the Reformed 'Above the Line' Vote for the NSW Legislative Council

Following the 1999 NSW Legislative Council election and its 'tablecloth' ballot paper, ticket voting as used in the Senate was abolished. Above the line voting still exists, but tickets that distribute preferences to other parties on the ballot paper have been abolished. The 2003 Legislative Council election was the first at which the new system applied.

The NSW constitution has an entrenched provision that there must be 15 preferences for a formal vote. As ticket voting implies preferences for candidates, if inter-party preferences are abolished, you needed a new method to imply 15 preferences for candidates on the ballot paper. The solution was to insist that parties must stand at least 15 candidates before they could receive a group voting ticket square. This effectively increased the deposit fee for all groups wanting access to a group ticket voting square. A single vote in a group ticket voting square implied preferences for all the candidates in that column of the ballot paper and for no other parties on the ballot paper.

In addition, a new form of above the line voting was introduced. In the same way voters can vote for candidate below the line, at NSW Legislative Council elections, voters can now number preferences for parties above the line. If a voter marked their ballot with a '1' for Party A, a '2' for Party 'B' and '3' for Party C, then that ballot would mean that preferences went first to all candidate of Party A, then all preferences for Party B, then C, and so on.

The result of this is the end of deliverable preference deals. Parties can still try to influence voters by putting above the line preference sequences on their how to vote material. But the only preferences that counted were those filled in on ballot papers by the voters themselves.

Evidence from the 2003 election indicates that not many voters made use of the new system. The following table summarizes research conducted by the author on the 2003 ballot papers.

2003 NSW Legislative Council Ballot Paper Survey

2,923,425	78.56%	were single preference above the line votes
729,715	19.61%	were above the line votes with preferences
68,317	1.84%	were below the line votes

Above the Line Votes with preferences

Above the line preference votes showed the following number of formal preferences.
(Percentages as a proportion of ATL votes with preferences.)

Preferences	Ballot Papers	%
1	2,628	0.4
2	481,830	66.0
3	80,061	11.0
4	29,078	4.0
5	20,948	2.9
6	24,104	3.3
7	3,944	0.5
8	2,319	0.3
9	1,824	0.2
10	1,586	0.2
11	1,196	0.2
12	1,356	0.2
13	2,798	0.4
14	11,366	1.6
15	64,677	8.9
Total ATL	729,715	
Average ATL preferences	3.90	
Median ATL preferences	2	
ATL votes as implied preferences for candidates		
Average preferences	72.4	
Median preferences	39	

The use of the new above the line preferencing system ranged from 9.47% for Group L (Pauline Hanson) to 37.56% for the Christian Democratic Party.

Source: Antony Green, "2003 NSW Legislative Council Ballot Paper Survey", NSW Parliamentary Library Research Service. (Forthcoming title)

The problem with the NSW reform is that it effectively does away with preferences, and the system has reverted to being a list system of proportional representation with a highest remainder algorithm to determine the final vacancies.⁷ This may work for the NSW Legislative Council, where the 21 members to be elected produces a low quota and a relatively proportional outcome.

Unfortunately, massive numbers of exhausted preferences would be less desirable for the Senate. Electing only six members, half Senate elections would become like the proportional representation equivalent of first past the post voting. To protect the proportional

⁷ The elected minor parties at the 2003 election were those that had the highest partial quota at the start of the count. With only one in five votes having preferences, the order candidates finished was not changed by preferences. See Antony Green, "NSW Legislative Council Elections 2003", NSW Parliamentary Library Research Service Background Paper No 8/2003.

representation aspect of the electoral system, some minimum level of inter-party preferencing may need to be maintained.

The New South Wales system is a worthwhile reform, and the above the line option would certainly be a desirable addition to the Senate's electoral system. However, just simply abandoning inter-party preferences, as has occurred in NSW, would not be a desirable outcome for the Senate.

Group Ticket Votes Should Preference Parties, not Candidates

As outlined earlier with examples of the Christian Democrats in Western Australia in 1998, and the DLP in Victoria in 2004, when parties pick and choose between candidates of different parties, it can be confusing for voters and create unexpected results.

If the preference ticket voting guides are to be made more comprehensible, the most important reform would be to make all tickets give preferences to parties, not candidates. If a party gives preferences to another party, those preferences would be for all the candidates of that party in the order they appear on the ballot paper. Parties wanting to use the group ticket voting option should not be allowed to pick and choose between candidates of other parties.

As shown by the earlier examples, preference listings by candidate requires electors to have a substantial understanding of the Senate's electoral system, as well as the possible scenarios for the vote level achieved by each party. As well as making the preference books considerably smaller, listing preferences by party would make them much more understandable. Voters wanting to consult preference listings could make a more informed decision in choosing to use the group ticket voting option.

Optional preferential voting below the line

One of the greatest imposition on voters is that they have only two options, to vote for a single party above the line and cede any right to direct preferences, or to vote for every candidate below the line. As pointed out earlier, the choice facing voters in NSW was a vote for a single box, or to number 78 squares. It is completely unreasonable for the Parliament to give electors such limited options. There may come a day when a High Court chooses to decide that the Parliament does not have an unfettered right to set unreasonable conditions on voting.

Below the line votes currently make up only a minority of Senate votes. Even with the reformed NSW Legislative Council system, most voters choose not to exercise their right to direct preferences.

No voter can have knowledge of every candidate on the Senate ballot paper. Maintaining the ridiculous level of compulsory preferential voting looks suspiciously like a deliberate attempt to encourage more electors to vote above the line.

The Senate's electoral system will not be undermined by allowing the minority of voters to exhaust their preferences when voting below the line. Indeed, as voting below the line is the only option voters have currently to get around the deals engaged in with Group Ticket Voting, encouraging below the line votes by allowing optional preferential voting will positively improve the democratic standards of Senate elections.

However, some minimal level preferencing should still be allowed to protect the workings of the electoral system. It is suggested that the minimum number of preferences be six, the same number of preferences as there are vacancies to be filled at a half-Senate election.

Limiting Preferences on Group Ticket Votes

As has been outlined in this paper, the problems with Group Ticket Voting have come about because parties have been engaged in strategic listing of preferences on Group Tickets rather than preferred listings. This undermines the point of preferential voting, and some incentive needs to be put into the system to encourage parties to list candidates and parties in the order they would want to see them elected.

The proposed solution is to limit the number of parties that can be included on each party's group ticket preference list. The suggestion is to allow parties to direct preferences to only six other parties on the ballot paper.

This solves two problems. First, 'micro' parties would find it much more difficult to harvest preferences and build up quotas with extraordinary preference deals. The ability of dozens of minor parties to swap preferences would become substantially more difficult.

Second, it would discourage larger parties from doing strategic preference deals, as each party you include on your ticket for strategic reasons prevents the party from directing preferences to parties it would want to be elected.

This limited preferences solution would not prevent strategic preference deals, but it would make parties think twice about the consequences before embarking in strategic trade-offs.

Introducing Cut-Off Quotas

This proposal would eliminate preference harvesting strategies and prevent the election of parties like Family First. However, it would do nothing to prevent larger parties from engaging in strategic preference deals.

Indeed, it could make the problem worse. Larger parties would have no problem engaging in endless deals with minor parties, secure in the knowledge that the sort of Labor-Family First deal seen in Victoria could never be reversed.

Indeed, larger parties may see a positive advantage in encouraging the formation of micro-parties to attract preferences. Minimum quotas may discourage preference harvesting by micro parties, but would make it a more attractive strategy for major parties.

Cut-off Quotas are a solution to the wrong problem. Parties elected on tiny quotas is not a consequence PR-STV, it is a consequence of loose party registration rules and the use of Group Ticket Voting.

To prevent the election of candidates with few votes, the solution is to fix the system of Group Ticket Voting that makes it possible, not to impose an arbitrary and artificial minimum cut-off quota that has no place in systems of PR-STV.

Senate Results NSW (Quota: 567,810.)**Elected Candidates**

HEFFERNAN Bill (Liberal/National Party)

HUTCHINS Steve (Australian Labor Party)

FIERRAVANTI-WELLS Concetta (Liberal/National Party)

FAULKNER John (Australian Labor Party)

NASH Fiona (Liberal/National Party)

FORSHAW Michael (Australian Labor Party)

Commentary

The key feature of the NSW distribution of preferences is the way that Liberals For Forests and the Christian Democrats harvest preferences throughout the count, choking off the flow of preferences to the Greens. This prevents the Greens from passing the Labor vote at the end of the count, resulting in Labor winning the final vacancy on Green preferences. The most important preferences were those of the Australian Democrats. Had Democrat preferences flown to the Greens rather than Liberals for Forests and the Christian Democrats, then the final vacancy would have been won by the Greens' John Kaye. Instead, Labor's Michael Foreshaw won the sixth and final vacancy, the state splitting 3 Coalition, 3 Labor, the National Party's Fiona Nash winning a seat previously held by the Australian Democrats' Aden Ridgeway.

At Count 1: Total Primary Votes by Group

Comments: On primary votes, the Coalition win three seats and Labor two, with what looks like a tight tussle between Labor and the Greens for the final vacancy. However, the preference deals in NSW were labyrinthine, and as the count unfolds, Glen Druery of Liberals for Forests makes a dramatic rise from a lowly tenth ranking at the start of the count.

New Totals

Party Name	Transfer	New Total	New Quota
Liberal/National Party	0	1,748,676	3.0797
Australian Labor Party	0	1,445,024	2.5449
The Greens	0	291,884	0.5141
Christian Democratic Party	0	103,763	0.1827
Australian Democrats	0	87,377	0.1539
One Nation	0	76,023	0.1339
H.E.M.P.	0	24,022	0.0423
Family First	0	22,218	0.0391
The Fishing Party	0	21,324	0.0376
liberals for forests	0	21,185	0.0373
Lower Excise Party	0	19,157	0.0337
Outdoor Recreation Party	0	13,822	0.0243
Group A Independents	0	13,635	0.0240

New Totals			
Party Name	Transfer	New Total	New Quota
Progressive Labour Party	0	13,179	0.0232
Ex-Service Service and Veterans Party	0	12,920	0.0228
Australians Against Further Immigration	0	11,477	0.0202
No GST	0	9,714	0.0171
Group K Independents	0	7,041	0.0124
New Country Party	0	6,218	0.0110
The Great Australians	0	4,699	0.0083
Socialist Alliance	0	4,295	0.0076
Save the ADI Site Party	0	3,278	0.0058
Non-Custodial Parents Party	0	2,932	0.0052
Australian Progressive Alliance	0	2,764	0.0049
Citizens Electoral Council	0	2,478	0.0044
Nuclear Disarmament	0	2,168	0.0038
Group D Independents	0	1,638	0.0029
Ungrouped Candidates	0	1,082	0.0019
Group W Independents	0	559	0.0010
Group W Independents	0	116	0.0002

At End of Count 177: Election of 3 Liberal/National candidate, two Labor candidates, and the exclusion of numerous candidates

506 ticket votes originally from Group W Independents distributed by preference 3 to GALLAGHER Mick (No GST). 53 below the line preferences also distributed.

1,393 ticket votes originally from Group D Independents distributed by preference 3 to DRUERY Glenn (liberals for forests). 245 below the line preferences also distributed.

2,014 ticket votes originally from Nuclear Disarmament distributed by preference 3 to KAYE John (The Greens). 154 below the line preferences also distributed.

2,304 ticket votes originally from Citizens Electoral Council distributed by preference 3 to HOWLETT Bruce (Ex-Service Service and Veterans Party). 174 below the line preferences also distributed.

2,539 ticket votes originally from Australian Progressive Alliance distributed by preference 3 to RIDGEWAY Aden (Australian Democrats). 225 below the line preferences also distributed.

1,082 below the line preferences for Ungrouped candidate distributed.

116 below the line preferences for Group U distributed.

Comments: By this count, only one candidate remains in each of 23 groups. Groups excluded so far include five groups with ticket votes along with one group and the ungrouped column with no ticket votes.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	-560	308,844	0.5439
The Greens	+2,307	294,191	0.5181

New Totals			
Party Name	Transfer	New Total	New Quota
Christian Democratic Party	+178	103,941	0.1831
Australian Democrats	+3,098	90,475	0.1593
One Nation	+236	76,259	0.1343
Liberal/National Party	-439	44,807	0.0789
H.E.M.P.	+75	24,097	0.0424
liberals for forests	+1,498	22,683	0.0399
Family First	+200	22,418	0.0395
The Fishing Party	+225	21,549	0.0380
Lower Excise Party	+63	19,220	0.0338
Ex-Service Service and Veterans Party	+2,356	15,276	0.0269
Outdoor Recreation Party	+73	13,895	0.0245
Group A Independents	+151	13,786	0.0243
Progressive Labour Party	+35	13,214	0.0233
Australians Against Further Immigration	+65	11,542	0.0203
No GST	+639	10,353	0.0182
Group K Independents	+88	7,129	0.0126
New Country Party	+56	6,274	0.0110
The Great Australians	+42	4,741	0.0083
Socialist Alliance	+88	4,384	0.0077
Save the ADI Site Party	+41	3,319	0.0058
Non-Custodial Parents Party	+53	2,985	0.0053

At End of Count 201: Successive exclusion of MARKS Grahame (Non-Custodial Parents Party), MOON Kylie (Socialist Alliance), McHOLME Brett (The Great Australians) and BROWN Geoff (Save the ADI Site Party)

2,636 ticket votes originally from Non-Custodial Parents Party distributed by preference 3 to BROWN Geoff (Save the ADI Site Party) and then by preference 5 to HOWLETT Bruce (Ex-Service Service and Veterans Party). 349 below the line preferences also distributed.

3,697 ticket votes originally from Socialist Alliance distributed by preference 3 to KAYE John (The Greens). 687 below the line preferences also distributed.

4,563 ticket votes originally from The Great Australians distributed by preference 3 to DRUERY Glenn (liberals for forests). 178 below the line preferences also distributed.

2,907 ticket votes originally from Save the ADI Site Party distributed by preference 3 to KAYE John (The Greens). 412 below the line preferences also distributed.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+139	308,983	0.5442
The Greens	+7,145	301,336	0.5307
Christian Democratic Party	+40	103,981	0.1831
Australian Democrats	+131	90,606	0.1596
One Nation	+77	76,336	0.1344

New Totals

Party Name	Transfer	New Total	New Quota
Liberal/National Party	+59	44,866	0.0790
liberals for forests	+4,587	27,270	0.0480
H.E.M.P.	+112	24,209	0.0426
Family First	+62	22,480	0.0396
The Fishing Party	+36	21,585	0.0380
Lower Excise Party	+48	19,268	0.0339
Ex-Service Service and Veterans Party	+2,702	17,978	0.0317
Outdoor Recreation Party	+26	13,921	0.0245
Group A Independents	+24	13,810	0.0243
Progressive Labour Party	+54	13,268	0.0234
Australians Against Further Immigration	+64	11,606	0.0204
No GST	+50	10,403	0.0183
Group K Independents	+18	7,147	0.0126
New Country Party	+37	6,311	0.0111

At End of Count 223: Successive exclusion of GRAHAM Greg (New Country Party), ZITEK Martin (Group K Independents), KITSON David (Australians Against Further Immigration) and WOLDRING Klaas (Progressive Labour Party)

5,941 ticket votes originally from New Country Party distributed by preference 3 to DRUERY Glenn (liberals for forests). 370 below the line preferences also distributed.

6,989 ticket votes originally from Group K Independents distributed by preference 7 to GALLAGHER Mick (No GST). 158 below the line preferences also distributed.

10,735 ticket votes originally from Australians Against Further Immigration distributed by preference 5 to GALLAGHER Mick (No GST). 871 below the line preferences also distributed.

13,011 ticket votes originally from Progressive Labour Party distributed by preference 3 to BALDERSTONE Michael Taylor (H.E.M.P.). 257 below the line preferences also distributed.

Comments: By this stage of the count, preference deals are having an important impact. Candidates like Glen Druery from Liberals for Forests and Mick Gallagher from No GST have engaged in complex preference deals and are passing candidates that did not arrange preference swaps with other small parties. In particular, No GST has risen from 17th position at the start of the count to 9th.

New Totals

Party Name	Transfer	New Total	New Quota
Australian Labor Party	+106	309,089	0.5444
The Greens	+207	301,543	0.5311
Christian Democratic Party	+79	104,060	0.1833
Australian Democrats	+146	90,752	0.1598
One Nation	+286	76,622	0.1349
Liberal/National Party	+127	44,993	0.0792
H.E.M.P.	+13,083	37,292	0.0657

New Totals			
Party Name	Transfer	New Total	New Quota
liberals for forests	+5,991	33,261	0.0586
No GST	+17,783	28,186	0.0496
Family First	+53	22,533	0.0397
The Fishing Party	+49	21,634	0.0381
Lower Excise Party	+147	19,415	0.0342
Ex-Service Service and Veterans Party	+77	18,055	0.0318
Outdoor Recreation Party	+34	13,955	0.0246
Group A Independents	+134	13,944	0.0246

At End of Count 247: Successive exclusion of ETTRIDGE David (Group A Independents), BELGRAVE Leon A (Outdoor Recreation Party), HOWLETT Bruce (Ex-Service Service and Veterans Party) and SMITH Robert (The Fishing Party)

11,754 ticket votes originally from Group A Independents distributed by preference 5 to DRUERY Glenn (liberals for forests)

13,098 ticket votes originally from Outdoor Recreation Party distributed by preference 3 to DRUERY Glenn (liberals for forests)

12,156 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 4 to DRUERY Glenn (liberals for forests)

2,304 ticket votes originally from Citizens Electoral Council distributed by preference 6 to RIDGEWAY Aden (Australian Democrats)

2,636 ticket votes originally from Non-Custodial Parents Party distributed by preference 10 to O'LOUGHLIN Dave (Lower Excise Party)

20,604 ticket votes originally from The Fishing Party distributed by preference 7 to DRUERY Glenn (liberals for forests)

5,038 below the line preferences also distributed.

Comments: The full extent of Liberals for Forests preference deals are revealed by these four exclusions. Deals now push the party ahead of One Nation and leave the party trailing the Australian Democrats by just 4,000 votes. So far Liberals for Forests has more than quadrupled its vote.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+357	309,446	0.5450
The Greens	+215	301,758	0.5314
Christian Democratic Party	+310	104,370	0.1838
Australian Democrats	+3,346	94,098	0.1657
liberals for forests	+57,687	90,948	0.1602
One Nation	+1,109	77,731	0.1369
Liberal/National Party	+588	45,581	0.0803
H.E.M.P.	+139	37,431	0.0659
No GST	+545	28,731	0.0506

Party Name	New Totals		
	Transfer	New Total	New Quota
Family First	+222	22,755	0.0401
Lower Excise Party	+2,975	22,390	0.0394

At End of Count 253: O'LOUGHLIN Dave (Lower Excise Party) excluded

18,459 ticket votes originally from Lower Excise Party distributed by preference 7 to GALLAGHER Mick (No GST)

2,636 ticket votes originally from Non-Custodial Parents Party distributed by preference 20 to DRJERY Glenn (liberals for forests)

1,295 below the preferences also distributed

Comments: No GST and Liberals for Forests continue to harvest preferences.

Party Name	New Totals		
	Transfer	New Total	New Quota
Australian Labor Party	+89	309,535	0.5451
The Greens	+118	301,876	0.5316
Christian Democratic Party	+48	104,418	0.1839
Australian Democrats	+89	94,187	0.1659
liberals for forests	+2,749	93,697	0.1650
One Nation	+126	77,857	0.1371
No GST	+18,652	47,383	0.0834
Liberal/National Party	+132	45,713	0.0805
H.E.M.P.	+265	37,696	0.0664
Family First	+106	22,861	0.0403

At End of Count 259: WOODS Joan (Family First) excluded

20,692 ticket votes originally from Family First distributed by preference 3 to NILE Fred (Christian Democratic Party). 2,169 below the line preferences also distributed.

Comments: Unlike other states, Family First did not do well with preferences. Most preferences flowing to Family First had first been captured by Liberals for Forests. So having received few preferences by this stage, Family First are excluded, their preferences flowing to the Christian Democrats.

Party Name	New Totals		
	Transfer	New Total	New Quota
Australian Labor Party	+130	309,665	0.5454
The Greens	+150	302,026	0.5319

New Totals			
Party Name	Transfer	New Total	New Quota
Christian Democratic Party	+21,694	126,112	0.2221
Australian Democrats	+146	94,333	0.1661
liberals for forests	+76	93,773	0.1651
One Nation	+132	77,989	0.1374
No GST	+246	47,629	0.0839
Liberal/National Party	+216	45,929	0.0809
H.E.M.P.	+64	37,760	0.0665

At End of Count 265: BALDERSTONE Michael Taylor (H.E.M.P.) excluded

22,548 ticket votes originally from H.E.M.P. distributed by preference 8 to DRUERY Glenn (liberals for forests)

13,011 ticket votes originally from Progressive Labor Party distributed by preference 11 to DRUERY Glenn (liberals for forests)

2,201 below the line preferences also distributed.

Comments: The persuasive powers of Glenn Druery in preference negotiations were further revealed at this count. Liberals for Forests gained the preferences of two leftish parties in the Progressive Labour Party and H.E.M.P. When Druery is eventually excluded, these preferences flow to the Greens, but the Greens would rather have received the preferences earlier in the count.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+257	309,922	0.5458
The Greens	+805	302,831	0.5333
liberals for forests	+35,757	129,530	0.2281
Christian Democratic Party	+34	126,146	0.2222
Australian Democrats	+224	94,557	0.1665
One Nation	+191	78,180	0.1377
No GST	+310	47,939	0.0844
Liberal/National Party	+160	46,089	0.0812

At End of Count 271: TIERNEY John (Liberal/National Party) excluded

41,780 ticket votes originally from Liberal/National Party distributed by preference 7 to NILE Fred (Christian Democratic Party). Around 4,309 below the line preferences also distributed.

Comments: The exclusion of the fourth Coalition candidate at this count helps the cause of the Christian Democrats. However, the combined Labor and Green vote exceeds a quota. The Greens preferences flow straight to Labor, while Labor's preferences to the Greens flow by complex means after first passing through Liberals for Forests and partly through the Christian Democrats. As long as Labor stays ahead of the Greens, the only outcome now possible is a Labor victory. If Labor falls behind the Greens, Labor preferences would not

necessarily flow to the Greens, though victory by anyone else would depend on who remained in the count.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+447	310,369	0.5466
The Greens	+185	303,016	0.5337
Christian Democratic Party	+42,562	168,708	0.2971
liberals for forests	+836	130,366	0.2296
Australian Democrats	+867	95,424	0.1681
One Nation	+897	79,077	0.1393
No GST	+215	48,154	0.0848

At End of Count 277: GALLAGHER Mick (No GST) excluded

6,989 ticket votes originally from Group K Independents distributed by preference 24 to RIDGEWAY Aden (Australian Democrats)

18,459 ticket votes originally from Lower Excise Party distributed by preference 9 to DRUERY Glenn (liberals for forests)

10,735 ticket votes originally from Australians Against Further Immigration distributed by preference 7 to DRUERY Glenn (liberals for forests)

506 ticket votes originally from Group W Independents distributed by preference 9 to DRUERY Glenn (liberals for forests)

9,307 ticket votes originally from No GST distributed by preference 9 to DRUERY Glenn (liberals for forests)

2,158 below the line preferences also distributed.

Comments: After a dramatic rise in the count, Mick Gallagher of No GST is finally excluded, most of the vote currently residing with him now flowing to Liberals for Forests. Liberals for Forests now pass both the Christian Democrats and the Australian Democrats.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+245	310,614	0.5470
The Greens	+445	303,461	0.5344
liberals for forests	+39,310	169,676	0.2988
Christian Democratic Party	+402	169,110	0.2978
Australian Democrats	+7,270	102,694	0.1809
One Nation	+441	79,518	0.1400

At End of Count 283: NEWSON Judith (One Nation) excluded

72,306 ticket votes originally from One Nation distributed by preference 18 to NILE Fred (Christian Democratic Party). 7,212 below the line preferences also distributed.

Comments: As has become the norm, no other parties chose to direct preferences to One Nation. The party is now excluding, its preferences flowing to the Christian Democrats.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+1,387	312,001	0.5495
The Greens	+649	304,110	0.5356
Christian Democratic Party	+74,410	243,520	0.4289
liberals for forests	+1,322	170,998	0.3012
Australian Democrats	+1,546	104,240	0.1836

At End of Count 289

RIDGEWAY Aden (Australian Democrats) excluded

74,428 ticket votes originally from Australian Democrats distributed by preference 11 to DRUERY Glenn (liberals for forests)

2,539 ticket votes originally from Australian Progressive Alliance distributed by preference 6 to DRUERY Glenn (liberals for forests)

6,989 ticket votes originally from Group K Independents distributed by preference 39 to NILE Fred (Christian Democratic Party)

2,304 ticket votes originally from Citizens Electoral Council distributed by preference 9 to KAYE John (The Greens)

17,980 below the line preferences also distributed

Comments: Critical to the final outcome at this point is the fact the Democrat preferences do not flow to the Greens. Instead, Democrat preferences flowed to Liberals for Forests at this count and the Christian Democrats at the next count. This prevented the Greens from closing the gap on Labor. Note that Liberals for Forests had attracted very few below the line votes during the count. As a result, at this stage the Christian Democrats had a small lead over Liberals for Forests, resulting in Glenn Druery's exclusion at the next count. Note that even if the Christian Democrats had been excluded at this count, Labor would still have won the final vacancy. The crucial point in determining the final vacancy in NSW was the ability of Labor to keep its lead over the Greens.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+6,314	318,315	0.5606
The Greens	+10,087	314,197	0.5533
Christian Democratic Party	+8,539	252,059	0.4439
liberals for forests	+78,988	249,986	0.4403

At End of Count 295: DRUERY Glenn (liberals for forests) excluded

11,754 Votes originally from Group A Independents distributed by preference 52 to NILE Fred (Christian Democratic Party)

74,428 Votes originally from Australian Democrats distributed by preference 25 to NILE Fred (Christian Democratic Party)

- 5,941 Votes originally from New Country Party distributed by preference 43 to FORSHAW Michael (Australian Labor Party)
- 1,393 Votes originally from Group D Independents distributed by preference 62 to NILE Fred (Christian Democratic Party)
- 4,563 Votes originally from The Great Australians distributed by preference 42 to FORSHAW Michael (Australian Labor Party)
- 12,156 Votes originally from Ex-Service Service and Veterans Party distributed by preference 42 to FORSHAW Michael (Australian Labor Party)
- 2,539 Votes originally from Australian Progressive Alliance distributed by preference 21 to KAYE John (The Greens)
- 7,516 Votes originally from H.E.M.P. (Ticket 1 of 3) distributed by preference 38 to KAYE John (The Greens)
- 7,516 Votes originally from H.E.M.P. (Ticket 2 of 3) distributed by preference 38 to KAYE John (The Greens)
- 7,516 Votes originally from H.E.M.P. (Ticket 3 of 3) distributed by preference 43 to FORSHAW Michael (Australian Labor Party)
- 20,857 Votes originally from liberals for forests distributed by preference 44 to NILE Fred (Christian Democratic Party)
- 18,459 Votes originally from Lower Excise Party distributed by preference 52 to NILE Fred (Christian Democratic Party)
- 10,735 Votes originally from Australians Against Further Immigration distributed by preference 15 to NILE Fred (Christian Democratic Party)
- 13,011 Votes originally from Progressive Labour Party distributed by preference 18 to KAYE John (The Greens)
- 2,636 Votes originally from Non-Custodial Parents Party distributed by preference 45 to NILE Fred (Christian Democratic Party)
- 506 Votes originally from Group W Independents distributed by preference 30 to FORSHAW Michael (Australian Labor Party)
- 13,098 Votes originally from Outdoor Recreation Party distributed by preference 17 to FORSHAW Michael (Australian Labor Party)
- 9,307 Votes originally from No GST distributed by preference 50 to NILE Fred (Christian Democratic Party)
- 20,604 Votes originally from The Fishing Party distributed by preference 66 to FORSHAW Michael (Australian Labor Party)
- 5,151 below the line preferences also distributed

Comments: The scale of Glenn Druery's preference deals are revealed by the large number of ticket votes distributed at this count. Crucially, the Democrat ticket votes now flowed to the Christian Democrats, which left the Labor total ahead of the Greens. Despite this count putting the Christian Democrats into first place, it is the fact that the Greens remain in third place which determines the final vacancy.

New Totals			
Party Name	Transfer	New Total	New Quota
Christian Democratic Party	+151,307	403,366	0.7104
Australian Labor Party	+65,863	384,178	0.6766
The Greens	+32,623	346,820	0.6108

Candidate Excluded: KAYE John (The Greens)

- 3,697 Votes originally from Socialist Alliance distributed by preference 21 to FORSHAW Michael (Australian Labor Party)
- 2,539 Votes originally from Australian Progressive Alliance distributed by preference 35 to FORSHAW Michael (Australian Labor Party)
- 7,516 Votes originally from H.E.M.P. (Ticket 1 of 3) distributed by preference 49 to FORSHAW Michael (Australian Labor Party)
- 7,516 Votes originally from H.E.M.P. (Ticket 2 of 3) distributed by preference 49 to FORSHAW Michael (Australian Labor Party)
- 2,014 Votes originally from Nuclear Disarmament distributed by preference 64 to NILE Fred (Christian Democratic Party)
- 2,304 Votes originally from Citizens Electoral Council distributed by preference 31 to FORSHAW Michael (Australian Labor Party)
- 13,011 Votes originally from Progressive Labour Party distributed by preference 29 to FORSHAW Michael (Australian Labor Party)
- 2,907 Votes originally from Save the ADI Site Party distributed by preference 65 to NILE Fred (Christian Democratic Party)
- 269,921 Votes originally from The Greens distributed by preference 26 to FORSHAW Michael (Australian Labor Party)
- 34,776 below the line preferences also distributed.

Comments: With the exclusion of the Greens, Labor pulls ahead to win the final vacancy.

Party Name	New Totals		
	Transfer	New Total	New Quota
Australian Labor Party	+336,951	721,129	1.2700
Christian Democratic Party	+8,548	411,914	0.7254

Candidate Elected

FORSHAW Michael (Australian Labor Party)

2004 Senate Result Victoria (Quota: 428,078)

Elected Candidates

RONALDSON Michael (Liberal/National Party)

CARR Kim John (Australian Labor Party)

McGAURAN Julian (Liberal/National Party)

CONROY Stephen M (Australian Labor Party)

TROETH Judith (Liberal/National Party)

FIELDING Steve (Family First)

Commentary

The deal done between Labor and several other groups to protect its third candidate Jacinta Collins has backfired badly. Despite polling only 0.13 of a quota, Family First harvest preferences from numerous groups including the Progressive Alliance, the Christian Democrats, the Aged and Disability Pensioners Party, Non-Custodial Parents Party, One Nation, Liberals for Forests, the Australian Democrats, the DLP and the surplus from the Coalition. By this stage, Family First has passed the third Labor candidate, Family First's Steven Fielding then easily winning the final vacancy on Labor preferences.

At Count 1: Primary Vote Totals by Group

Comments: On the primary votes, the Coalition elects three Senators, the Labor Party two. The surplus Labor quota plus the Green quota easily exceeds a full quota. A tight swap of preferences between Labor and the Greens would result in one of them winning the final seat. However, as we now, Labor did not direct preferences straight to the Greens, instead doing a complex preference swap with Family First.

Party Name	New Totals		
	Transfer	New Total	New Quota
Liberal/National Party	0	1,321,337	3.0867
Australian Labor Party	0	1,081,558	2.5265
The Greens	0	263,481	0.6155
DLP - Democratic Labor Party	0	58,042	0.1356
Australian Democrats	0	56,580	0.1322
Family First	0	56,376	0.1317
liberals for forests	0	55,170	0.1289
One Nation	0	21,530	0.0503
Aged and Disability Pensioners Party	0	17,401	0.0406
Citizens Electoral Council	0	16,227	0.0379
Christian Democratic Party	0	10,239	0.0239
Ex-Service Service and Veterans Party	0	8,661	0.0202
Group S Independents	0	7,266	0.0170
Socialist Alliance	0	4,906	0.0115

New Totals			
Party Name	Transfer	New Total	New Quota
Republican Party of Australia	0	4,238	0.0099
Group K Independents	0	3,418	0.0080
Non-Custodial Parents Party	0	3,310	0.0077
Hope Australia	0	2,938	0.0069
Australian Progressive Alliance	0	2,453	0.0057
Ungrouped Candidates	0	1,413	0.0033

At End of Count 187: After Exclusion of all lower order and Ungrouped candidates

Only below the line votes distributed so there has been no significant change in the ordering of parties.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+166	263,647	0.6159
Australian Labor Party	-205	225,197	0.5261
DLP - Democratic Labor Party	-39	58,003	0.1355
Australian Democrats	+139	56,719	0.1325
Family First	+12	56,388	0.1317
liberals for forests	+90	55,260	0.1291
Liberal/National Party	-286	36,817	0.0860
One Nation	+142	21,672	0.0506
Aged and Disability Pensioners Party	+76	17,477	0.0408
Citizens Electoral Council	+44	16,271	0.0380
Christian Democratic Party	+71	10,310	0.0241
Ex-Service Service and Veterans Party	+82	8,743	0.0204
Group S Independents	+644	7,910	0.0185
Socialist Alliance	+54	4,960	0.0116
Republican Party of Australia	+55	4,293	0.0100
Group K Independents	+58	3,476	0.0081
Non-Custodial Parents Party	+18	3,328	0.0078
Hope Australia	+38	2,976	0.0070
Australian Progressive Alliance	+10	2,463	0.0058

At End of Count 214: Successive exclusion of GRIGSBY Chris (Australian Progressive Alliance), PETHERBRIDGE Tim (Hope Australia), BOERS Kevin (Non-Custodial Parents Party), TOSCANO Joseph (Group K Independents) and CONSANDINE Peter (Republican Party of Australia)

2,206 ticket votes originally from Australian Progressive Alliance distributed by preference 3 to FIELDING Steve (Family First). 257 below the line preferences also distributed.

2,665 ticket votes originally from Hope Australia distributed by preference 3 to RISSTROM David Eric (The Greens). 311 below the line preferences also distributed.

3,055 ticket votes originally from Non-Custodial Parents Party distributed by preference 3 to FOSTER Tim (One Nation). 273 below the line preferences also distributed.

3,183 ticket votes originally from Group K Independents distributed by preference 3 to RISSTROM David Eric (The Greens). 293 below the line preferences also distributed.

3,942 ticket votes originally from Republican Party of Australia distributed by preference 3 to RISSTROM David Eric (The Greens). 351 below the line preferences also distributed.

Comments: At this stage the Greens receive three small parcels of ticket votes from minor parties while Family First receive preferences from the Progressive Alliance.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+10,096	273,743	0.6395
Australian Labor Party	+140	225,337	0.5264
Family First	+2,259	58,647	0.1370
DLP - Democratic Labor Party	+38	58,041	0.1356
Australian Democrats	+205	56,924	0.1330
liberals for forests	+109	55,369	0.1293
Liberal/National Party	+139	36,956	0.0863
One Nation	+3,114	24,786	0.0579
Aged and Disability Pensioners Party	+47	17,524	0.0409
Citizens Electoral Council	+35	16,306	0.0381
Christian Democratic Party	+53	10,363	0.0242
Ex-Service Service and Veterans Party	+71	8,814	0.0206
Group S Independents	+116	8,026	0.0187
Socialist Alliance	+90	5,050	0.0118

At End of Count 238: Successive exclusions of CHELLIAH Lalitha (Socialist Alliance), TOZER Roger F (Ex-Service Service and Veterans Party), BARRON Alan J (Christian Democratic Party) and FRANKLAND Richard (Group S Independents)

4,415 ticket votes originally from Socialist Alliance distributed by preference 3 to FRANKLAND Richard (Group S Independents) and then by preference 6 to RISSTROM David Eric (The Greens). 635 below the line preferences also distributed.

8,141 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 3 to ISHERWOOD Craig W (Citizens Electoral Council). 673 below the line preferences also distributed.

9,080 ticket votes originally from Christian Democratic Party distributed by preference 3 to FIELDING Steve (Family First). 1,283 below the line preferences also distributed.

4,776 ticket votes originally from Group S Independents distributed by preference 4 to HEALY Jess (Australian Democrats). 3,250 below the line preferences also distributed.

Comments: Again, quite small parcels of votes are distributed at this point. Significantly, the distribution of Christian Democrat preferences puts Family First ahead of the Australian

Democrats. This means that the preference swap between the two parties will now work in favour of Family First rather than the Australian Democrats.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+6,502	280,245	0.6547
Australian Labor Party	+710	226,047	0.5281
Family First	+9,988	68,635	0.1603
Australian Democrats	+5,202	62,126	0.1451
DLP - Democratic Labor Party	+138	58,179	0.1359
liberals for forests	+214	55,583	0.1298
Liberal/National Party	+450	37,406	0.0874
One Nation	+487	25,273	0.0590
Citizens Electoral Council	+8,292	24,598	0.0575
Aged and Disability Pensioners Party	+230	17,754	0.0415

At End of Count 244: CLEAVES Graeme (Aged and Disability Pensioners Party) excluded

16,535 ticket votes originally from Aged and Disability Pensioners Party distributed by preference 5 to FIELDING Steve (Family First). 1,219 below the line preferences also distributed.

Comments: Further preference flowing to Family First puts the party clearly into third place.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+134	280,379	0.6550
Australian Labor Party	+158	226,205	0.5284
Family First	+16,643	85,278	0.1992
Australian Democrats	+113	62,239	0.1454
DLP - Democratic Labor Party	+134	58,313	0.1362
liberals for forests	+179	55,762	0.1303
Liberal/National Party	+77	37,483	0.0876
One Nation	+117	25,390	0.0593
Citizens Electoral Council	+184	24,782	0.0579

At End of Count 250: ISHERWOOD Craig W (Citizens Electoral Council) excluded

14,568 ticket votes originally from Citizens Electoral Council distributed by preference 11 to RISSSTROM David Eric (The Greens)

8,141 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 18 to COLLINS Jacinta (Australian Labor Party)

2,073 below the line preferences distributed

Comments: Extra votes for the Greens, but not enough to counteract the preference distributions to follow.

Party Name	New Totals		
	Transfer	New Total	New Quota
The Greens	+14,669	295,048	0.6892
Australian Labor Party	+8,215	234,420	0.5476
Family First	+79	85,357	0.1994
Australian Democrats	+60	62,299	0.1455
DLP - Democratic Labor Party	+1,412	59,725	0.1395
liberals for forests	+154	55,916	0.1306
Liberal/National Party	+30	37,513	0.0876
One Nation	+119	25,509	0.0596

At End of Count 256: FOSTER Tim (One Nation) excluded

3,055 ticket votes originally from Non-Custodial Parents Party distributed by preference 5 to FIELDING Steve (Family First)

19,989 ticket votes originally from One Nation distributed by preference 30 to FIELDING Steve (Family First)

2,465 below the line votes

Comments: One Nation preferences result in Family First passing a quarter of a quota for the first time. Preferences have seen the party almost double its vote by this stage of the count.

Party Name	New Totals		
	Transfer	New Total	New Quota
The Greens	+265	295,313	0.6899
Australian Labor Party	+268	234,688	0.5482
Family First	+23,981	109,248	0.2552
Australian Democrats	+199	62,498	0.1460
DLP - Democratic Labor Party	+179	59,904	0.1399
liberals for forests	+170	56,086	0.1310
Liberal/National Party	+505	38,018	0.0888

At End of Count 262: DE MARCHI Dino (Liberal/National Party) excluded

35,375 ticket votes originally from Liberal/National Party distributed by preference 7 to MULHOLLAND John (DLP - Democratic Labor Party). 2,643 below the line preferences also distributed.

Comments: Liberal preferences now flow to the DLP. However, the DLP still trails Family First, which means at some point, Liberal and DLP preferences will flow to Family First.

Party Name	New Totals		
	Transfer	New Total	New Quota
The Greens	+251	295,564	0.6904
Australian Labor Party	+268	234,956	0.5489
Family First	+841	110,089	0.2572
DLP - Democratic Labor Party	+35,740	95,644	0.2234
Australian Democrats	+424	62,922	0.1470
liberals for forests	+473	56,559	0.1321

At End of Count 268: CLANCY Steve (liberals for forests) excluded

53,997 ticket votes originally from liberals for forests distributed by preference 3 to FIELDING Steve (Family First). 2,562 below the line preferences also distributed.

Comments: Yet more preferences to Family First, the party now up to 0.3843 of a quota.

Party Name	New Totals		
	Transfer	New Total	New Quota
The Greens	+527	296,091	0.6917
Australian Labor Party	+285	235,241	0.5495
Family First	+54,416	164,505	0.3843
DLP - Democratic Labor Party	+718	96,362	0.2251
Australian Democrats	+535	63,457	0.1482

At End of Count 274

HEALY Jess (Australian Democrats) excluded

51,640 ticket votes originally from Australian Democrats distributed by preference 12 to FIELDING Steve (Family First)

4,776 ticket votes originally from Group S Independents distributed by preference 10 to RISSTROM David Eric (The Greens)

7,041 below the line preferences also distributed

Comments: Now the Family First - Democrats deal comes into play, again to the benefit of Family First pushing the party beyond half a quota. Significantly, a clear majority of below the line votes for the Democrats flowed to either the Greens or Labor.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+8,222	304,313	0.7109
Australian Labor Party	+1,942	237,165	0.5540
Family First	+52,390	216,895	0.5067
DLP - Democratic Labor Party	+846	97,208	0.2271

At End of Count 280: MULHOLLAND John (DLP - Democratic Labor Party) excluded

56,302 ticket votes originally from DLP - Democratic Labor Party distributed by preference 6 to FIELDING Steve (Family First)

35,375 ticket votes originally from Liberal/National Party distributed by preference 14 to FIELDING Steve (Family First)

5,531 below the line preferences distributed

Comments: After gaining DLP and Coalition preferences, Family First now leads the Labor Party. As a result, the next count sees Labor excluded, the preference deal originally designed to protect Labor's Jacinta Coolins now reversing and helping to elect Family First's Steve Fielding.

New Totals			
Party Name	Transfer	New Total	New Quota
Family First	+92,845	309,740	0.7236
The Greens	+769	305,082	0.7127
Australian Labor Party	+3,243	240,408	0.5616

At End of Count 285: COLLINS Jacinta (Australian Labor Party) excluded

219,934 ticket votes originally from Australian Labor Party distributed by preference 8 to FIELDING Steve (Family First)

8,141 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 19 to FIELDING Steve (Family First)

12,279 below the line preferences distributed

New Totals			
Party Name	Transfer	New Total	New Quota
Family First	+230,272	540,012	1.2615
The Greens	+9,647	314,729	0.7352

Candidate Elected

FIELDING Steve (Family First)

Senate Results South Australia (Quota 138,271)

Elected Candidates

MINCHIN Nick (Liberal Party)

McEWEN Anne (Australian Labor Party)

VANSTONE Amanda (Liberal Party)

HURLEY Annette Kay (Australian Labor Party)

FERGUSON Alan (Liberal Party)

WORTLEY Dana (Australian Labor Party)

Commentary

South Australia splits 3 Liberal, 3 Labor, Labor winning an extra seat at the expense of former Democrat Leader now Progressive Alliance Senator Meg Lees. The crucial preference swap in South Australia was the deal between the Australian Democrats and Family First. Had the Democrats polled better, they would have collected Family First and Liberal preferences and won the final vacancy. Instead, the Democrats were excluded, preferences flowing to Family First and preventing the Greens passing the third Labor candidate. This resulted in a seat that could otherwise have been won by the Greens instead being won by Labor on Green preferences.

End of Count 1

Primary Votes Totals

Comments: On the primary votes, the total of the Green vote and surplus Labor votes was 0.95 quotas, very close to a full quota. With a couple of minor parties directing preferences to Labor and/or the Greens, at some point the combined Labor and Green vote would be above a full quota, making it impossible for any other party to win the final vacancy.

New Totals			
Party Name	Transfer	New Total	New Quota
Liberal Party	0	458,576	3.3165
Australian Labor Party	0	344,330	2.4903
The Greens	0	63,787	0.4613
Family First	0	38,545	0.2788
Australian Democrats	0	23,082	0.1669
Australian Progressive Alliance	0	11,061	0.0800
One Nation	0	10,997	0.0795
The Nationals	0	3,882	0.0281
Ex-Service Service and Veterans Party	0	3,771	0.0273
liberals for forests	0	2,797	0.0202
Group A Independents	0	1,957	0.0142
Socialist Alliance	0	1,583	0.0114
Group M Independents	0	896	0.0065

New Totals			
Party Name	Transfer	New Total	New Quota
Group P Independents	0	891	0.0064
Ungrouped Candidates	0	678	0.0049
Group C Independents	0	657	0.0048
Group B Independents	0	402	0.0029

At End of Count 6: Totals after the election of 3 Liberal and 2 Labor Senators

Comments: There were no significant leakages out of the major party tickets during the election of the first five Senators.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	-309	67,479	0.4880
The Greens	+236	64,023	0.4630
Liberal Party	-584	43,179	0.3123
Family First	+123	38,668	0.2797
Australian Democrats	+109	23,191	0.1677
Australian Progressive Alliance	+194	11,255	0.0814
One Nation	+40	11,037	0.0798
The Nationals	+36	3,918	0.0283
Ex-Service Service and Veterans Party	+13	3,784	0.0274
liberals for forests	+13	2,810	0.0203
Group A Independents	+7	1964	0.0142
Socialist Alliance	+13	1,596	0.0115
Group M Independents	+3	899	0.0065
Group P Independents	0	891	0.0064
Ungrouped Candidates	+6	684	0.0049
Group C Independents	+1	658	0.0048
Group B Independents	+1	403	0.0029

At End of Count 138: Various Exclusions

262 ticket votes originally from Group B Independents distributed by preference 3 to HUNT Rita (liberals for forests). 141 below the line preferences also distributed.

505 ticket votes originally from Group C Independents distributed by preference 6 to KLOTZ Rolf (Group A Independents). 153 below the line preferences also distributed.

400 ticket votes originally from Group P Independents distributed by preference 3 to NOONE Brian (The Greens). 491 below the line preferences also distributed.

509 ticket votes originally from Group M Independents distributed by preference 3 to NOONE Brian (The Greens). 390 below the line preferences also distributed.

684 below the line votes for Ungrouped Candidates distributed.

Part 5 – 2004 Senate Results

Comments: By this stage of the count, only one candidate remained in each group. Four small Independent groups had been excluded along with the Ungrouped candidates.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+423	67,902	0.4911
The Greens	+1219	65,242	0.4718
Liberal Party	+174	43,353	0.3135
Family First	+63	38,731	0.2801
Australian Democrats	+15	23,206	0.1678
Australian Progressive Alliance	+154	11,409	0.0825
One Nation	+96	11,133	0.0805
The Nationals	+10	3,928	0.0284
Ex-Service Service and Veterans Party	+120	3,904	0.0282
liberals for forests	+429	3,239	0.0234
Group A Independents	+718	2,682	0.0194
Socialist Alliance	+41	1,637	0.0118

At End of Count 144: BERTULEIT Tom (Socialist Alliance) excluded

1,307 ticket votes originally from Socialist Alliance distributed by preference 3 to NOONE Brian (The Greens). 330 below the lines preferences also distributed.

Comments: The flow of Socialist Alliance ticket votes put the combined Labor and Green quotas up to 0.974.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+72	67,974	0.4916
The Greens	+1,461	66,703	0.4824
Liberal Party	+4	43,357	0.3136
Family First	+11	38,742	0.2802
Australian Democrats	+17	23,223	0.1680
Australian Progressive Alliance	+26	11,435	0.0827
One Nation	+13	11,146	0.0806
The Nationals	+2	3,930	0.0284
Ex-Service Service and Veterans Party	+6	3,910	0.0283
liberals for forests	+7	3,246	0.0235
Group A Independents	+11	2,693	0.0195

At End of Count 150

KLOTZ Rolf (Group A Independents)

Part 5 – 2004 Senate Results

1,480 ticket votes originally from Group A Independents distributed by preference 12 to McSHANE Nicholas (Ex-Service Service and Veterans Party)

505 ticket votes originally from Group C Independents distributed by preference 16 to PHILLIPS Andrew J (One Nation)

708 below the line preferences also distributed.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+35	68,009	0.4919
The Greens	+63	66,766	0.4829
Liberal Party	+16	43,373	0.3137
Family First	+28	38,770	0.2804
Australian Democrats	+27	23,250	0.1681
One Nation	+868	12,014	0.0869
Australian Progressive Alliance	+66	11,501	0.0832
Ex-Service Service and Veterans Party	+1,529	5,439	0.0393
The Nationals	+5	3,935	0.0285
liberals for forests	+28	3,274	0.0237

At End of Count 156: HUNT Rita (liberals for forests) excluded

262 ticket votes originally from Group B Independents distributed by preference 5 to McSHANE Nicholas (Ex-Service Service and Veterans Party)

2,554 ticket votes originally from liberals for forests distributed by preference 7 to McSHANE Nicholas (Ex-Service Service and Veterans Party)

458 below the line preferences also distributed.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+29	68,038	0.4921
The Greens	+79	66,845	0.4834
Liberal Party	+67	43,440	0.3142
Family First	+24	38,794	0.2806
Australian Democrats	+48	23,298	0.1685
One Nation	+20	12,034	0.0870
Australian Progressive Alliance	+30	11,531	0.0834
Ex-Service Service and Veterans Party	+2,956	8,395	0.0607
The Nationals	+13	3,948	0.0286

At End of Count 162: VENUS John (The Nationals) excluded

3,456 ticket votes originally from The Nationals distributed by preference 7 to LAWRIE Sue (Liberal Party). 492 below the line preferences also distributed.

Comments: The flow of National Party preferences to the fourth Liberal candidate put the Liberal Party over a third of a quota. However, the combined Labor and Green vote was now 0.9759, making it virtually impossible for the Liberal Party or Family First to win the final vacancy. However, the controversial preference deal between the Australian Democrats and Family First meant that there was still an outside chance of the Democrats winning the last spot if they could pass Family First.

Party Name	New Totals		
	Transfer	New Total	New Quota
Australian Labor Party	+24	68,062	0.4922
The Greens	+36	66,881	0.4837
Liberal Party	+3634	47,074	0.3404
Family First	+62	38,856	0.2810
Australian Democrats	+72	23,370	0.1690
One Nation	+42	12,076	0.0873
Australian Progressive Alliance	+31	11,562	0.0836
Ex-Service Service and Veterans Party	+35	8,430	0.0610

At End of Count 168: McSHANE Nicholas (Ex-Service Service and Veterans Party) excluded

1,480 ticket votes originally from Group A Independents distributed by preference 16 to MASON Andrea (Family First)

262 ticket votes originally from Group B Independents distributed by preference 7 to McLAREN John (Australian Democrats)

3,161 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 13 to McLAREN John (Australian Democrats)

1,277 ticket votes originally from liberals for forests (Ticket 1 of 2) distributed by preference 20 to WORTLEY Dana (Australian Labor Party)

1,277 ticket votes originally from liberals for forests (Ticket 2 of 2) distributed by preference 18 to NOONE Brian (The Greens)

973 below the line votes also distributed.

Comments: The Australian Democrats picked up enough preferences here to give the party an outside chance of passing Family First.

Party Name	New Totals		
	Transfer	New Total	New Quota
Australian Labor Party	+1,394	69,456	0.5023
The Greens	+1,405	68,286	0.4939
Liberal Party	+134	47,208	0.3414
Family First	+1,613	40,469	0.2927
Australian Democrats	3,635	27,005	0.1953
One Nation	+171	12,247	0.0886

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Progressive Alliance	+68	11,630	0.0841

At End of Count 174: Bulk Exclusion of LEES Meg (Australian Progressive Alliance) and PHILLIPS Andrew J (One Nation)

6,639 ticket votes originally from Australian Progressive Alliance distributed by preference 4 to McLAREN John (Australian Democrats)

505 ticket votes originally from Group C Independents distributed by preference 22 to MASON Andrea (Family First)

9,262 ticket votes originally from One Nation distributed by preference 24 to WORTLEY Dana (Australian Labor Party)

7,471 below the lines votes also distributed.

Comments: Both One Nation and the Progressive Alliance were excluded at the same count. In previous estimates of preferences, this was the critical count. If the Democrats could pull ahead of Family First at this count, then Family First would be excluded at the next count, directing preferences to the Democrats. This would have resulted in the Democrats passing the Liberals and gaining preferences, then passing the Greens to gain preferences and win the final vacancy at the expense of Labor. Alas for the Democrats, there were large numbers of below the line preferences for both the Progressive Alliance and One Nation, and these spread widely rather than flow to the Democrats. Having failed to pass Family First, the Democrats were now the next party to be excluded. Note the flow of One Nation preferences to Labor now made it impossible for either Family First or the Liberal Party to win.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+10,700	80,156	0.5797
The Greens	+1,141	69,427	0.5021
Liberal Party	+2,380	49,588	0.3586
Family First	+1,671	42,140	0.3048
Australian Democrats	+7,932	34,937	0.2527

At End of Count 180: McLAREN John (Australian Democrats) excluded

262 ticket votes originally from Group B Independents distributed by preference 12 to MASON Andrea (Family First)

6,639 ticket votes originally from Australian Progressive Alliance distributed by preference 8 to MASON Andrea (Family First)

19,271 ticket votes originally from Australian Democrats distributed by preference 16 to MASON Andrea (Family First)

3,161 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 23 to LAWRIE Sue (Liberal Party)

5,604 below the line votes also distributed.

Comments: As per their preference deal, Australian Democrat preferences now flowed to Family First, putting that Party ahead of the final Liberal candidate. Note however that most below the line votes distributed at this point flowed to the Greens and Labor, not to Family First.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+1,472	81,628	0.5903
Family First	+26,881	69,021	0.4992
The Greens	+2,593	72,020	0.5209
Liberal Party	+3,969	53,557	0.3873

At End of Count 186: LAWRIE Sue (Liberal Party) excluded

41,499 ticket votes originally from Liberal Party distributed by preference 10 to MASON Andrea (Family First).

3,456 ticket votes originally from The Nationals distributed by preference 8 to MASON Andrea (Family First)

3,161 ticket votes originally from Ex-Service Service and Veterans Party distributed by preference 30 to WORTLEY Dana (Australian Labor Party)

Around 5,441 below the line preferences also distributed.

Comments: Liberal preferences now flowed to Family First putting them into first place. However, the preference deal between the Labor Party and the Greens meant Family First had no chance of winning the final vacancy.

New Totals			
Party Name	Transfer	New Total	New Quota
Family First	+47,508	116,529	0.8428
Australian Labor Party	+4,849	86,477	0.6254
The Greens	+1,165	73,185	0.5293

At End of Count 187: NOONE Brian (The Greens) excluded

1,307 ticket votes originally from Socialist Alliance distributed by preference 9 to WORTLEY Dana (Australian Labor Party)

51,753 ticket votes originally from The Greens distributed by preference 22 to WORTLEY Dana (Australian Labor Party)

509 ticket votes originally from Group M Independents distributed by preference 7 to MASON Andrea (Family First)

1,277 ticket votes originally from liberals for forests (Ticket 2 of 2) distributed by preference 31 to MASON Andrea (Family First)

400 ticket votes originally from Group P Independents distributed by preference 21 to WORTLEY Dana (Australian Labor Party)

17,396 below the line preferences also distributed.

Comments: The flow of Democrat preferences to Family First had chocked off the flow of preferences to the Greens, preventing the Greens from passing Labor. The final outcome of the Australian Democrat - Family First preference deal was to see the Greens excluded at this count, resulting in Labor winning the final vacancy. Had Democrat preferences flowed to the Greens instead of Family First, Labor would have been excluded at this point and elected the Green's Brian Noone to the final vacancy.

New Totals			
Party Name	Transfer	New Total	New Quota
Australian Labor Party	+68,172	154,649	1.1184
Family First	+4,284	120,813	0.8737

Candidate Elected: WORTLEY Dana (Australian Labor Party)

Senate Results Tasmania (Quota 45,382)

Elected Candidates

ABETZ Eric (Liberal Party)
 O'BRIEN Kerry (Australian Labor Party)
 BARNETT Guy (Liberal Party)
 POLLEY Helen (Australian Labor Party)
 PARRY Stephen (Liberal Party)
 MILNE Christine (The Greens)

Commentary

Based on the group ticket votes, Family First's Jacquie Petrusma was on track to win the final vacancy. However, first the leakage of Liberal below the line preferences, then the continuing flow of other below the line votes to the Greens elected Christine Milne instead. The predicted Family First margin had been only 2,600. That was immediately overturned on the Liberal leakage, and with 19% of Tasmanians voting below the line, Family First was never able to overcome the flow of below the line preferences to the Greens.

At end of Count 1: Total of Primary Votes

Comments: On the total of primary votes, the Liberal Party had in excess of three quotas, Labor in excess of two, with the Greens just short of a full quota.

Party Name	New Totals		
	Transfer	New Total	New Quota
Liberal Party	0	146,532	3.2289
Labor Party	0	106,331	2.3474
The Greens	0	42,214	0.9302
Family First	0	7,563	0.1667
Group F - Shayne Murphy	0	6,888	0.1518
Australian Democrats	0	2,614	0.0576
Christian Democratic Party	0	2,076	0.0457
Ungrouped Candidates	0	1,602	0.0353
Group G Independents	0	1,139	0.0251
Citizens Electoral Council	0	508	0.0112

Totals at Count 6: After the election of 3 Liberal and 2 Labor Senators

8,381 Liberal Party ticket votes distributed to Family First

Comments: After the election of five Senators, it is already clear that below the line votes were working to help elect the Greens' Christine Milne. With the quota set, more than 1,500

Liberal preferences did not reach Family First, already overturning the advantage Family First held over the Greens. Improving the Greens chances even further was the leakage of votes out of the Labor ticket. The following totals combine the vote for all candidates in each ticket, and also exclude the quotas set aside for the three elected Liberal and Labor candidates. At this stage, taking into account all above the line ticket preferences to come, the Greens need only 2,280 below the line preferences to reach a quota, Family First require 12,176.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens (3 candidates)	+600	42,814	0.9434
Family First (2 candidates)	+8,828	16,391	0.3612
Australian Labor Party (2 candidates)	-355	15,412	0.3396
Group F - Shayne Murphy (1 candidate)	+337	7,225	0.1592
Australian Democrats (2 candidates)	+240	2,854	0.0629
Christian Democratic Party (2 candidates)	+103	2,179	0.0480
Ungrouped Candidates (4 candidates)	+136	1,738	0.0383
Group G Independents (2 candidates)	+63	1,202	0.0265
Citizens Electoral Council (2 candidates)	+276	784	0.0173
Liberal Party (No remaining candidates)	-10,386	0	0.0000

At end of Count 89: After further exclusions

323 ticket votes originally from Citizens Electoral Council distributed by preference 9 to MILNE Christine (The Greens). 461 Below the line votes also distributed.

540 ticket votes originally from Group G Independents distributed by preference 3 to MURPHY Shayne (Group F - Shayne Murphy). 662 below the line votes also distributed.

1,738 below the line votes distributed from Ungrouped candidates.

Comments: By this count, all candidates lower down the ticket on each group have been excluded, as have the Ungrouped candidates and two groups with tickets, the Group G Independents and the Citizens Electoral Council. Family First have not been able to overcome the leakage of below the line votes, putting Christine Milne on track for the final vacancy. At this stage, the Greens need only 1,307 below the line preferences to reach a quota, Family First 11,473 below the line votes on top of the ticket votes still to arrive.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+721	43,535	0.9593
Family First	+288	16,679	0.3675
Australian Labor Party	+656	16,068	0.3541
Group F - Shayne Murphy	+1,365	8,590	0.1893
Australian Democrats	+488	3,342	0.0736
Christian Democratic Party	+91	2,270	0.0500
Ungrouped candidates	-1,738	0	0.0000
Group G Independents	-1,202	0	0.0000
Citizens Electoral Council	-784	0	0.0000

At end of Count 95: MITCHELL David Charles (Christian Democratic Party) Excluded

1,146 ticket votes originally from Christian Democratic Party distributed by preference 3 to PETRUSMA Jacquie (Family First). 1,124 below the line votes also distributed.

Comments: Only a small leakage of Christian Democrat preferences to the Greens, but by this stage, Family First need every available preference to overturn the Green lead.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+56	43,591	0.9605
Family First	+1,872	18,551	0.4088
Australian Labor Party	+60	16,128	0.3554
Group F - Shayne Murphy	+201	8,791	0.1937
Australian Democrats	+80	3,422	0.0754
Christian Democrats	-2,270	0	0.0000

End of Count 101: ONSMAN Yulia (Australian Democrats) excluded

1,816 ticket votes originally from Australian Democrats distributed by preference 5 to MURPHY Shayne (Group F - Shayne Murphy). 1,606 below the line votes also distributed.

Comments: Family First did gain at this count, as more below the line votes leaked to Family First rather than the Greens. However, there were still 339 preferences to the Greens, putting them just that little bit closer to a quota. The Greens now need only a further 912 below the line preferences plus the 540 ticket votes due at the next exclusion. Family First now require 11,998 below the line preferences on top of the ticket votes from Labor, the Democrats and Shayne Murphy. There are in fact not that many below the line preferences still current in the count.

New Totals			
Party Name	Transfer	New Total	New Quota
The Greens	+339	43,930	0.9680
Family First	+565	19,116	0.4212
Australian Labor Party	+278	16,406	0.3615
Group F - Shayne Murphy	+2,241	11,032	0.2431
Australian Democrats	-3,422	0	0.0000

End of Count 102: MURPHY Shayne (Group F - Shayne Murphy) partially excluded

1,816 ticket votes originally from Australian Democrats distributed by preference 7 to PETRUSMA Jacquie (Family First)

3,809 ticket votes originally from Group F - Shayne Murphy distributed by preference 4 to PETRUSMA Jacquie (Family First)

540 ticket votes originally from Group G Independents distributed by preference 10 to MILNE Christine (The Greens)

4,297 below the line preferences distributed.

Comments: Compared to previous estimates based on assuming all below the line votes were ticket votes, the Greens were about 1,200 votes up on the prediction, Family First 1,600 votes short, Labor 200 votes ahead and Shayne Murphy 400 ahead. On the exclusion of Shayne Murphy, 1,200 below the line votes leaked to the Greens, electing Christine Milne before the final Labor candidate even needs to be excluded.

Party Name	New Totals		
	Transfer	New Total	New Quota
The Greens	+1,777	45,707	1.0072
Family First	+6,986	26,102	0.5752
Australian Labor Party	+1,656	18,062	0.3980
Group F - Shayne Murphy	-10,462	570	0.0126

Candidate Elected

MILNE Christine (The Greens)