Submission to the Joint Standing Committee on Electoral Matters,

Date received: 01/03/14 Department of House of Representatives, PO Box 6021, Parliament House, Canberra ACT Submitted by Email to em@aph.gov.au by Peter Newland,

## Page Contents

## 2. Summary of Proposals for Electoral Reform

- Mandate Preferential Voting above-the-line (ban Group Voting Tickets)
- Mandate that all How To Vote cards show all Party affiliations.


## These are the essential reforms. Ideally they should be introduced before the WA Senate election re-run.

In addition, there are other reforms that should be seriously considered:

- Reformat Senate Ballot papers to arrange Parties vertically as in Lower House ballots.
- Allow 3 voting methods in Senate elections, designated as: Party Vote; Candidate Vote; and Modified Party Vote: equivalent to: full preferential voting above-the-line; voting below-the-line; and where a Modified Party Vote allows more flexible preferences than an above-the-line Party Vote, without the complexity of a full below-the-line vote.
- Tolerate Partial Preferential Voting via scrutiny and counting rules re formality of votes.

3. Discussion of the Senate and Lower House Election problems.

- Deception of voters via Group Voting Tickets and unconscionable preference exchanges.
- Group Ticket Votes that are obscure, inscrutable and unavailable to voters in practice.
- Voting above-the-line makes Senate papers vulnerable to tampering during counting.
- Lower House How To Vote cards that do not identify party affiliation of other candidates and so facilitate dummy candidates obscuring questionable preference deals.

4. Details and explanations re the Proposed Reforms.
5. Validity and Counting of Optional Preferential Votes.
6. Explanation of Consensus Preferential Voting (CPV) and CPV-Modified.

7-14. Examples using the proposed new Senate Ballot Paper: e.g. a 'Party Vote' is shown below.


## Summary of proposals for electoral reform

| Upper House | See attached Senate ballot paper format proposal |
| :---: | :---: |
| Current Senate Ballot Paper Instructions | Proposed Senate Ballot Paper Instructions |
| YOU MAY VOTE IN ONE OF TWO WAYS <br> Etither: > <br> Above the line By placing a single figure 1 in one and only one of these squares to to indicate the voting ticket you wish to adopt as your vote <br> Or: > <br> Below the line By placing the numbers 1 to 37 in the order of your preference | YOU MAY VOTE IN ONE OF THREE WAYS <br> Either: a PARTY VOTE <br> Left of the line number the squares from 1 to 11 in the order of your preference. Leave the ovals to the right blank. <br> Or; a CANDIDATE VOTE <br> Right of the line <br> Number the ovals from 1 to 37 <br> in the order of your preference. <br> Leave the squares to the left blank. <br> Or; a MODIFIED PARTY VOTE <br> Left of the line number the squares from 1 to 11 in the order of your preference, and, where you'd like to modify the preferences within a Party, number the ovals within that Party in the order of your preference (such as $2,3,1,4$ ). You can do this for other Parties or Independents also. |
| Current Upper House rules on How to Vote cards | Proposed Upper House rules on How to Vote cards |
| Parties can omit details on How to Vote cards re their Senate preferences flow. This allows Parties to obscure the effect of their preferences and makes it easier for dummy parties to deceive voters. | All Senate How To Vote cards must show the Party names, alongside the numbered boxes, in a manner and font acceptable to the AEC. This will ensure that Party preference flows are transparent to voters. |

The effect of the above proposals includes banning Group Voting Tickets and reformatting the Senate Ballot paper to list Parties vertically as on Lower House ballot papers.

## Lower House

| Current Lower House ballot paper instructions | Proposed Lower House ballot paper instructions |
| :--- | :--- |
| Number the boxes from 1 to 8 in the order <br> of your choice. | no change |
| Current Lower House rules on How to Vote cards | Proposed Lower House rules on How to Vote cards |
| Candidates can omit Party affiliations of <br> other Candidates on their How To Vote <br> cards. | All How To Vote cards must show <br> Party affiliations of all candidates in <br> a manner and font acceptable to the AEC. <br> This allows Candidates to obscure the effect <br> of their preferences and makes it easier for <br> dummy candidates to deceive voters. | | This will ensure that Party preference flows |
| :--- |

## Tolerate Partial Preferential Voting

Full preferential voting is best. However, a voter's clear intention should not be thwarted by regulation. E.g. if an election has nine candidates, a vote such as $1,2,3,8,9$ (omitting 4 to 7), clearly expresses the voter's intention and should be accepted as formal. While a vote such as $1,2,3$ (omitting 4 to 9 ) can be easily handled via current counting methods (where it expires after preference 3), number gaps, duplicates and errors are best handled by computer counting and by counting method such as $\boldsymbol{C P V}$ (see later).

Electoral Reform - is it necessary? YES!
So what's broken and how can it be fixed?

## Senate Election Problems

1. Deception of voters via Group Ticket Voting where legal but bogus parties appear to promote a particular view but direct preferences to parties opposing that view. By its very nature, Group Ticket Voting facilitates such deception and results in an excessive number of Senate Candidates and hence oversize ballot papers. The end result is the farcical situation where final senate places can be 'won' by Candidates who have no moral right to be elected. This is because many voters who voted above-the-line would not have voted that way if they had understood that their preferences were likely to support a party with which they strongly disagree. An obvious solution is to scrap Vote-1-Above-The-Line.
2. Inscrutable Tickets: With dozens of 'parties' and over a hundred candidates, Group Ticket Votes form a giant inscrutable fog of dozens of large pages that only persistent study can hope to penetrate. Now while hours of tedious study can combine all Party Tickets into a one-page summary, nobody but other election nerds understands the summary. Those who understand the system often prefer to vote Below-The-Line, but the average voter is left in the dark. An obvious solution is to abandon Vote-1-Above-The-Line.
3. Obscurant Tickets: Parties are allowed to lodge up to three Tickets and this increases the fog. Some multiple tickets are designed such that they give no effective preference to major parties. Others appear to favour one party (by going to their low-est-placed Candidate who has no hope of election) but it is a deception when they then go to a highly-placed group of candidates for a party with different values. Still other multiple tickets appear designed by anarchists who, if they can't use the vote, do their utmost to ensure that the vote is very unlikely to ever flow to a candidate who has any hope of election. This obscurant and deceptive behaviour can be reduced by scrapping Vote-1-Above-TheLine.
4. Unavailable Group Ticket Votes: When they were first introduced, GTVs were displayed prominently in polling places. By the 1980 os they were sometimes placed on a wall behind the desks of Polling Place officials and hence too far away to read. Complaints to the AEC achieved nothing - except that it got worse. By the 2013 election it had become so bad that the OIC at the polling place I voted didn't even understand my request - but fortunately the AEC area manager arrived on site and was able, eventually, to find the GTVs. But the solution is not to make them freely available because most voters find them incomprhensible. The obvious solution is to abandon Vote-1-Above-The-Line.
5. Potential tampering with Senate Ballot papers is facilitated by Vote-1-Above-TheLine. A corrupt counter at a polling place could add a second 1 to a formal vote for a Party they dislike, making that vote informal. Or they could add a 1 to a blank (informal) ballot paper to benefit a Party they like. In my observations as a scrutineer, the potential for such corruption is facilitated because it seems to be very unusual for any scrutineers (except me) to remain at a polling place after the Lower House count is completed. As that is usually well before the Senate Count is finished, it seems that Senate counts often continue with no scrutineers present. Also, I have observed 'informal' Senate ballot papers 'stored' in a normal rubbish bin (which could facilitate removal, tampering, and return). In addition, I have had to appeal to the Officer in Charge of a polling place before vote-counters would agree to not hold pencils while they counted votes. Abandoning Vote-1-Above-The-Line would reduce such opportunity for tampering.

## Lower House Election Problems

Deception of Lower House voters can occur where one or more relatively unknown minor candidates direct preferences to another Candidate via How To Vote cards that do not identify party affiliation of other candidates. An obvious solution is to make it compulsory for all HTV cards to identify party affiliations of all candidates in the same way that ballot papers identify party affiliations.

## Electoral Reform Proposals

Group Voting Tickets should be banned. They distort election results via preference deals that abuse voters' trust. This encourages legal but bogus parties, resulting in: too many candidates; unwieldy ballot papers; and corrupt election results. The abuse can be reduced if voters are instructed to put a number in every square above-the-line.
But how can that be made fair to all, including Independents? In answer, consider the following proposals - some of which discuss a new Senate Ballot-Paper format (see attached), which assumes an example of 32 Candidates in 10 Parties, plus 5 Independents, totalling 37 Candidates.
P1. Allow a Party Vote in senate elections - equivalent to voting 1-11 above-the-line, and to banning Group Ticket Votes
Currently, Independents do not have a 'square' or 'box' above-the-line: but a fair above-the-line vote should have a box for Independents to share between them.
But there must be a fair mechanism to distribute preferences between the Independents. Now Independents are listed randomly, so any above-the-line vote for independents must be equally shared by the independents. This is not ideal, but is better that the existing vote-1-above-the-line system. Computer preference distribution may be needed here.

## P2. Continue with a Candidate

 Vote - equivalent to voting 1-37 below-the-lineThat is, continue with the current system of allowing a full Candidate preference vote Below-The-Line. This is essential to be fair to Independents.

## P3. Mandate that Lower House How To Vote cards must show Party affiliations

This will ensure that Party preference flows are transparent to voters and so reduce voter deception by dummy candidates in Lower House elections.
The above three proposals are considered essential to reduce the abuses of preference deals in both Senate and

Lower House elections. In addition, three other reforms are proposed:

## P4.List Parties vertically on Senate ballot papers, rather than horizontally

See the sample ballot papers attached. This is a clean break from the Above-The-Line format. The change in terminology from Above-The-Line to Party-Vote, etc, is also a clean break. Another benefit is that the new Senate 'Party Vote' method becomes identical to what voters already use on Lower House ballot papers.

## P5.Allow a Modified Party Vote A Party Vote is simple, but unfair to independents, so why not allow a 'Party Vote' with preferences modified within a Party or within the Independents?

That is, use a Party Vote but, where desired, modify the preferences within a Party or Independents group. E.g. a voter could vote $1-11$ by parties and also vote 2 , $3,1,4$, etc, within a Party and/or within the Independent group. This gives flexibility - without having to keep track of the numbers 1 to 37. This is simpler than a full 1-37 Candidate Vote but more flexible that a 1-11 Party Vote - and it isfair to Independents.

## P6.Tolerate Partial Preferential

Voting i.e. allow omission of preference numbers and/or repeating preference numbers on a ballot paper where the voter's intent is clear
Full preferential voting is always best. However, it is unrealistic to expect all voters to always be able to decide the relative merits of all Candidates and all Parties. So, where a voter's intention is clear it should not be thwarted by regulations that make a vote informal by decree.
The next section gives reasons why Partial Preferential Voting should be allowed; including how such votes can be fairly counted.
The key issue is that it is unjust to ignore a voter's preferences where the intent is clear.

## Validity and Counting of Partial Preferential Voting

This section is in three parts:

1. Discusses vote formality and informality: E.g. missing numbers, blanks, duplicate numbers, missing number-1, numbers higher than the number of candidates.
2. Discusses counting of Optional, Partial and Split Preferential Votes.
3. Briefly discusses Consensus Preferential Voting and its possible application here.
Assume an election with 7 candidates, where a Standard Full Preference Vote should use each of the digits 1 to 7 , once only, i.e.

## a) 1234567

An Optional Partial Preferential Vote assigns preferences to significantly less than the number of candidates. E.g.
b) 123 (but omitting 4-7). If none of the candidates preferenced is elected, the vote expires and has no further effect in deciding the result.

## Formality and Informality

If a voter marks a ballot paper with the following set of digits; are they formal?
c) 1237777
d) 1234444
e) 1239999

These have the same effect as an Optional Partial Preference vote, such as 12 3, so they also should be counted as formal.

## Split Partial Preference Votes

What about votes which omit or duplicate midpreference numbers such as:
f) $123-67$
g) $\begin{array}{llllllll}1 & 2 & 3 & 4 & 4 & 6 & 7\end{array}$

These split votes have a clear intent for preferences $1,2,3,6 \& 7$, but are effectively a 'don'tcare' or 'don't-know' for preference 4 and 5 . Conceptually, they are the same in principle as a Split Group Voting Ticket Senate vote and should be allowed to influence the final result rather than expiring after the third preference.
Now consider votes such as:
$\begin{array}{llllllll}\text { h) } & 1 & 2 & 3 & 3 & 3 & - & - \\ \text { i) } & 1 & 1 & 2 & 3 & 4 & 5 & 6 \\ \text { j) } & 2 & 2 & 2 & 5 & 5 & 6 & 6 \\ \text { k) } & 2 & 3 & 4 & 5 & 6 & 7 & 8\end{array}$
Such votes are usually regarded as informal because of: missing numbers; duplicate numbers; or missing number- 1 . Yet relative preference intent is present such that excluding and including those votes in a count could legitimately affect the election result. In fact, they are no different in concept from Split Group Ticket Votes. The key issue is that they show a preference intent that can be followed. Hence they should all be regarded as formal. Formality here is that:
Either: a 1 and a 7 or higher are present with or without duplicate or missing
numbers; Or: that any seven digits are present that show a relative preference;
Here are some examples of informal votes:

1) $23-5566$ (a missing 1,4 or 7 ?)
m) $23-5678$ (a missing 1 or 4 ?)

But even such votes could resolve a deadlock.

## Computer Counting: It's time!

Counting vote formats such as a) to e) above is identical to current counting. Counting formats such as f to k , while notionally identical to counting Split Group-Voting-Tickets, could easily become overwhelming if done manually, and so is best done by computer.
For computer use, it is useful to interpret a vote such that the sum of the preferences calculated for each candidate from that voter is 28 (the sum of the numbers from 1 to 7). See the following interpretation of each of the examples:


All such votes can notionally be counted by computer, using the above rules, and with the principles of excluding low-vote candidates until one candidate has a clear majority after preference distribution. However, that method of counting (with successive exclusions and redistributions of preferences) is logistically very complex - whether manually and by computer. A much easier, quicker and more just method of counting votes is CPV counting via computer.
CPV is described in my 2005 Consensus Preferential Voting or CPV Submission No. 211 on the Conduct of the 2004 Federal Election to the Joint Standing Committee on Electoral Matters.
However, the next page gives a brief overview of CPV showing how it is better and quicker than other voting methods. It also shows that criticism of CPV (that it can fail to award an election to a candidate with an absolute majority) is a trivial objection because it is very simple to modify CPV to always honour an absolute majority.

## Consensus Preferential Voting \& CPV-Modified Counting

Consensus Preferential Voting, or CPV, has the following advantages:

- It achieves voters' preferences better than any other system because it fully obeys all preferences, both high (popular) and low (unpopular) preferences. This gives a consensus result that will better protects minorities and minimise ideological strife.
- It gives much faster counting and faster results than other systems.
- CPV correctly and automatically resolves accidental or deliberate votes that: duplicate numbers; miss the number-1 or other numbers. Note that Optional Preferential Voting is equivalent to missing numbers.
- It accurately handles elections for both sin-gle-member and multiple-member electorates (E.g. Senate \& Lower House elections).
Both multiple-round first-past-the-post and preferential-voting systems ignore the fact that some candidates and parties may be deeply unpopular. Because of this, such traditional voting systems are more likely to elect candidates or parties intent on implementing strong changes in policy direction, or even trampling on the rights of minorities.
It will now be shown that this is so because those voting methods actually disregard low preferences. To explain: consider a close three-way election under the current "prefer-ential-voting" system and assume 100 voters.
Suppose the 1st: 2nd: and 3rd preference votes for the three candidates are as follows:

```
A = 33: 16: 51,
B = 35: 16: 49,
C = 32: 68: 0,
```

- Under Preferential Voting, C is eliminated and B wins with 51:49 after preferences.
- Under a $1^{\text {st }}$ past the post election in the same situation, B would have won on the second round with 51:49.
But A and B are relatively unpopular while C has a wider appeal. So has B really earned an election win? Consider three separate twoway elections held on the same day with the same voters. With A \& B competing; B wins 51:49. With B \& C competing, C wins 65:35. With A \& C competing, C wins 67:33.
C has the highest moral claim to victory, but is denied the victory by inadequate traditional voting methods. This can be overcome by implementing Consensus Preferential Voting.


## Implementing CPV

CPV is an election method that fairly counts all preferences to automatically identify the candidate with the highest 'consensus'. CPV vote-counting considers both popularity and unpopularity, by 'weighting' all preferences on a sliding scale.

CPV Weighting, Counting and Modification A $1^{\text {st }}$ preferenc is worth more than lower preferences. So one way of CPV counting is to give $1^{\text {st }}$ preferences a 'weight' equal to the number of candidates; and give last preferences a 'weight' of one. E.g. here's a table showing how, in the example above, CPV counting would correctly elect C instead of B:

|  | Votes cast <br> for A, B \& C |  |  |  | CPV Counting <br> Weighting used |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Preferences |  | 3 |  |  | 2 |  |  | 1 | CPV |
|  | $1^{\text {st }}$ | $2^{\text {nd }}$ | $3^{\text {rd }}$ | CPV-weighted |  |  | Total |  |  |  |
| $\mathbf{A}$ | 33 | 16 | 51 | 99 | 32 | 51 | $\mathbf{1 8 2}$ |  |  |  |
| $\mathbf{B}$ | 35 | 16 | 49 | 105 | 32 | 49 | $\mathbf{1 8 6}$ |  |  |  |
| $\mathbf{C}$ | 32 | 68 | 0 | 96 | 136 | 0 | $\mathbf{2 3 2}$ |  |  |  |

Clearly C has won well, with a CPV total of 232 versus B with 186 . So CPV gave the correct result. But does CPV always give a fair result? Unmodified CPV can give wrong results such as in this contrived example:

|  | Votes cast <br> for A, B \& C |  |  | CPV Counting <br> Weighting used |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  | Preferences |  | 3 |  | 2 | 1 | CPV |
|  | $1^{\text {st }}$ | $2^{\text {nd }}$ | $3^{\text {rd }}$ | CPV-weighted |  |  | Total |
|  | 25 | 10 | 65 | 75 | 20 | 65 | $\mathbf{1 6 0}$ |
| $\mathbf{B}$ | 51 | 17 | 32 | 153 | 34 | 32 | $\mathbf{2 1 9}$ |
| $\mathbf{C}$ | 24 | 73 | 3 | 72 | 146 | 3 | $\mathbf{2 2 1}$ |

According to simple CPV, C 'won' (221:219). But this is wrong because B has a clear absolute majority. The obvious solution is for an absolute majority (which doesn't need preferences anyway) to over-ride a simple CPV result. With such an easy modification, CPV will always be correct. Let's call the modified version CPV-M (M for modified).
CPV-M counting produces more democratic results and it is fast and simple because it uses simple arithmetic rather than complex preference distribution algorithms. However, to be practical it needs either electronic scanning of ballot papers, or voting at electronic terminals. But with that proviso, final accurate and fair results should be available within hours of polls closing.

You may vote in one of three ways

Either: a PARTY VOTE Left of the line, number the squares from 1 to 11 in the order of your preference. Leave the ovals to the right blank.

|  | Party |
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|  |  |

## Or: a CANDIDATE VOTE

Right of the line,
Number the ovals from 1 to 37
in the order of your preference. Leave the squares on the left blank.

Or: a MODIFIED PARTY VOTE
Left of the line, number the squares from 1 to 11 in the order of your preference, and, where you'd like to modify the preferences within a Party, number the ovals within that Party in the order of your preference (such as 2, 3, 1, 4). You can do this for other Parties and Independents also.

## Surname Given names Party $\quad \begin{aligned} & \text { Surname } \\ & \text { Given names } \\ & \text { Party }\end{aligned}$ Party

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You may vote in one of three ways

Either: a PARTY VOTE Left of the line, number the squares from 1 to 11 in the order of your preference. Leave the ovals to the right blank.

| 10 | Party |
| :---: | :---: |
| 5 | Party |
| 3 | Party |
| 17 | Party |
| 2 | Party |
| 8 | Party |
| 4 | Party |
| 1 | Party |
| 6 | Party |
| 7 | Group |
| 9 | Indep |

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Senate Ballot Paper
State
Election of 6 Senators
You may vote in one of three ways

Either: a PARTY VOTE Left of the line, number the squares from 1 to 11 in the order of your preference. Leave the ovals to the right blank.

|  | Party |
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| 10 | Party |
| :---: | :---: |
| 5 | Party |
| 3 | Party |
| 11 | Party |
| 2 | Party |
| 㐌 8 | Party |
| 等 1 | Party |
| 4 | Party |
| 筞 6 | Party |
| 遃 | Group |
| 9 | Independents |

## Or：a CANDIDATE VOTE

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Party


Party
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Given names
Party

## Surname Given names Party



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Party
Surname
Given names

## $\square$ Surname

Given names

$\begin{aligned} & \text { Surname } \\ & \text { Given names } \\ & \text { Independent }\end{aligned}$
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Given names
Independent
$\square$

Surname
Independent Given names Independent Given names Independent

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Surname
Given names
Party


$\square$| Surname |
| :--- |
| Given names |



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Given names

Party | Surname |
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Party $\quad$| Surname |
| :--- |
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Party Party


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Submission to the Joint Standing Committee on Electoral Matters,
Department of House of Representatives, PO Box 6021, Parliament House, Canberra ACT Submitted by Email to em@aph.gov.au by Peter Newland,

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- Mandate that all How To Vote cards show all Party affiliations.


## These are the essential reforms. Ideally they should be introduced before the WA Senate election re-run.

In addition, there are other reforms that should be seriously considered:

- Reformat Senate Ballot papers to arrange Parties vertically as in Lower House ballots.
- Allow 3 voting methods in Senate elections, designated as: Party Vote; Candidate Vote; and Modified Party Vote: equivalent to: full preferential voting above-the-line; voting below-the-line; and where a Modified Party Vote allows more flexible preferences than an above-the-line Party Vote, without the complexity of a full below-the-line vote.
- Tolerate Partial Preferential Voting via scrutiny and counting rules re formality of votes.

3. Discussion of the Senate and Lower House Election problems.

- Deception of voters via Group Voting Tickets and unconscionable preference exchanges.
- Group Ticket Votes that are obscure, inscrutable and unavailable to voters in practice.
- Voting above-the-line makes Senate papers vulnerable to tampering during counting.
- Lower House How To Vote cards that do not identify party affiliation of other candidates and so facilitate dummy candidates obscuring questionable preference deals.

4. Details and explanations re the Proposed Reforms.
5. Validity and Counting of Optional Preferential Votes.
6. Explanation of Consensus Preferential Voting (CPV) and CPV-Modified.

7-14. Examples using the proposed new Senate Ballot Paper: e.g. a 'Party Vote' is shown below.


