From: Adam Browne

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To: Committee, EM (REPS)

Subject: Sub80 Adam Browne

The Secretary
Joint Parliamentary Committee on Electoral Matters
Parliament House
Canberra

Dear Sir/Madam

I wish to make a submission to the Committee suggesting a number of changes to electoral procedures. The object of the submission is to make the voting process more voter friendly which would assist in reducing the number of informal votes. The proposals would likely result in some reduction in the number of candidates and would also introduce an element of optional preference voting for both the House of Representatives and the Senate.

HOUSE of REPRESENTATIVES

Regarding H. of Reps elections I suggest the following:

1. Increase the deposit for candidates from the present $1000 to $2000 refundable if the candidate is elected or if not elected a candidate obtains first preference votes amounting to at least 10% of the total number of valid votes or one fifth of the first preference votes received by the successful candidate. By comparison under the first Commonwealth Electoral Act in 1902 the candidates' deposit was fixed at 25 pounds ($50) or about 10+ weeks pay for an average adult male wage or salary earner (refundable if the candidate won or if not successful,obtained at least one fifth the votes of the winning candidate). In the United Kingdom under the electoral laws enacted in 1918 a candidate for the House of Commons had to lodge a deposit of 150 pounds which was more than a year's pay for an average adult male wage or salary earner (refundable if the candidate was elected or if not, the candidate obtained 12.5% of the valid votes). In Australia today the average adult male weekly wage is around $1400 to $1500 per week (roughly $ 75,000 per annum). The suggested increase to $2000 is still a lot less in real terms compared to what was required in 1902 or in the UK in 1918.
2. Introduce an element of optional preference voting. If there are only two candidates contesting a seat it should be sufficient to put the number 1 next to one of the candidates and a tick or cross next to candidate should also count as a valid vote. If there a three candidates preferences 1 and 2 should suffice, four candidates preferences 1,2 and 3 should sufice which should also be accepted as valid if there are more than four candidates. A voter would have the option of indicating more than 3 preferences if he or she so desired. If more than 3 preferences are indicated and the voter skips or repeats a number beyond 3 the ballot should be considered valid to the last clear preference. For example if the voter indicates preferences 1 to 5, repeats the number 6 or skips over 6 and goes to 7, 8,9 etc the ballot should be considered valid to preference 5.
3. In counting the votes if a candidate obtains more than half of the first preference votes the candidate would be declared elected as at present. If no candidate gets a majority of first preferences the candidate with the least number of vote would be excluded and the ballots distributed in accordance with the voters' preferences and this process would be repeated if necessary until one candidate has an overall majority of the votes remaining in the count. A ballot that runs out of preferences would be set aside as exhausted. For example if 100,000 valid votes are cast among say 8 candidates, if after five candidates are excluded and of the last three candidates still in the count candidate A has 48,000 votes, candidate B 40,000 and candidate C 7000 with 5000 set aside as exhausted to that stage, candidate A would be declared the winner because even if all of C's preferences flowed on to B, A would still be in front. If however A had only 45,000 votes at that stage, B 40,000 and C 10,000 , C would be excluded and preferences distributed and the winner would be either A or B whoever was in front even if the winner's total was less than half the total number of valid votes cast.
4. Over many years as a scrutineer at elections I have noticed many ballots declared informal because a number has been repeated, a number skipped over or two squares left blank and in a few cases two or more of these errors have occurred on the same ballot paper. In the seat of Melbourne at the 2013 election I note that there were 16 candidates while just under 6% of ballots were informal. I suspect that many were informal because of repeated numbers, skipped numbers or two or more blank squares. My impression is that most informal votes are unintended and occur because so many often meaningless numbers have to be filled in.
5. A requirement for only a minimum of 3 preferences would also make it easier for candidates and parties to put together more meaningful 'how to vote' cards and other campaign literature. With numbers required in all (or all but one) squares the sequence of numbers seems to be related to making it easier to fill in the ballot paper formally once number 1 has been put next to the recommended candidate (and sometimes 2 next to another candidate if two candidates have agreed to exchange preferences)

without any real assessment of all other candidate's policies, principles or party affiliation which defeats one of the main objects of preferential voting.

SENATE

The situation in Senate elections is fast approaching the unmanageable. It can't be far off before 100+ candidates in any one state becomes commonplace. 150 or even 200 candidates in any one state is a real possibility in the not too distant future which will not only make a difficult situation
worse for the voter but also for the Electoral Commission staff in counting the votes.
I suggest the following changes:
1. Increase a candidate's deposit from $2000 to $4000 refundable if a candidate is elected, if a candidate from the same group is elected, or the total number of first preference votes received by all candidates in the group is at least 5% of the total number of valid votes (in some instances candidates in a group getting less than 5% would also get their deposits back, see below)
2. Limit the number of candidates in any one group to the number of seats to be filled (6 in a half senate election in the states or 12 at a double dissolution election and 2 in a territory election)
3. Retain above the line voting as at present but accept a single tick or a cross in an above the line box as a valid vote. However a party or group would only be required to register a minimum of 12 preferences (4 in the territories or 18 at a double dissolution election in the states) but with the option of registering more than the minimum if it wishes to do so. Similarly below the line voters would only require a minimum of 12 (or 4 or 18) preferences to cast a valid vote with the option of indicating more preferences. So long as the minimum number of preferences is indicated if an error occurs subsequently, the vote should be valid up to the point of the error, for example if a voter indicates 20 preferences, skips 21 and continues with 22,23,24 etc the ballot should be valid to preference 20.
4. In a half senate poll in the states and in the territories, ballots would be counted as at present, a total number of first preferences would be obtained for each individual candidate as well as a total number of votes for each group and a quota ascertained as at present which would be 14.29% of the votes, rounded up to the second decimal place. In the territories the quota would be 33.34%. If the total number of votes obtained by all the groups which obtained at least 5% of the votes exceeds 6 quotas (approx 85.73%) or 2 quotas in the territories (66.67%) , all candidates in groups (or individual ungouped candidates) whch obtained less than 5% would be excluded at this point and the ballots distributed to those candidates in groups that did obtain 5% of the votes,
 or the ballots would be set aside as exhausted if no preferences are indicated. Candidates excluded at this point would lose their deposits.
5   If in totalling the votes of groups that obtained 5% of the votes, the total number comes to less than 6 quotas (or 2 quotas in the territories) the group below 5% that obtained the highest number of votes would not be excluded and its votes added to those that did reach 5%. If the total is still less than 6 quotas (2 in the teritories) the group below 5% with the second largest number of votes would also avoid exclusion at this point and the process would continue if necessary until the tally of votes for groups and candidates avoiding exclusion reaches 6 quotas (2 in the territories).
6. Where any ballots for candidates excluded for not reaching the threshold are set aside as exhausted, a revised quota would be determined which would invariably be less than the initial quota. It would be based on the remaining number of ballots still in the count, that is the votes of candidates not excluded including any preferences received from excluded candidates.
 Candidates who have obtained the revised quota would be declared elected and surplus votes distributed. If seats remained to be filled, the candidate still in the count with the least number of votes would be excluded as at present and preferences distributed. If ballots run out of preferences they would be set aside as exhausted and the quota revised downwards until eventually 6 candidates are elected (2 in the territories).
7 I also suggest a possible alternative method of counting the votes in a half senate poll but it would involve some departure from the principle of proportional representation. The Committee may wish to consider electing the 6 Senators in each state in two batches of 3. In the first instance the count would take place as if only 3 candidates were to be chosen. The initial quota would be 25.01% of the votes (rounded up to the second decimal place and 3 quotas would be 75.01%). Candidates not reaching the 5% threshold would be excluded for the rest of the first count at the outset as above. Once the first 3 are chosen all ballots including those excluded at any stage of the first count would be put back in their first preference bundles and all the first preferences of the 3 elected candidates would be transferred to those not elected in the first count. Those below the 5% threshold would be excluded at this point and those candidates would forfeit their deposits. The process for electing the first 3 candidates would be repeated and the second batch of three would be chosen.
8. At a double dissolution election I suggest that the candidates be chosen in two batches of 6 (unless something along the lines of the alternative in para 7 is followed) The first count would be the same as for a half senate poll as described above. Once 6 have been elected all ballots would be put back in their original first preference bundles and all first preference votes of those elected among the first 6 would be distributed and the same process repeated. Candidates excluded on the count for the second batch of 6 for failing the reach the threshold would lose their deposits. If the proposal in paragraph 7 for electing candidates at half senate elections in two batches of 3 were adopted, I would suggest electing candidates at a double dissolution election in batches of 3,3,3 and 3.

The above proposals would make it more difficult for smaller parties to win seats because of the need to obtain at least a basic

level of first preference support. I suggest 5%, unless the votes are so widely scattered that some candidates in groups that get less than 5% may continue in the count. I don't think it unreasonable that a party or group should be required to create a sufficient presence in its own right without relying on a thin scattering of preferences from numerous candidates or parties about whom voters may know little or nothing. The suggestion for voters to give only a limited number of preferences rather than preferencing every candidate will make it easier for voters to know exactly who they're voting for whether voting above the line or below. Such votes would more accurately reflect the voters' intentions. Under the present arrangements how many voters or candidates, or even party leaders and officials for that matter, would know accurately how each party has allocated all Senate preferences?

I believe changes along the lines suggested above would see some reduction in the number of candidates contesting both Senate and H of Reps elections while still giving voters plenty of choice. The voters' choices would also be more meaningful and realistic and more closely reflect voters's intentions more particularly in relation to Senate elections but also for the House as well.

Yours sincerely

Adam Browne