



Submission to the

Joint Standing Committee on Electoral Matters

on the

Inquiry into all aspects of the conduct of the 2013 Federal Election and matters related
thereto

from

Eric Jones

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Suggestions and Recommendations.

1) Senate. Full and Optional Preferential Voting. Voting System. Harvesting of Votes.

- 1) Eliminate the Registered Ticket by political parties.
- 2) Maintain full preferential voting.
- 3) Allow voters to fill out a full preferential vote by completing a full set of numbers “Above the Line”.

Note.1) Allow the same “Saving” provisions that applies to Below – the –Line. I.e., like 90% completed and three number recording errors allowed for a valid vote.

Note. 2) The suggestions for party registrations further on would lead to a reduction in the number of column groups displayed on the ballot paper as they did in New South Wales.

- 4) Maintain the present “Below the Line” provisions.

* Introduce scanning counting for the Senate.

Party Registration and Similar or Like Names for Parties.

A. Registration.

To tighten up registration and to minimize the system being used and for parties to demonstrate reasonable or some community support:-

- 1) Registered Officers can only be registered officers for one party;
- 2) Parties must provide for registration:-
 - a) A Constitution setting out their objects, role, structure and function etc;
 - b) Provide evidence of a current membership of a certain minimal number for the Australian Electoral Commission to be able to verify.
 - Larger parties must have a higher number of members – say 3000?; and
 - Minor and micro parties must have smaller numbers- say 750?;
- 3) Independents must demonstrate support by having a certain number of people nominating them for election from the electorate they are contesting. Number figure would have to be determined here;
- 4) Nomination fees need to be reviewed to see if they are high enough;

iii)

5) Any new registered party would not be able to stand candidates until after one year from date of registration.

B. Similar or Like Named Parties.

That the whole matter of similar or like party names be reviewed.

Informal Vote.

Recommendation.

* That the South Australian savings provision be adopted for the House of Representatives voting.

* That increased resources be allocated to the Australian Electoral Commission for electoral education particularly in the highest informal vote electorates.

1)

Introduction.

This submission mainly covers :

- 1) Senate system voting matters where the harvesting of preference votes by micro parties led to the election of candidates with a very low primary vote;
- 2) Party registration requirements and similar/like names for parties; and
- 3) The Informal vote.

General comments about the results of the election.

The outcome of the 2013 Federal election was a decisive win in the House of Representatives for the Coalition. On a Two Party Preferred (2PP) vote the result was – Coalition 53.45% to the ALP's 46.55%. A 2PP swing of 3.65% to the Coalition. Labors primary vote fell to 33.38% - its lowest in over 100 years.

However these figures mask :

- 1) A House of Representatives primary vote of 21.1% for parties and independents other than the major parties. I.e. One in five voters voted for “Others” rather than the major parties.
- 2) For the Senate the ALP received, Nationally 30.15%, Coalition 37.66% and for the “Others” 32.19% (rising to 34.16% in New South Wales.) I.e. One in three voters voted for the “Others” rather than the two major party groupings.

For both the House of Representatives and the Senate the “Other vote” was the highest since, at least, 1984. ((Refer Annexure 1.) Source - AEC and Parliamentary figures.

The Senate vote outcome brought comment about the fairness of the Senate voting system given the harvesting of preferences which delivered Senate seats to parties with a low primary vote **but not to the high “Other” primary vote.**

1) Senate. Full and Optional Preferential Voting. Voting System. Harvesting of Votes.

First it should be said that what the micro and other parties did in harvesting the vote was legal and that no criticism should be made of them for simply “using the system”.

2)

The Senate Registered Ticket system was first used in the 1984 Federal Election to assist in the reduction of the Informal vote. In the 1983 election the Senate informal rate was 9.9% nationally rising to 11.1% in New South Wales. This was a worthy object as it reduced the informal rate to 4.3% Nationally and 5.2% in New South Wales at the next election.

However, as a side benefit, the major parties were better able to direct their supporter's preferences down the ballot paper. Whilst initially favouring the major parties by the 2013 Federal Election the micro, minor parties and others had a better understanding of the system and were able to arrange their preference affairs to their advantage.

The KEY to the working of the system is the full preference vote flow that means that the vote is kept in the system all the way of the count until a determination is made, rather than exhausting out under out an optional Preferential vote.

Following the Senate election results becoming known some suggestions have been made that the present Full Preference vote should be replaced by an Optional Preference vote, for at least the number of candidates to be elected.

The Senate voting system has had full preferential voting since 1934 and has served Australia well. It has allowed all voters to have an equal "carry through" at all stages of the vote.

It is a good principle to have a standard voting system in all jurisdictions around Australia. Unfortunately, this broke down with the introduction of Optional Preferential voting for the Legislative Assembly in New South Wales in 1979 and Queensland in 1992. The point was made that it would reduce the informal vote by only having to mark the number "1" which it did. However it had the unfortunate consequence in the voting for the Federal area in those states. The flow on from state based political campaigns of "Vote 1" only led to a carry over into the federal area where voters only marked their ballot papers "1" which invalidated their votes.

3)

As well under Optional Preferential voting in the Upper House in New South Wales you had a large exhausted vote of approximately 1.7 quotas at the 2011 state election. This exhausted vote meant that their vote did not progress onto the last counts. The final 4 (out of 21) positions were filled with “the remainder left over” vote on less than full quotas.

Whilst it could be said that for the New South Wales 2003 and 2007 the last 4 and 3 positions respectively were elected under “the remainder left over vote” pretty much in the same order as they appeared with their original primary vote this did not apply in 2011. At the last counts the Independent Hanson was in the race for one of the final four positions. The distribution of the preferences of the Rev Gordon Moyes from Family First meant that the Greens and the Nationals pulled ahead of her. She was then excluded which meant that there was only four candidates still in the count with four vacancies and they were duly elected with a vote of less than a full quota on “a remainder left over” basis (in terms of the number of votes received).

Preferences counted for the final positions even with Optional Preferential voting. However, because of the exhausted vote the people’s full and total will was not expressed in the ballot vote. It seems to me to be unfair for those voters who did not express preferences, through I suspect their ignorance to the effect of their action, to not count in the election of the last four candidates elected. I appreciate that it will be said that people’s preferences do not really matter in most elections but it did in 2011 in the New South Wales Upper House. It could well occur again.

If an Optional Preferential Vote was introduced in the Senate our Proportional System would be reduced to a Semi Proportional System with a remainder left over component for the final positions. If more than one position is involved it will be a defacto First Past the Post result for the final positions. How many positions will apply here? It will depend upon the exhaustion rate and the vote of the remaining candidates. The higher the rate it is likely the more chance of positions being filled on a less than a full quota basis. I guess quota adjustment would have to be considered here.

I appreciate that, at the moment, the last position can be filled on a less than a full quota basis but this only occurs, if it does, once all of the preferences are counted.

4)

For most elections, only six Senators are elected in each state. The exhausted vote, at this stage, with Optional Preferential voting will probably only effect the last position. With a buildup in the exhaustion rate, over time, more places could come into play.

I also suspect that the exhausted vote effect will come into play more in a double dissolution situation with all of its attendant political issues hanging onto the result.

The principle should apply that for Federal Elections full preferential voting should apply. We want a full expression of the will of the people not only a part. People need to be encouraged to take an intelligent interest in their voting and understand what they are doing.

Given this how can we have Full Preferential voting and eliminate harvesting by micro parties and others who have a very low primary vote?

My recommendations would be:-

- 1) Eliminate the Registered Ticket by political parties.**
- 2) Maintain full preferential voting.**
- 3) Allow voters to fill out a full preferential vote by completing a full set of numbers "Above the Line".**

Note.1) Allow the same "Saving" provisions that applies to Below the Line. I.e., 90% completed and three number recording errors allowed for a valid vote.

Note. 2) The suggestions for party registrations further on would lead to a reduction in the number of column groups displayed on the ballot paper as they did in New South Wales. (Upper House elections. 1999 81 columns, 2003 15 columns, 2007 19 columns and 2011 16 columns. Group voting tickets were abolished after the 1999 election.)

- 4) Maintain the present "Below the Line" provisions.**

To the issue of the counting of all of the ballot papers.

*** Introduce scanning counting in centralized centers.**

I believe the ACT has scanning counting. I have been told some overseas jurisdictions do.

5)

To summarize this section.

- * Eliminate the Registered Ticket by political parties.**
- * Retain full preferential voting.**
- * Allow voters to use Above the Line provision on the Senate ballot paper to express an easier full preference vote.**
- * Introduce scanning counting for the Senate.**

Party Registration and Similar or Like Names for Parties.

A. Registration.

To tighten up registration and to minimize the system being used and for parties to demonstrate reasonable or some community support I would suggest:-

- 1) Registered Officers can only be registered officers for one party;
- 2) Parties must provide for registration:-
 - a) A Constitution setting out their objects, role, structure and function etc;
 - b) Provide evidence of a current membership of a certain minimal number for the Australian Electoral Commission to be able to verify.
 - Larger parties must have a higher number of members- say 3000?; and
 - Minor and micro parties must have smaller numbers- say 750?;
- 3) Independents must demonstrate support by having a certain number of people nominating them for election from the electorate they are contesting. Number figure would have to be determined here;
- 4) Nomination fees need to be reviewed to see if they are high enough;
- 5) Any new registered party would not be able to stand candidates until after one year from date of registration. (Like the New South Wales provisions although I am not certain of any Constitutional problems here!)

As happened in New South Wales these provisions, with the abolishment of the Registered Tickets, would likely see a reduction in micro parties and groups being formed for harvesting purposes.

Also there would probably be a flow on effect of a further reduction in the Informal Vote.

6)

B. Similar or Like Named Parties.

Liberal Democrats. Liberal Party. Democratic Labor Party (DLP) and the Australian Labor Party (ALP).

This area needs to be tightened up because people, in good faith, can vote for the wrong party because of a similar name.

In New South Wales for the Senate we had the Liberal Democrats (LD) elected. They drew the Group A column which is a very advantageous position on the ballot paper. I know, from talking to people that they voted for the LD thinking that it was for the Liberal Party (Actually, the Liberal and Nationals were Group "Y".) Perhaps the misconception by people can be shown by comparing the increase in the LD primary vote from 2.30% (2010) to 9.50% (2013) in New South Wales to the National figures for the LD, 1.8% (2010) to 3.91% (2013).

From memory I understand that the Liberal Party had previously taken up the similar name (slightly varied) aspect with the Australian Electoral Commission but they allowed the matter to stand or something like that.

It was not only the LD name that applied here because in my local area at the 2011 State Election the same thing was raised re the DLP and the ALP. The DLP really had no impact in the federal area for the federal election.

Perhaps, rightly, it could be said that it was only the luck of the draw for the ballot paper that allowed the position to happen. However names should not confuse people. However it is legitimate for names to attract people but not to mislead them.

My suggestion would be:-

That the whole matter of similar or like party names be reviewed.

7)

Informal Vote.

Senate Informal Vote.

The Informal Vote for the Senate declined both at the National and (NSW at least) State level between 2010 and 2013. (National 2010 3.75%, 2013 2.96%. New South Wales 2010 4.17%, 2013 3.32%.)

New South Wales had 110 candidates and 44 group columns on it. Despite this the informal rate declined as shown above. There was plenty of publicity about the ballot paper which helped with people's voting. As well the Australian Electoral Commission website and such websites as "Below the Line" were very useful for voting purposes and ensured that people's votes were valid. **Most people seemed to be able to cope with it.**

House of Representatives Informal Vote.

The Informal vote increased.

1) Nationally 2010, 5.55% to 2013, 5.91%. 2) New South Wales.2010, 6.83% to 2013, 7.59%. 3) Banks Federal electorate.2010, 8.37% to 2013, 9.95%.

From my scrutineering experience at the election in Banks the "Vote 1" influence is still impacting upon the vote. "1" only marks are invalid even though it is clear who the voter wanted to vote for. I scrutineered in a polling booth that had an Informal Vote of 13.9%. I estimate that roughly about 35% to 40% of that figure were "1" only markings on the ballot paper.

I note that the report of the "Inquiry into the conduct of the 2010 Federal Election and matters related thereto" recommended, under Recommendation 25, for Formality that the South Australian House of Assembly savings provision be adopted for the House of Representatives. This is basically where a party lodges a "ticket" of their recommended preferences so that where a ballot paper has a clear "1" Mark that that preferences are taken to be marked on the ballot paper for counting purposes.

8)

I am not aware of why this recommendation was not put into the Electoral Act but it seems to me that it has merit and should be considered again. After all this is a savings provision to bring the voters vote back into validity. It would be particularly useful in New South Wales and Queensland.

Again, from my scrutineering experience, the more candidates you have on the ballot paper the higher the informal vote tends to be. The 43% increase in candidates between 2010 and 2013 (1198, 2010 to 1717, 2013) could be a factor here. Tightening the party registration and other items mentioned above could see a reduction in the number of candidates with a possible flow on effect of a reduction in the informal vote.

Increased electoral education needs to be implemented, particularly in areas with high “Culturally & Linguistically Diverse and Non-English Speaking Backgrounds” voting populations.

As well Electoral Clerks, when issuing the ballot paper, should give clear instructions on how to complete both the House of Representatives and the Senate ballot paper.

Recommendations.

- * That the South Australian savings provision be adopted for the House of Representatives voting.
- * That increased resources be allocated to the Australian Electoral Commission for electoral education particularly in the highest informal vote electorates.

Sundry.

Annexure 1. The “Other Vote” for Federal Elections since 1984.

Annexure 2. Purpose of an Electoral Voting System.

Annexure 3. A brief overview of some of Australian Federal Electoral History.

Acknowledgements.

Acknowledgement is given to the Australian and New South Wales Electoral Commissions and the Parliament of Australia publication “Federal Election 2013” for information and statistics used in the preparation of this submission.

9)

Also to Antony Green for his article of the 12 April, 2011 entitled “Shock Change in Final Legislative Council Numbers.”

Annexure 1.

The “Other Vote” for Federal Elections since 1984.

Year	Senate %	House of Representatives %
1984	18.3	7.5
1987	15.2	8.1
1990	19.7	17.2
1993	13.8	10.8
1996	20.2	14.0
1998	25.1	20.4
2001	23.8	19.2
2004	21.7	16.1
2007	19.8	14.5
2010	26.2	18.4
2013	32.2	21.1

Annexure 2.

Purpose of an Electoral Voting System.

The purpose of an electoral voting system is to translate the vote of the people into representation as expressed in the numbers of members in a Parliament.

An Electoral system should then : -

- * allow electors choice of candidates;
- * allow effective constituent representation;
- * result in a legislature that reflects the electorate's wishes;
- * result in a government that reflects the majority opinion of the electorate whether in absolute or in a coalition of numbers;
- * allows, through various means, for stability of government;
- * elects members whose personal qualities best fit them for legislative responsibilities;
- * be reasonably understood by the electorate; and
- * depending upon the system used produce a reasonably quick result.

This then to enable a Parliament to carry out its basic functions which could be described as :

- * the provision of Government;
- * the provision of finance for state services;
- * debate matters of concern;
- * law making; and
- * scrutinizing the Executive and Public Service

THE PARLIAMENT SHOULD ENSHINE THE ELECTORATES RIGHT, AS EXPRESSED IN ITS VOTING, TO CHOOSE ITS GOVERNMENT AND TO JUDGE THE EFFICACY OF ITS ADMINISTRATION.

Annexure 3.

A brief overview of some of Australia's Federal Electoral History.

Without going into great detail some of the Colonies in the late 19th century and Australia in the early 20th century were in the forefront of electoral reform.

Electoral arrangements came into being with the passing of the Commonwealth Electoral Act in 1902 with plurality voting for both the House of Representatives and the Senate. With the final settlement of preferential voting in 1918 for the House of Representatives we had a system that is basically in place today. Of course, the Senate had a preferential system as well but basically followed a block system. By 1934 the voting system in the Senate was altered to require all preferences to be shown.

Compulsory voting was introduced in 1924 to suit the three-party system that had developed. Essentially this provided that the parties did not have to get the voters out to vote as English, European and American parties had to do on election day.

The following periods of change and reform were in 1948 and 1983. Here, of course, much of the change was focused on the Senate with the introduction of proportional representation using the single transferable vote in the upper house for the 1949 election and the introduction for Ticket, Above-the-Line voting for the 1984 election.

Redistributions played their part but seeing that they were controlled by the parliamentary political party process there were not too many redistributions until the effect of the High Court case that said that the states must be represented in the House by numbers of members "in proportion to the respective number of their people".

In 1983 the Labor Government established the Joint Select Committee on Electoral Reform which is now the Joint Standing Committee on Electoral Matters.

Also with the establishment of the Australian Electoral Commission in 1984 the administration of the electoral system came under their jurisdiction though the Parliament retained the legislative rights and function.

Since then no major reform has been made to the electoral system.