

Inquiry into the 2010 Federal Election

Submission from the Electoral Reform Society of South Australia February 2011

Proportional Representation

The Electoral Reform Society of South Australia again urges the Joint Select Committee on Electoral Matters to take this opportunity to consider changing the method of electing the House of Representatives to the quota-preferential method of proportional representation.

The Electoral Reform Society believes that the electoral system used to elect the House of Representatives needs to be changed from single-member electorates to the quota-preferential method of proportional representation with multi-member electorates.

As the quota-preferential method of proportional representation is used to elect the Senate, after every Federal Election it is possible to compare how well these two methods of election compared.

Analyses of the 2010 Federal Election results for the House of Representatives and the Senate are given in the attached (**Attachments 1, 2 and 3**).

The analyses show how the voters fared in terms of their votes actually electing the candidates of their choice. Only **55.0%** of Australian voters found that their votes (or preferences) elected someone to the House of Representatives (**Attachment 2**). In contrast, **86.3%** of these voters, **and at the same election**, found their votes (or preferences) electing a Senator.

It is often assumed that it is only the supporters of the smaller parties and Independents who find that they are not represented in the House of Representatives. But as the analysis of the results show (**Attachment 2**), over two million voters for the ALP found that their votes did not elect anyone to the House of Representatives. This is in spite of the ALP winning more than its fair share of seats (48% of the seats with only 38% of the vote). **Nearly 40% of Labor voters found that their votes were wasted.**

Of course for the Liberal Party the situation was worse, with 43% of their supporters (2.3 million voters) finding their votes (or preferences) not electing anyone to the House of Representatives. In contrast, virtually all Coalition voters found their votes electing Coalition Senators.

In terms of the political parties, the results in terms of seats won to the vote received, the Senate has given a much better result than the House of Representatives (**Attachment 1**).

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In addition to arguing for proportional representation for the House of Representatives, there are a number of issues that concern the Electoral Reform Society, which we wish to raise:

1) Senate ballot paper

Above the line voting for the Senate needs to be abolished. In its place, optional preferential voting should be introduced.

When voting for the Senate, currently voters have a poor choice between trying to express their own preferences (but by being forced to mark preferences for all candidates below the line) or blindly adopting a group or party's preferences (voting above the line).

If a voter wants to vote below the line, it is difficult to be able to bring something to the polling booth to assist in filling out the ballot paper. If a voter wants to vote above the line, it is difficult for that voter to find out where preferences are given.

While above the line voting exists, consideration needs to be given to either the Australian Electoral Commission distributing the voting tickets or legislating so that the political parties must provide this detail in print form. There is also a need for a matrix comparing the tickets and a blank Senate paper.

While above the line voting exists, it is necessary to ensure that voters are aware of what voting above the line means.

Under the *Commonwealth Electoral Act 1918*, Section 216 states that a poster or a pamphlet showing the voting tickets must be prominently displayed at each polling booth. While it appears that at this election, the details were available at most polling booths, not all polling staff were aware that this was available.

The website on the Australian Electoral Commission provided the details of the voting tickets for the 2010 elections. However this was cumbersome and difficult to follow, or to conveniently download. A matrix comparing the tickets would be a useful addition.

Unfortunately also there was no blank Senate ballot paper provided on which voters could mark the order of their own preferences, so that they could take this with them when they went to vote. The provision of such a paper from the Australian Electoral Commission would assist those who are considering voting below the line.

While Section 216 stipulates that details on voting tickets need to be available at polling places, this information is actually of very little use at such a late stage in the election. Rather than provide details on voting tickets at polling booths, this needs to be provided before Election Day.

It is preferable that it be in printed form. Consideration needs to be given to either the Australian Electoral Commission distributing the voting tickets – perhaps in their official guides to each Federal Election, or legislating so that the political parties must provide this detail in print form.

The Electoral Reform Society would prefer that there was optional preferential voting. It has been put to the Society that a true independent candidate can not run above the line for the Senate because a voting ticket needs to be lodged in order to appear as a ‘group’ above the line. This inequity could be rectified by amending the legislation to enable independents to run above the line as individuals without having to direct preferences. But allowing optional preferential voting would overcome this problem.

Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008

Senator Brown has indicated that he will be re-introducing this Bill and in the “Agreement” with the Australian Greens, the ALP has indicated it will consider the Bill and work with the Greens to reach reforms satisfactory to the Parties.

Senator Brown argues that as above the line voting has taken the decision on preferences from voters and given it to the political parties, his Bill will give this right back by allowing preferential voting above the line.

As already stated, the Electoral Reform Society believes that above the line voting for the Senate needs to be abolished. In its place, optional preferential voting should be introduced.

Senator Brown’s Bill will still not improve the requirements if voters not only want to choose the order in which they prefer political parties, but also want a say on the ordering of the candidates within the political parties.

It is important that voters realise that it is their votes and they can determine their preferences.

Senator Brown’s Bill also shows up the inequity in the design of the ballot paper where ungrouped candidates are unfairly treated by being lumped together at the end of the ballot paper and voters do not have the option of being able to vote for these above the line. His Bill appears to still want the ungrouped candidates to be lumped together.

If above the line voting is abolished, and optional preferential voting introduced, not only would this be easier for voters, reducing the informal vote, but it would also be fairer for the ungrouped candidates. The introduction of the Robson Rotation would be a further refinement that would ensure that all candidates are treated equally, and would mean that the choice of who should be the successful candidates would truly be the voters’ choice.

2) **Donkey vote**

To overcome the donkey vote, the Electoral Reform Society recommends that the Robson Rotation be used rather than the current draw using double randomisation.

With the results of this Federal Election so finely balanced, the influence of the donkey vote was even more important than normally.

It has been estimated that the donkey vote can be worth up to 2%. An examination of the results of the election for the House of Representatives shows that the donkey vote assisted the ALP in five electorates - Greenway, Robertson, Lindsay, Moreton and Banks, while the Liberals gained Hasluck and Forde with the assistance of the donkey vote.

It is a disgrace that who won government has been determined by luck. It is a matter of chance in who gets the most favourable position on the ballot paper. If this Committee does nothing else, it needs to investigate how to overcome the donkey vote.

In the opinion of the Electoral Reform Society, the Robson Rotation appears to be the best option available.

3) **Optional preferential voting**

Voting should be OPTIONAL preferential for both Houses. Those who want to make their own choices should not be forced to mark preferences if they do not have any knowledge of some of the candidates.

If a voter has a preference for only one candidate, or several candidates, then that voter should be allowed to vote accordingly, and not forced to give preferences to all candidates. The more so when in practice, usually not very many preferences will be examined during the count as votes are being transferred from candidate to candidate.

If optional preferential voting is introduced, there will also need to be an ongoing educational campaign to ensure that voters understand the preferential system, and voters are encouraged to indicate as many real preferences as possible.

Under the legislation it would also be possible to stipulate that any how-to-vote cards need to show the full allocation of preferences, so that voters can see how the candidates themselves would like to recommend preferences. This already happens under South Australian electoral legislation with candidates banned from distributing how-to-vote cards that do not provide for a full allocation of preferences.

4) **Electronic voting**

There is now a need to extend electronic voting.

The Society was very pleased that the Australian Electoral Commission provided sites for a vision-impaired electronic voting trial during the 2007 Federal Election. The Society applauded this innovation for attempting to give the vision-impaired independence and privacy to cast their votes.

The Society would also support a general extension of electronic voting. Particularly while there is the compulsory marking of all preferences, electronic voting would assist voters who want to make a legitimate vote but who currently accidentally vote informally. It would also assist to prevent accidental and intentional multiple voting, and assist in speeding up the counting process.

The Society has been informed that when mistakes were made, that replacement ballot papers were not always given on Election Day. Electronic voting would assist to overcome this problem.

The Electoral Reform Society believes that Australia is now ready to use electronic voting on a large scale. Most Australians are already unconcerned users of electronic banking. And already a number of institutions use electronic internet voting, including Engineers Australia and the Adelaide University Alumni Association.

In the 2010 South Australian State Election, the SA Electoral Commission posted individualised cards to each registered elector. It would have been a simple matter to include an identification number, and separately also post out or email a password to these electors, as is done with banks. As with the passwords with other institutions that have electronic voting, the password would expire once the vote had been cast.

Of course, any email address provided to the Electoral Commissioner would have to remain confidential, especially not provided to politicians and political parties, so that it can not be used for spamming. Deliverers of political junk mail are told to ignore "no junk mail" signs on letter boxes, as the political party considers their junk mail of crucial interest (those same parties will withhold crucial information in reports and deliberations once in power).

Internet voting is necessary. Not only is it convenient, it can have in-built safeguards against informal voting and multiple voting. Especially, it is necessary because of inefficiencies in the Electoral Commission in administering postal voting, which can be alleviated by internet voting.

In South Australia, the Prospect Council wants online voting to be considered in an attempt to lift the low youth turnout at council polls (voting in South Australian Local Government elections is voluntary). However even for Federal Elections where voting is compulsory, electronic voting would be more relevant to many who nowadays rarely use a pen or pencil.