



# Electoral Reform Australia

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

## Submission to the Joint Steering Committee on Electoral Matters

The current electoral provisions for the Senate have failed to deliver results that are either proportional or democratic.

The problem is that the use of above-the-line voting and associated group voting tickets have so grossly distorted the proportional representation system that it no longer works the way it should. Thus the results of the September 2013 Senate election do not reflect the considered verdict of the Australian people.

The solution to the problem is to trust the voters by giving them back the right to freely choose their representatives. It is their Parliament.

This can be achieved by going back to straightforward voting procedures, by

1. Retaining the single transferable vote (STV) or proportional representation as the method by which the Senate vote is counted;
2. Abolishing above-the-line voting & group voting tickets;
3. Allowing fully optional preferential voting where just 1 is a formal vote;
4. Keeping the party groups and party names on the ballot papers;
5. Increasing electoral deposits and making them payable by candidates, not parties;
6. Introducing the Robson rotation.

## Explanatory notes

### 1. The Single Transferable Vote (STV)

STV is the purest of all proportional representation systems as it is designed to make every vote as effective as possible. STV is based on a single vote that is sometimes transferred. At the end of the count an individual vote will, in effect, end up in one bundle - either with a winning candidate or the first runner-up. STV elects individual candidates, not teams, groups or multiple candidates.

The Meek Method for counting a proportional representation ballot should be used as it allows the fairest distribution of preferences.

### 2a. Above-the-Line Voting *with* Group Voting Tickets

Group voting tickets transfer the preference decision making from the voter to the party. No reform can be achieved while this device remains. It is the power of the parties to direct preferences that has

enabled micro parties with minimal electoral support to gain Senate representation. It has also lead directly to the proliferation of micro parties and other opportunistic groupings.

### 2b. Above-the-Line Voting *without* Group Voting Tickets

This comes in two forms.

The first, practised by the NSW Legislative Council, allows optional preferential voting for different groups above-the-line. Voters trained by thirty years of above-the-line voting in Senate elections will most generally vote for just one group. Large numbers of votes will exhaust as too many candidates - the last candidate in each group with only a fraction of a quota - are eliminated.

This voting system barely works with the NSW Legislative Council where the quota is 4.55%. It will fail in the Senate where the quota for election is 14.29%. In a Senate election under this system the sixth candidate would be elected in a manner similar to election by the first-past-the-post method of voting.

The second form, advocated by former Senator Bob Brown, makes it compulsory for voters to give multiple preferences above-the-line for different groups. This effectively eliminates most exhausted votes but at the cost of a massive informal vote. Again, thirty years of “just vote 1 above-the-line” cannot easily be undone.

### 3. Fully Optional Preferential Voting.

There is no research that demonstrates that forcing voters to number multiple preferences is either necessary or beneficial. Electoral Reform Australia<sup>1</sup> has produced a number of papers that demonstrate that fully optional preferential voting increases voter participation by reducing the net number of informal and exhausted votes.

Partial preferential voting - say 6, the number to be elected - will double the number of candidates standing for election as every group will feel required to run six candidates in order to reduce the potential for informal voting. Having voted from one to six, voters will feel that they have done their job and stop; consequently the number of exhausted votes will rise.

It is a violation of civil rights to declare votes informal for failure to number sufficient preferences. There can be no justification for saying to a voter: “Even though you have demonstrated a clear and unequivocal choice with your vote, we will not count it because you have not filled in [an arbitrarily determined number of] squares.”

### 4. Party Groups and Party Names.

The use of party groupings and party names reduces the number of informal votes and thus should be retained.

To qualify for group status on the ballot paper the party must be registered and a minimum of two candidates and a maximum of six (the number to be elected) must stand for election. Voters can join as many parties as they wish but for the purposes of party registration can only be counted for one

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<sup>1</sup> Largest remainder No 17 February 2013 Electoral Reform Australia  
Largest remainder No 20 September 2013 Electoral Reform Australia  
Largest remainder No.21 February 2014 Electoral Reform Australia

party. There is no necessity to increase the number of members required to form a party as the reforms outlined in this submission will reduce the incentive to form opportunistic groupings.

The current provision, designed to prevent new parties seeking to exploit the name recognition of established parties, needs to be strengthened.

#### 5. Increase Electoral Deposits and make them Payable by Candidates not Parties

The electoral deposit should be increased. The Christian Democratic Party in running nine candidates for the Bradfield by-election in 2009 has indicated the amount that parties who are unlikely to retain their deposit are prepared to pay;  $9 \times \$500 = \$4,500$ .

The Tasmanian requirement that electoral deposits are refundable on the candidate's vote not the party's vote should be implemented. Deposits should be refunded only if the candidate at the final count has gained at least 25% of a quota. In a half Senate election this would be 3.58% of the vote.

Managing the deposit in this manner will deter parties from running excessive numbers of makeweight candidates. No candidate should stand for election unless they wish to be elected. It is insulting to the Australian electorate that voters should have to consider the merits of candidates who have no wish to be elected.

The current provision that public funding starts when a party reaches 4% of the vote should be retained.

#### 6. Introduce the Robson Rotation.

The Robson rotation is practised in the Tasmanian House of Assembly and the Australian Capital Territory Legislative Assembly. The order of candidates within party groupings is randomised. Parties with over a quota of votes are able to have their party's votes shared amongst their several candidates. It is the best method to ensure that the result of the election is proportional.

Without the Robson rotation Party A with 2.4 quotas will win two seats and Party B with 0.6 quotas will win one seat, despite the fact that Party A received four times the support of Party B.

With the Robson rotation Party A is able to spread the votes of its supporters amongst all its candidates. The perfect split is 0.8 quotas each but even a modest split such as 1.0; 0.8; and 0.6 gives candidate No. 3 an even chance of election. NOTE: No candidate can receive a greater split than 1.0 quota because, if they do, that candidate is then elected and the surplus over 1.0 is distributed and the surplus will raise the votes of the other two candidates.

The parties' fear that they will lose the ability - given to them by the current fixed order of ballot papers - to ensure that their "favourite sons" will be elected is misplaced. Parties retain control of advertising and most publicity. It would take very little differential support of the individual candidates to determine their placing within the group and hence the order of their election. Should they overplay this they run the risk of leaving one candidate with few votes and in danger of elimination and thus only electing two. It is usually best to trust the voters.

#### Conclusion

Micro parties and opportunistic groups have become very skilled at manipulating the current system. Manipulation and distortion of the voters' intentions will continue whilst the current Senate electoral

provisions remain in place. This will further erode the public trust in our public institutions and our democracy.

Australia is fortunate in having in one of its jurisdictions, the Australian Capital Territory, an electoral system that demonstrates that proportional and democratic results can be achieved simply by trusting the voters.

The Senate should look at this model and implement a system that incorporates fully optional preferential voting and the Robson rotation, whilst excluding any form of above-the-line voting.

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