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Ms Kate Thwaites MP, Chair
Senator James McGrath, Deputy Chair
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
Canberra ACT 2600

Dear Kate and James

Greetings!

I am a political pundit and psephologist who runs a website at www.malcolmmackerras.com. There is another name for my blog. It is “Unrepresentative Swill”, the term famously coined by Paul Keating. For him (and a significant number of people in the Labor Party) the Senate has always been unrepresentative swill because of its malapportionment. However, I have no objection to the Senate’s federal structure which was the basis of Keating’s complaint. My objection is to the system of above-the-line voting and, especially, to the present version of above-the-line voting. So, Keating coined that expression in 1992 but for me the Senate has been unrepresentative swill since 1984, not since 1901.

The reform I propose for the Senate’s electoral system

Most of my submission is devoted to denouncing the present system. However, there is little point in criticism of the present unless the reformer can come up with a credible reform that has a serious chance of being accepted by majorities in both houses of federal parliament. Here is my reform proposal in brief.

First, the total number of senators should be 89. Each state should have 14 senators and the Australian Capital Territory should have 3. The Northern Territory should continue as at present. That would mean each territory would have the same number of senators as it has members of the House of Representatives.

Each normal half-Senate election in a state, therefore, would be for 7 senators who would enjoy terms beginning on 1 July of a year and end on 30 June six years later. Each territory senator would enjoy a three-year term beginning on 1 July of a year and ending on 30 June three years later. Elections for all senators should be simultaneous.

Second, the ballot paper should be voter-friendly and in principle should apply to all Senate elections, whether they be for 14 senators, for 8, 7, 3 or 2. The ballot paper should be designed by me in consultation with members of the Australian Electoral Commission, members of the JSCEM and the Special Minister of State.

I am aware that many people will think me arrogant to suggest that I should be included in designing ballot papers. My response to that criticism will be given later in this letter where I shall elaborate on my claim to be worthy of hearing.

The form of this submission

This submission takes the form of my letter to your good selves. Its appendixes begin with tables showing the levels of informal voting, followed by the letter I wrote to the Electoral Commissioner, Tom Rogers, in October 2020, followed by a newspaper article.

The newspaper article is titled "AEC should be honest about when they'll count your vote". It was published on page 52 of *The Canberra Times* for Friday 20 May 2022. I added it to my website later. I hope members will visit my website which I started in March 2019. It begins with various recent articles of mine first published in *Switzer Daily*. They are followed by "About 'Unrepresentative Swill'" which is followed by "Mackerras Pendulums".

Upon visiting my website, therefore, the fourth item to which one comes is "Dishonest AEC". That shows the article cited above. At this point I wish to call a spade a spade. The way in which the AEC handled the July 2016 election did not excite my hostility. I never wanted to be hostile towards the AEC. Therefore, I was inclined to excuse the AEC on the ground that it should not be criticised for being required to administer a dishonest system.

My present criticism really began in 2019 as a result of which I wrote the letter to Tom Rogers, cited above. But in 2022 the AEC did not take my well-intentioned advice in any significant detail, so I now have no difficulty about asserting that the AEC handled the May 2022 federal election dishonestly. The AEC should not be excused. It decided to "own" the system, not merely administer it. Its "educational" material, therefore, became in my eyes propaganda in favour of this system. The "education" campaign became a series of lies dressed up to sound as though those who designed the ballot paper were trying to empower voters. I knew perfectly well that those who concocted the ballot paper were interested only in manipulating voters. The word "concocted" is, in my opinion, more accurate than the word "designed".

I have dealt now with the various appendixes to this letter. However, I send also three other documents which are very relevant to my case.

The first is my model ballot paper for the predicted half-Senate election of November 2021. It did not have above-the-line voting, it had Kimberley Kitching at the top of the Labor list, Richard Di Natale at the top of the Greens and Mitch Fifield at the top of the Coalition. I call that my Plan A.

During the years 2018, 2019, 2020 and 2021 I tried valiantly to sell that model ballot paper which reflects my personal preference. To ordinary voters it sold well but very few politicians would have a bar of it. The almost universal comment was "I like your arguments, but I don't like your chances."

The second is my model ballot paper for the predicted half-Senate election of November 2027. It keeps above-the-line voting, it has Linda White at the top of the Labor list, Lidia Thorpe at the top of the Greens, Sarah Henderson at the top of the Coalition and Ralph Babet at the top of the list for the United Australia Party. I call that my Plan B.

Whilst this ballot paper is not my first preference it is realistic. It is honest and voter friendly. I cannot think of any reason why any member of the JSCEM would oppose it. I provide it because one of the firmest principles in my sixty years as an electoral reformer has been: “Never let the perfect be the enemy of the good”. It is a good ballot paper, albeit imperfect because it retains above-the-line voting. Its essential characteristic is that it copies the Legislative Council ballot papers of New South Wales, South Australia and Western Australia as it will be in March 2025.

Finally, I am sending a 35-page document titled “A Summary of newspaper comments by Malcolm Mackerras and Others on the Sixth Australian Senate Voting System”. Eventually I shall place this document on my website. I have deliberately not done so yet. Only the members of the JSCEM will see it now. It is, in effect, an elaboration of the “Dishonest AEC” document.

My honest and voter friendly model ballot papers

The main characteristics of my model ballot papers are that they are honest and voter friendly. In those respects, they contrast with the present ballot paper, which is dishonest, voter unfriendly but party machine friendly on steroids. The present ballot paper manipulates the voter by deceit. It has been concocted by the machines of big political parties for the purpose of conferring a benefit upon the machines of big political parties.

When I say that the instructions on the present ballot paper are deceitful and manipulative ordinary people agree. However, the occasional cynical expert sometimes disagrees with my word “deceitful”. So, let me explain why I insist on that word “deceitful” – and why I do not use a weaker word like “misleading”.

The ATL instruction reads: “By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)”. The purpose of those words is to deceive the voter into believing that if you don’t so number your vote would be informal – but a single first preference ATL is required by law to be counted as a formal vote. So, you don’t need to number at least six boxes. Any official who says: “You need to number at least six boxes ATL” is telling you a lie.

The BTL instruction reads: “By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)”. The purpose of those words is to deceive the voter into believing that if you don’t so number your vote would be informal – but six preferences BTL are required by law to be counted as a formal vote. So, you don’t need to number at least 12 boxes. Any official who says: “You need to number at least 12 boxes BTL” is telling you a lie.

Tables of informal votes

The first attachments are tables of informal votes. However, I plan to deal with the statistics later. My reason for placing them early is that they list the six Senate voting systems Australia’s democracy has employed. See Table 2.

Six Senate voting systems

We have had three “winner takes all” systems and three proportional representation (PR) systems. The first three I have described in neutral terms. The PR systems I have described in pejorative terms. I lack the space here to elaborate. Readers can go to my website for further reasoning.

However, in my present circumstances I now disentangle my terminology for re-naming purposes. The system shown as “Democratic single transferable vote” I re-name “the Chifley system”. The system shown as “Stasiocratic STV in first unconstitutional camel” I re-name as “the Hawke system”. The system known as “Manipulative STV in second unconstitutional camel” I re-name “the Turnbull system”. They were the prime ministers presiding over each so-called “democratic reform”.

Over my years as a teaching academic, I learnt how to mark essays, exam papers, doctoral and master’s theses etc. I am now going to mark the six Senate electoral systems, beginning by saying that the Chifley system was by far the best. It was an excellent system combining PR with genuine direct election. I give it a distinction mark of 75 per cent. Ben Chifley presided over a genuine democratic reform and his system applied at 14 elections, from 1949 to 1983.

The second best was the first system (1901-17) to which I award a pass mark of 61 per cent. The third best was the second system (1919-31) to which I give a pass mark of 55 per cent. The fourth best was the third system (1934-46) to which I give a pass mark of 51 per cent.

The two clear cut failures are the Hawke system (43 per cent) and the present system to which I give a miserable fail mark of 30 per cent. It is that bad.

The above will sound peculiar to many ears. In effect I am saying that Hawke’s “democratic reform” replaced a pretty good system by a rather bad system. I do say that because Hawke introduced above-the-line voting which corrupts the system of the single transferable vote. STV is a candidate-based system which complies with the direct election imperative of section 7 of the Constitution. ATL corrupts that system by contrivances turning it into a party-based system.

I am aware that High Court judges have, in two cases (in 1984 and 2016), ruled ATL voting to be permitted by the Constitution. I dissent. The full reasoning for my dissent can be found in my website under two chapters of my unpublished book. The chapters are titled “Judges exercise their Power” and “Conclusion”.

Critical though I have become of the Hawke system it was still better than the present system. Following the 2016 election *Essential Research* conducted a survey about the operation of the new system. Twice as many respondents said: “It was more difficult to vote under the new system than it was under the old” as said “It was easier to vote under the new system as it was under the old.” The Hawke system, therefore, could be defended on the ground that it made voting much easier for the 90 per cent of voters who did not want to vote for candidates below the line. By contrast the present system is wholly without virtue or merit of any kind.

Following passage of the *Commonwealth Electoral Amendment Act 2016* all manner of experts told the parliaments of Victoria, South Australia and Western Australia that they should copy the “reformed” Senate system. To enquiries in the three states, I wrote: “The Senate voting system is wholly without virtue or merit of any kind and should not be copied by any state.” Victoria and Western Australia took my advice to a high level of detail. Those making such demands had them partially met by South Australia – but only partially. That is why my SA mark is only 51 per cent. See below.

Marking seven Australian PR systems

There are seven PR systems operating in Australia today. The marks I give are a high distinction mark of 85 per cent to Tasmania's Hare-Clark system, a distinction mark of 81 per cent to the ACT variant of Hare-Clark, a credit mark of 65 per cent to Victoria's Legislative Council system, a good pass mark of 61 per cent to Western Australia's new Legislative Council system, a good pass mark of 58 per cent to the New South Wales Legislative Council system, a pass mark of 51 per cent to the South Australian Legislative Council system and (as noted above) a miserable fail mark of 30 per cent to the Senate voting system.

In other words, the present Senate voting system is not merely the worst of the six Senate voting systems of Australian political history, it is also the worst of the seven PR systems operating in Australia today. It is notable that no state or territory would so demean itself as to think it should copy the present Senate voting system. It is a uniquely bad system.

Replacing a bad system by a decent system

The present system cannot be described as "decent". For all their faults my proposed systems CAN be described as decent. My Plan A could be described as "excellent", but there is no hope for it, so I fall back to my Plan B to which I would award a conceded pass in the academic language to which I became accustomed when I was a teaching academic.

My objection to the present system is to its dishonesty and to its unfairness. My Plan A would make the system fair to voters, fair between parties and fair between candidates. My reasoning for offering Plan B is that no party in the 47th Parliament wants a system that is fair between candidates. They all want to retain such contrivances as will ensure parties get their senators elected in the "correct" order.

District magnitudes of even numbers almost always create unfairness between parties. Every state and territory now recognises that reality. The Commonwealth should follow their lead. That is why six-senator elections should be replaced by seven-senator elections and why the ACT's two-senator elections should be replaced by three-senator elections.

The Northern Territory, however, is in a most unusual situation. The vote is so close so regularly between Labor and the Country Liberal Party that it is fair for the top candidate of each big party to be, in effect, guaranteed election.

What if no change is made?

I insist that my democratic requests should be met by the 47th Parliament so that the 48th Parliament can be elected under decent systems for both houses. I admit, however, that I may not get my way. For that reason, I consider what would happen if there were to be a fourth election under the present system.

In 2016 the AEC hired polling officials who were required to give a little lecture to each voter on how to vote. The spiel went something like this: "There is a new Senate voting system. Under this new system you need to number at least six boxes above the line or at least 12 below the line. You can go further if you want."

My view at the time and ever since was that polling officials were required to tell two lies to voters. However, for a variety of reasons I decided not to make a fuss in 2016. Then in 2019 the same applied. I made a fuss but was told that this was the first *half-Senate* election under the new system. Therefore, the case for lecture-giving was the same as in 2016.

I then decided to make a fuss and the beginning of my fuss-making is expressed in my letter to Tom Rogers in October 2020, attached hereto. Further details can be read from my document "A Summary of newspaper comments by Malcolm Mackerras and Others on the Sixth Australian Senate Voting System". That document brings readers up to date to the present day. I invite members of the JSCEM to notice this fact. I have NOT yet posted that document on my website.

I had hoped that the AEC would administer the system honestly in 2022. No such luck. The little lecture of 2016 and 2019 was changed to be this new spiel: "For the House of Representatives you need to number every box. For the Senate above-the-line vote you need to number at least six boxes. For the Senate below-the-line vote you need to number at least 12 boxes. You can go further if you want."

In other words, polling officials told one truth and two lies! Most polling officials, when asked questions, repeated the lies. Fortunately, some gave truthful answers. For example, my own daughter did her duty and gave the spiel as required, but when asked questions she replied: "That vote would be formal. If you have a first preference for Labor but don't want to express any other preference for a party just place the number 1 in the Labor box. Your vote will be counted." My daughter was properly briefed by me. Virtually every other polling official received only the dishonest briefing given by the AEC.

What a disgraceful situation! Imagine a democracy in which a so-called "independent" electoral commission hires polling officials on the basis that they give lectures to voters on how they must vote. No democracy with which Australia is compared would do such a thing. No self-respecting Australian state or territory would do such a thing.

I asked you to imagine such a democracy. You are imagining the Commonwealth of Australia.

This horrible system must not be allowed to apply in any further election!

Informal votes considered

Attached hereto are tables showing informal votes for every election for both houses since Federation. I have given these tables to you out of fear.

My fear is that those who own this system may point to the fact that in 2022 the informal vote fell for the elections in both houses. Those who own this system may try to say that this drop is the consequence of the successful operation of the system they own but I hate.

The point they may make is that when Senate voting was simplified in 1984 the informal vote for the House of Representatives rose. Therefore, if the Senate vote were simplified in 2025 (as I propose) the House of Representatives informal vote may rise. In 1983 the House of Representatives informal vote was 185,312 (2.1 per cent) but in 1984 it was 630,469 (6.8 per cent). See Table 1 titled "Informal voting at House of Representatives elections".

My counter argument would be to say that the rise in House of Representatives informal votes in 1984 was totally unexpected. It came as a significant shock to everyone. However, as a result of effective AEC advertising it fell in 1987 to 4.9 per cent, in 1990 to 3.2 per cent and in 1993 to an even three per cent.

All that would be needed in 2025 is effective AEC advertising, and in subsequent years for as long as required. Examination of AEC advertising in the early nineties would be helpful. The advertisements were very clever, almost funny, and were very effective.

Am I being arrogant?

At the top of page 2 of this letter I stated: "My response to that criticism will be given later in this letter where I shall elaborate on my claim to be worthy of hearing." I conclude by doing that.

My claim is based on the fact that I have the letters AO after my name. It was given in 2006 and my citation reads as below. Permit me to place emphasis on the words which are most valuable to me. The citation reads: "For service to the community by raising public awareness of and encouraging debate about the political process in Australia and other western democracies, and *through commitment to reform and improvement of the electoral system*, and to education".

Antony Green is the only other Australian given the AO for his psephology. It was given in 2017 and his citation reads: "For distinguished service to the broadcast media as an analyst and commentator for state and federal elections, and to the community as a key interpreter of Australian democracy."

Page numbering problem

Being 83 years of age, I am not as digitally competent as I would like to be. Therefore, Table 2 "Informal voting at Senate elections" should be page 10 while my letter to Tom Rogers should fill pages 11, 12 and 13, not pages 2, 3 and 4.

Yours sincerely

Malcolm Mackerras

Table 1: Informal voting at House of Representatives elections

Election	Total votes	Informal Votes	Per cent
<i>First-past-the-post/voluntary voting</i>			
1901	514,440	8,468	1.6
1903	739,401	18,463	2.5
1906	988,553	36,865	3.7
1910	1,349,626	27,044	2.0
1913	1,955,723	55,354	2.8
1914	1,726,906	40,143	2.3
1917	1,934,478	51,044	2.6
<i>Preferential/voluntary voting</i>			
1919	1,977,843	68,612	3.5
1922	1,646,863	74,349	4.5
<i>Preferential/compulsory voting</i>			
1925	2,987,200	70,562	2.4
1928	2,728,815	133,730	4.9
1929 ^a	2,957,547	78,297	2.6
1931	3,286,474	114,440	3.5
1934	3,677,723	126,338	3.4
1937	3,699,269	95,928	2.6
1940	3,979,009	102,023	2.6
1943	4,245,369	122,878	2.9
1946	4,453,941	109,197	2.5
1949	4,697,800	93,390	2.0
1951	4,654,406	88,507	1.9
1954 ^a	4,619,571	62,283	1.3
1955	4,525,774	130,239	2.9
1958	5,141,109	147,616	2.9
1961	5,384,350	138,317	2.6
1963 ^a	5,575,977	101,264	1.8
1966 ^a	5,892,327	182,578	3.1
1969 ^a	6,273,611	159,493	2.5
1972 ^a	6,747,244	146,194	2.2
1974	7,535,768	144,762	1.9
1975	7,881,873	149,295	1.9
1977	8,127,762	204,908	2.5
1980	8,513,992	208,435	2.4
1983	8,870,174	185,312	2.1
1984 ^b	9,295,421	630,469	6.8
1987	9,715,428	480,342	4.9
1990	10,225,800	326,126	3.2
1993	10,900,861	324,082	3.0
1996	11,244,017	360,165	3.2
1998	11,545,201	436,136	3.8
2001	12,054,458	580,383	4.8
2004	12,354,983	639,851	5.2
2007	12,930,814	510,822	4.0
2010	13,131,667	729,304	5.6
2013	13,726,088	811,130	5.9
2016	14,262,016	720,915	5.1
2019	15,088,616	835,223	5.5
2022	15,461,379	802,337	5.2

a Separate House of Representatives election.

b Election for the House of Representatives first accompanying the system

Table 2: Informal voting at Senate elections

Election	Total votes	Informal Votes	Per cent
<i>Multi-seat plurality/36 senators</i>			
1901	531,428	58,504	11.0
1903	887,312	32,061	3.6
1906	1,059,168	67,318	6.4
1910	1,403,976	64,603	4.6
1913	2,033,251	114,947	5.7
1914	2,042,336	86,649	4.2
1917	2,202,801	86,011	3.9
<i>Preferential block majority/partial optional preferences/36 senators</i>			
1919	2,032,937	175,114	8.6
1922	1,728,224	163,137	9.4
1925	3,014,953	209,951	7.0
1928	3,224,500	318,667	9.9
1931	3,468,303	332,980	9.6
<i>Preferential block majority/compulsory preferences/36 senators</i>			
1934	3,708,578	420,747	11.3
1937	3,921,337	416,707	10.6
1940	4,016,803	383,986	9.6
1943	4,301,655	418,485	9.7
1946	4,453,941	356,615	8.0
<i>Democratic single transferable vote/compulsory preferences/60 senators</i>			
1949	4,697,800	505,275	10.8
1951	4,763,915	339,678	7.1
1953 ^a	4,810,964	219,375	4.6
1955	4,914,094	473,069	9.6
1958	5,141,109	529,050	10.3
1961	5,384,350	572,087	10.6
1964 ^a	5,556,980	387,930	7.0
1967 ^a	5,889,129	359,241	6.1
1970 ^a	6,213,763	584,930	9.4
1974	7,410,511	798,126	10.8
1975	7,881,873	717,160	9.1
1977	8,127,762	731,555	9.0
1980	8,513,992	821,628	9.7
1983	8,872,675	875,130	9.9
<i>Stasiocratic STV in first unconstitutional camel/76 senators</i>			
1984	9,331,165	437,065	4.7
1987	9,766,572	394,891	4.0
1990	10,278,830	349,065	3.4
1993	10,954,258	279,453	2.6
1996	11,294,479	395,442	3.5
1998	11,587,365	375,462	3.2
2001	12,098,490	470,961	3.9
2004	12,420,019	466,370	3.8
2007	12,987,814	331,009	2.5
2010	13,217,393	495,160	3.7
2013/14	13,783,925	403,380	2.9
<i>Manipulative STV in second unconstitutional camel/76 senators</i>			
2016	14,406,706	567,806	3.9
2019	15,184,085	579,160	3.8
2022	15,572,661	532,003	3.4

a Separate Senate election.

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Malcolm Mackerras AO



1 October 2020

Website: www.malcolmmackerras.com

See also: <http://m.switzer.com.au/the-experts/malcolm-mackerras---political-expert>

Mr Tom Rogers
Electoral Commissioner
50 Marcus Clarke Street
Canberra ACT

Dear Tom

Greetings!

I write to take up with you (again!) the question of the dishonesty of the Senate electoral system as legislated courtesy of the Commonwealth Electoral Amendment Act 2016.

Please accept my assurance that I am well-disposed towards the AEC. It is not my wish to see it discredited in any way. The politicians foisted this horrible Senate voting system on the people – and the AEC is given the difficult task of administering it. One must feel sympathy for the situation in which the AEC finds itself.

Nevertheless, I have written a book “Unrepresentative Swill: Australia’s Ugly Senate Voting System”. It does not yet have a publisher, but I am hopeful it will be published in July next year – well in time for the next federal election. If it cannot find a publisher, I shall place it on my website at www.malcolmmackerras.com.

I want you to know what I have written about the AEC.

It appears on pages 14 to 22 of Chapter One titled “Dishonesty the Only Policy”. Ideally, however, I would like you to read the “Introduction” before you read Chapter One. I am assuming that you have already read my submission to the JSCEM dated 22 August 2019. All three documents are enclosed.

As you will see I am very critical of the way the AEC handled the Senate elections under this system - both in 2016 and in 2019, and I want to tell you why.

The AEC has a duty to voters. It also (I am compelled to admit) has a duty to the politicians who designed the system. My criticism of the AEC is that it gave top priority to its duty to the politicians and no priority to its duty to voters. The voters were told to vote in ways the machines of big political parties wanted them to vote. They were treated like mushrooms.

First, we had the lies you told on page 3 of “Your official guide to the 2019 federal election: Saturday 18 May 2019”.

Second, we had the signs placed in the voting booths. See pages 20 and 21 of “Dishonesty the Only Policy”.

Third, we had the appalling briefing of polling officials by the AEC. I have done a survey of twelve friends and relatives who asked each polling official this question: “I have been told on good authority that a single first preference above the line counts as a formal vote. Have I been informed correctly?”

Six of the twelve officials gave the wrong answer, saying: “You have been wrongly informed. Just read the instructions on the ballot paper. They make it quite clear that such a vote is rejected as informal.”

Three gave qualified answers such as “You are not supposed to do that”, leading to a conversation in which the official admits the voter has been correctly informed. Another case: a voter wanting to number eight squares below the line and asking if such is a formal vote. He was told: “We are not supposed to tell you this but that is counted as a formal vote.”

Only three of the twelve polling officials gave an immediate correct answer which is: “Yes, that vote is required by law to be counted as a formal vote for that party.”

When this Senate voting system was legislated in 2016 its supporters claimed that it was based on the ACT Hare-Clark system which is very well regarded. That assertion was propaganda but contained enough truth as to cause me to check how the ACT Electoral Commission has handled this situation.

Consequently, I enclose the booklet “ACT Election 28 September – 17 October 2020: your official election and early voting guide”. I invite you to read the segment on page 19 headed “How to fill in your ballot paper”.

This is the key part:

You should fill in at least 5 squares as there are 5 vacancies in each electorate. If you don’t fill in at least 5 squares, your vote will still be counted even if you vote for only one candidate. However, to make the most of your vote, we suggest you continue to fill in the squares until all your preferences are recorded. You may fill in every square if you wish.

Then on pages 24 and 25 the reference to the ballot paper has this in respect to the number 5: “This tells you the minimum number of candidates you should vote for.”

My suggestion to you is that your next official guide to Senate voting should say something like that.

However, the most important thing I want to say to you is to express my hostility to the idea of creating instructions that are misleading. That is why, during the debate

about the ACT voting system, I proposed that the words at the bottom read as shown in my hand-writing at the bottom of the Brindabella 2008 ballot paper, enclosed.

I invite you also to notice the words at the bottom of the Victorian Legislative Council system ballot paper I propose to operate at the November 2022 state election.

In the case of the ACT system there is a democratic case for doing as the ACT has done. That is why I describe the instructions as “misleading”. In the case of the Senate there is no genuine democratic argument for doing what the politicians have done. That is why I describe the instructions as “deceitful”. In any event I KNOW that they are deceitful – as I explain in my chapter “Dishonesty the Only Policy”.

My final word is that all AEC polling officials should be *briefed to give truthful answers* when questioned about this by voters. In particular, all officials should KNOW that a single first preference vote cast above the line is required by law to be counted as a formal vote for the party in question.

Kind regards

Yours sincerely

Malcolm Mackerras

Reply received from the Electoral Commissioner Tom Rogers

On 26 October 2020 the letter below was received by me from Tom Rogers, the Electoral Commissioner. It was addressed “Dear Mr. Mackerras” and reads as follows:

Thank you for your letter of 1 October 2020 about your forthcoming book on Australia’s Senate voting system. It was courteous of you to send me the introduction and first chapter, and in particular to highlight what you intend to say about the Australian Electoral Commission in regard to this important topic.

First, I would like to acknowledge the detail of the arguments you outline in these extracts of your intended book. I am sure that you would appreciate, that while I do not agree with all aspects outlined, the maintenance and improvement of our internationally admired system is strengthened by such discussion and scrutiny.

To this end, I wish you all the best with your endeavors.

That the book could not find a publisher is not important in this context. What is important is that I placed on record my requests to the Electoral Commissioner.

OPINION

AEC should be honest about when they'll count your vote

MALCOLM
MACKERRAS

THE Australian Senate voting system is dishonest and voter-manipulative. It should be scrapped and replaced by a decent system.

In doing so, federal politicians should know that five states elect some of their state politicians by systems of proportional representation (PR). The ACT elects every one of its territory politicians in such a way. To give the Australian people a decent Senate system, all the federal politicians would need to do is examine those state systems and copy some of their features.

As an academic of long standing, I am accustomed to ranking things. I rank Tasmania's Hare-Clark system as the best such system in the country, followed closely by the ACT. There's a drop-off before the rest of the states, then the federal Senate electoral system comes in dead last. It's that bad.

No state or territory would so demean itself as to copy the Senate voting system - and none has. The politicians of Victoria and Western Australia, while considering needed reform, have explicitly rejected the idea of copying federal legislation in this matter.

I remain hopeful the incoming Parliament will listen to me, and in 2025 give voters an honest ballot paper.

Explaining the dishonesty of the Senate system to ordinary voters is easy. Just look at the ballot paper, which is voter-unfriendly but party-machine friendly on steroids.

The ballot paper is divided by a thick black line, with party boxes above that line and candidate boxes below. Above the line it says: "You may vote in one of two ways: Either, Above the line, By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)."

Then: "Or Below the line, By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)."

The Australian Electoral Commission (AEC) is required by law to count as a formal vote the expression of a single first preference for a party above the line, or the

expression of six consecutive preferences below the line: 1, 2, 3, 4, 5 and 6.

Once those facts are revealed to ordinary voters, they agree with me that both instructions could be described as deceitful.

Ever since this system was legislated in 2016, I have been pestering politicians that they must scrap it, and the AEC that it must administer the system honestly. Everyone has listened to me politely, but I have had virtually no success with the politicians.

In October 2021, I was sent a one-minute-long educational video by one of the AEC's media advisers. I have played the video to many people. Every voter should see it. For the first time, the AEC officially states that it will count as a formal vote the expression of a single first preference above the line.

At the last two elections I asked friends, neighbours and relatives to quiz polling officials about this matter, to see if the proper information was filtering through. Let me give two examples from May 2019.

Both Angela of Campbell and Andrew of Isaacs voted Liberal. Both were given a short lecture by the polling official about voting under the new Senate system: "For the Senate you need to number at least six boxes above the line or at least 12 below the line. You can go further if you want."

Angela: "Look, I have been told on good authority that the AEC will count as a formal vote the expression of a single first preference above the line. Have I been informed correctly?" Official: "You're not supposed to do that." Angela: "I don't care ... Have I been informed correctly?" Official: "You have been informed correctly."

Andrew was given the same spiel. He asked the same question, but was given a different answer. Official: "Whoever told you that was having a lend of you."

So, Andrew copied out six numbers from the party's "How to vote Liberal" leaflet, but his vote for Seselja was of no more value than those of Angela and her husband.

I was eagerly awaiting receipt in my letter box of "Your official guide to the 2022 federal election: Saturday 21 May 2022". When it arrived, I was bitterly disappointed. It gives the same misinformation as 2019, but changes the format in a sneaky way. It is worse.

Yet I remain hopeful the incoming Parliament will listen to me, and in 2025 give voters an honest ballot paper. The AEC would then tell the truth! Clearly it is not enough for me to beg them to do so.

■ Malcolm Mackerras is Distinguished Fellow of the PM Gwynn Institute at the Australian Catholic University.

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Ballot Paper

Election of 7 Senators

2021



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State of Victoria

COMMONWEALTH OF AUSTRALIA - THE SENATE

Number seven boxes from 1 to 7 in the order of your choice

You may then show as many further preferences as you wish by writing numbers from 8 onwards in other boxes

A DERRYN HINCH'S JUSTICE PARTY	B AUSTRALIAN LABOR PARTY	C COMMUNITY ALLIANCE	D THE ARTS PARTY	E AUSTRALIAN CHRISTIANS	F LIBERAL DEMOCRATIC PARTY	G THE GREENS	H LIBERALS AND NATIONALS	UNGROUPED
<input type="checkbox"/> Derryn HINCH	<input type="checkbox"/> Kimberley KITCHING	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Anthony SEDDON	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Richard DI NATALE	<input type="checkbox"/> Mitch FIFIELD Liberal	<input type="checkbox"/> Helen CROSS INDEPENDENT
<input type="checkbox"/> Stuart GRIMLEY	<input type="checkbox"/> Katy GALLAGHER	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Janet RICE	<input type="checkbox"/> Scott RYAN Liberal	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Kim CARR	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Shane RATTENBURY	<input type="checkbox"/> Bridget McKENZIE National	<input type="checkbox"/> Greg TANNAHILL
	<input type="checkbox"/> Gavin MARSHALL	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Misha COLEMAN	<input type="checkbox"/> Jane HUME Liberal	<input type="checkbox"/> Tony FARRELL INDEPENDENT
	<input type="checkbox"/> David MATHEWS			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Elise KLEIN	<input type="checkbox"/> James PATERSON Liberal	
	<input type="checkbox"/> Steve KENT			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Anna CRABB	<input type="checkbox"/> Jeremy HANSON National	
	<input type="checkbox"/> Mike HETTINGER			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> James SEARLE	<input type="checkbox"/> Rebecca BARNIER Liberal	

Remember, your vote will not count unless you number at least 7 boxes

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BALLOT PAPER FOR THE ELECTION OF 7 SENATORS FOR VICTORIA

On the other side is a mock ballot paper to show, in principle, what a ballot paper would look like under the reform I propose to the Senate voting system. It is actually taken from a Hare-Clark ballot paper in the ACT for the Electorate of Molonglo at the 2008 Legislative Assembly election. However, some of the names of candidates and parties have been changed to those on the Senate ballot paper for Victoria in 2016.

Note that at the 2008 ACT election Katy Gallagher was Deputy Chief Minister in the Labor government and Shane Rattenbury was elected for The Greens in Molonglo. He was re-elected for Molonglo in 2012. He is now one of the five members for the Electorate of Kurrajong, the district magnitude in the ACT now being five for each of the Electorates of Brindabella, Ginninderra, Kurrajong, Murrumbidgee and Yerrabi. The leader of the Liberals then was Zed Seselja. It just so happens that Gallagher and Seselja are now the two senators for the ACT.

So, how is it that Rattenbury is placed third for The Greens on this ballot paper? Under Senate rules he would be first! The answer is that parties cannot rank candidates under Hare-Clark due to the operation of what is known as “Robson Rotation” and this ballot paper is the 16th rotation. In other words there is no “ticket” under Hare-Clark. While there is a good argument for “Robson Rotation” under Hare-Clark I am not proposing it under my Senate reform. Successive Senate systems (beginning in 1940) have allowed parties to rank their candidates. It enables supporters to hand out “how to vote” leaflets at polling places. I see nothing wrong with that. What I object to about the present system is that the order of election of senators within parties is stacked in favour of party machine power by the encouragement of cross-party voting above the line. The present system is rigged by the party machines!

As I propose to explain in my book the present system is patently unconstitutional, clearly unfair to voters and obviously unfair between candidates. A plausible argument can, however, be made that the present system is fair between parties. I deny such a proposition. I propose to counter that argument and prove that my reform would provide fairness to voters in addition to providing for fairness both between CANDIDATES and between PARTIES. Most important of all, however, is my assertion that, under my reform, senators would TRULY be “directly chosen by the people” as is commanded by section 7 of the Australian Constitution.

The political problem I have is that the party machines run the federal parliament, so the politicians (put there by the party machines) would not readily agree to a reform like mine which would make the system genuinely democratic by reducing the power of the machines which presently allows them, in effect, to appoint senators. I shall explain how I can sell this reform.

Malcolm Mackerras

14 November 2017

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Ballot Paper

Election of 7 Senators

2027



State of Victoria

COMMONWEALTH OF AUSTRALIA - THE SENATE

YOU MAY VOTE BY

EITHER

Placing the number 1 in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2.

OR

Numbering at least 7 of these boxes in the order of your choice.



A	B	C	D	E	F	G	H	
<input type="checkbox"/> REASON AUSTRALIA	<input type="checkbox"/> AUSTRALIAN LABOR PARTY	<input type="checkbox"/> DERRYN HINCH'S JUSTICE PARTY	<input type="checkbox"/> UNITED AUSTRALIA PARTY	<input type="checkbox"/> LEGALISE CANNABIS PARTY	<input type="checkbox"/> LIBERAL DEMOCRATIC PARTY	<input type="checkbox"/> THE GREENS	<input type="checkbox"/> LIBERAL PARTY - THE NATIONALS	
A	B	C	D	E	F	G	H	UNGROUPED
<input type="checkbox"/> Yolanda VEGA	<input type="checkbox"/> Linda WHITE	<input type="checkbox"/> Derryn HINCH	<input type="checkbox"/> Ralph BABET	<input type="checkbox"/> Elissa SMITH	<input type="checkbox"/> David LIMBRICK	<input type="checkbox"/> Lidia THORPE	<input type="checkbox"/> Sarah HENDERSON Liberal	<input type="checkbox"/> Glenn FLOYD INDEPENDENT
<input type="checkbox"/> Harry MILLWARD	<input type="checkbox"/> Jana STEWART	<input type="checkbox"/> Ruth STANFIELD	<input type="checkbox"/> Kelly MORAN	<input type="checkbox"/> Wayne TAYLOR	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Adam FROGLEY	<input type="checkbox"/> Bridget McKENZIE National	<input type="checkbox"/> James BOND INDEPENDENT
<input type="checkbox"/> John MCBRIDE	<input type="checkbox"/> Casey NUNN	<input type="checkbox"/> Stuart GRIMLEY	<input type="checkbox"/> Kenneth GRIMMOND	<input type="checkbox"/> Madelane WEARNE		<input type="checkbox"/> Sissy AUSTIN	<input type="checkbox"/> Greg MIRABELLA Liberal	<input type="checkbox"/> Paul ROSS
	<input type="checkbox"/> Megan BRIDGER	<input type="checkbox"/> Phil THOMPSON		<input type="checkbox"/> Robert LONG		<input type="checkbox"/> Zeb PAYNE	<input type="checkbox"/> Chrestyna KMETJ Liberal	<input type="checkbox"/> Tony FARRELL INDEPENDENT
	<input type="checkbox"/> Josh MCFARLANE			<input type="checkbox"/> Chloe BURSON			<input type="checkbox"/> Mick HARRINGTON National	
							<input type="checkbox"/> David BURGESS Liberal	

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CALLING AN END TO A BAD SENATE VOTING SYSTEM

The Australian Senate has had six electoral systems by which it is composed. The first three were “winner takes all” systems and the most recent three have been systems of proportional representation (PR). In my opinion the best-ever system was the Chifley PR method operating from 1949 to 1983. It was a proper Single Transferable Vote (STV) system.

It is also my opinion that above-the-line voting corrupts STV because it converts a candidate-based system into one based on political parties. Therefore, the Hawke system (1984-2014) was very defective but at least it had the virtue of lasting a long time. The reason for its longevity was that the Hawke system was voter-friendly in the sense that ninety per cent of electors could henceforth cast an easy formal vote. It was replaced by the present Turnbull system operating since 2016. It is, in my opinion, the worst of the six systems and, hopefully, will be recorded as having operated at only the Senate elections of July 2016, May 2019 and May 2022.

On 14 November 2017 I published a ballot paper proposal for a genuine democratic reform to operate with the election of seven senators for each state at an election which I predicted would be held in November 2021. While that model ballot paper is still offered as a genuine democratic reform I have, regrettably, come to the conclusion that it cannot be sold to the 47th Parliament. It is altogether too democratic to be accepted by the current crop of federal politicians.

The present (Turnbull) system is so bad it must be scrapped during the 47th Parliament. The model ballot paper overleaf is offered as an alternative to achieve some of the desirable objectives of the model ballot paper dated 14 November 2017.

The present system is wholly without merit or virtue of any kind. It is dishonest, and the instructions on the ballot paper are deceitful and manipulative. By contrast, there are two virtues attaching to the ballot paper overleaf. The first is that it creates fairness between parties by raising the number elected at a normal half-Senate election from six to seven. The proposed system would, therefore, produce the most proportional results of any of the Senate voting methods.

Fairness to voters should be the main objective of any reform that claims to be a “democratic reform”. It is on such a criterion that the present system is so lacking in merit. It is unfair to voters, unfair between parties and unfair between candidates. It was introduced by the Commonwealth Electoral Amendment Act 2016 the sole purpose of which was to put Glenn Druery out of business, he having been the most famous and successful preference whisperer in Australian political history.

The ballot paper overleaf would be welcomed by voters. The optional preferential vote above the line is as described by the words “optional preferential”. It is determinedly optional preferential, unlike the present ballot paper in which the above-the-line vote is “bodgie” optional preferential and “bodgie” partial optional preferential.

It is not only the above-the-line reform that would be welcomed by voters. So, too, would be the option to vote below the line. The voter would be told to number at least seven boxes and would know that the vote would be informal if the seven boxes were not numbered sequentially. In short, the ballot paper overleaf is what voters would expect from politicians who wanted to help voters by being upfront with them.

Malcolm Mackerras

17 June 2022

A Summary of newspaper comments by Malcolm Mackerras and Others on the Sixth Australian Senate Voting System

Australia has had six Senate voting systems of which three were “winner takes all” systems and three have been proportional representation systems. The three PR systems have been the Chifley system (1949-83), the Hawke system (1984-2014) and the Turnbull system which has applied at three elections, those of July 2016, May 2019 and May 2022.

By and large I expressed favourable opinions about the Chifley system and the Hawke system, though I later expressed regret that I had been so naïve as to be taken in by the arguments for the Hawke system. By contrast my opinion of the present Turnbull system has been consistently negative, and the purpose of this document is to put into a single place my negative opinions as expressed in newspapers or as submitted to newspapers. They sometimes declined to publish, or the editor cut the article to the point where I feel I must publish here both the submitted version and the version as later published in edited form.

The 2016 Senate General Election, 2 July 2016

The 2016 general election for all members of both houses excited my hostility to the new Senate electoral system less than did the subsequent half-Senate elections. Being a double dissolution election, it meant a degree of fairness to minor parties not shown at the later elections. Also, I could see the argument that the Australian Electoral Commission should advertise about the new system. Nevertheless, on 28 April 2016 I sent this portion of a letter to the editor of “The Canberra Times” regarding the AEC advertising and commended it to the Electoral Commissioner, Tom Rogers:

The fourth paragraph reads: “If you choose to vote below the line, you must number at least 12 boxes, from 1 to 12, for individual candidates in the order of your choice.” That is an even bigger lie. If this dishonest system comes into force I shall treat the advice as though it reads: “Place the numbers 1 to at least 6 in these boxes to indicate your choice.” Were I to do that I would still vote formally.

It appears that I had some success, because a few days later Rogers replaced “you must” by “you now need to”. That caused me to secure the publication of another letter in “The Canberra Times” to which the heading “Casting a valid vote” was given. The letter was dated May 3 and reads:

I wish to protest at the advertisements appearing in all major newspapers on April 26. They were authorised by the Electoral Commissioner, 50 Marcus Clarke Street, Canberra, ACT. The third paragraph reads: “If you choose to vote above the line, you now need to number at least six boxes. Put the number ‘1’ in the box for the party or group that is your first choice, a ‘2’ for your second choice and so on until you’ve numbered at least six boxes.”

The first sentence is a lie. You do not need to number at least six boxes. If this system comes into force I, for one, will follow the advice “vote one only” knowing that my party vote is a formal vote.

The fourth paragraph reads: “If you choose to vote below the line, you must number at least 12 boxes, from one to 12, for individual candidates in the order of your choice.” That is an even bigger lie. If this dishonest system comes into force, I shall treat the advice as though it reads: “Place the numbers one to at least six in these boxes to indicate your choice.” Were I to do that, I would still vote formally.

The above pieces of dishonesty are not the fault of the Electoral Commissioner, of course. It is the politicians who voted for this legislated system who are to blame.

On May 8 the following letter was published under the heading “Electoral advertising”. It was by Bogey Musidlak who described himself as “Convenor, Proportional Representation Society of Australia (ACT Branch)” and reads as follows:

Malcolm Mackerras (Letters, May 3) makes an important point in criticising the Australian Electoral Commission for concentrating its advertisements about the new arrangements that abolish group voting tickets on the false assertion that the Senate ballot-paper instructions must be complied with when savings provisions will accept as formal votes marking just one party box or six candidates’ names in sequence.

The information campaign would be much more effective if its starting point was that the marking of Senate preferences is now just an instruction about the order in which candidates can have access to anything still unused of an individual's single transferable vote. Once electors grasp that fundamental point, they will either decide to maximise their chances of having a fully effective vote by numbering as far as they actually care about what might happen, or declare that they are supportive of only a small subset of parties or candidates come what may, and risk wasting all or part of their vote.

That's the point at which the ballot-paper instructions or the actual requirements for a formal vote can usefully be brought in. Nothing is gained through advertising that deceives electors while failing to empower them.

That letter was followed by a short "to the point" letter from C. Lendon of Cook under the heading "Clear as mud" which reads as follows:

Oh boy, Bogey Musidlak (Letters, May 8), this poor "elector wanting to grasp the fundamental point" that the changed Senate voting is both fairer and simpler – gasps at your complications that make even the solutions of that psephological bogeyman, Malcolm Mackerras, seem as clear as mud.

Then on June 9 I had published in "The Canberra Times" this letter under the heading "Voting in the Senate"

I criticised the Australian Electoral Commissioner for his advertising on the new Senate electoral system, (Letters, May 3). The fourth paragraph of the advertisement – "If you choose to vote below the line, you must number at least 12 boxes, from 1 to 12, for individual candidates in the order of your choice" – I described as a "lie". And I went on that if I decided to vote below the line I would treat the advice as though it reads: "Place the numbers 1 to at least 6 in these boxes to indicate your choice" and I continued: "Were I to do that I would still be casting a perfectly formal vote."

In its more recent advertisements, the AEC has changed its wording of that statement to this: "If you choose to vote below the line, you need to number at least 12 boxes, from 1 to 12, for individual candidates in the order of your choice." Of course, you do NOT need to do that. However, as a result of this change, I withdraw the word "lie" and say that the advertisements are still dishonest.

The most important thing I can do, however, is to draw the attention of readers to my last paragraph of that May 3 letter which reads: "The above pieces of dishonesty are not the

fault of the Electoral Commissioner. It is the politicians who voted for this legislated system who are to blame.”

The following day (10 June 2016) I issued a statement on how the Senate ballot paper could be made honest. It reads as follows:

I begin by noting that I do not favour the continuation of above-the-line voting. However, if the various party machines are determined to keep the ballot dividing line and party boxes above it they should at least be pressured into having honest instructions on the ballot paper. Consequently, my recommendation is as follows:

Above the line it should read this way: “Number the boxes from 1 to (here insert the number of boxes above the ballot dividing line) in the order of your choice. ”Below the line it should read: “Number the boxes from 1 to (here insert the number of candidates) in the order of your choice.” At the very bottom of the ballot paper it should read: “Note: your vote for candidates will not count unless you number at least six boxes.”

Were the above changes to be made it would be possible for the Australian Electoral Commission to EDUCATE the public about voting. At present the AEC is compelled to mislead the public in its advertisements which should be described correctly as propaganda dished out by party politicians.

The 2016 election ushered in the 45th Parliament. During that term I did not submit to newspapers. I concentrated on the federal politicians. The full story of my endeavours is set out in Chapter 7 “Extreme Vetting” of my unpublished book “Unrepresentative Swill: Australia’s Ugly Senate Voting System” The chapter comes to twelve pages and can be found on my website at www.malcolmmackerras.com.

The submission, coming to 51 pages, was eventually accepted by the Joint Standing Committee on Electoral matters of the federal parliament, and posted on its website on Friday 17 February 2017 as submission number 139. The opening paragraph reads as follows:

The outstanding characteristic of Australia’s sixth Senate electoral system is its DISHONESTY. In the autumn of 2016, a majority of federal politicians irresponsibly legislated a new system which would deceive and confuse voters. From the point of view

of a democrat like me this system is indefensible. Those are bold statements, but I hope to demonstrate their truth below. . .

Half-Senate election 18 May 2019

Before proceeding to my discussion of this election I direct the attention of readers to Appendix A on page 31 ("Your official guide to the 2019 federal election: Saturday 18 May 2019"), Appendix B on page 32 ("How to make your vote count: House of Representatives") and Appendix C on page 33 (Senate equivalent of Appendix B). Appendix A is the cover of the AEC pamphlet, Appendix B is an honest statement of how to make one's vote count for the House of Representatives while Appendix C tells two outright lies to voters. It was false to assert: "you need to number at least 6 boxes" for the ATL vote and it was false to assert: "you need to number at least 12 boxes" for the BTL vote. The Electoral Commissioner would have known perfectly well that the statements were false. That I why I accused him of telling lies.

Anyway, having fruitlessly devoted so much effort into persuading the federal politicians to listen to me during the second half of 2016 and the whole of 2017 and 2018 I decided that 2019 was to be the year when I should try to get through to the public by the publication of newspaper articles. Consequently, an article was published on the "Commentary" page (page 10) of *The Australian* newspaper on Monday April 22, 2019. It was titled "Shenanigans keep voters in the dark like mushrooms". To that the editor added "Blame politicians for the disgrace that is our Senate". A cartoon showing a ballot box looking like a mushroom accompanied the article which reads as follows:

On the morning of April 17, I went to the local newsagency and bought a ticket in Mega Jackpot Draw 1282. As I paid my \$5.50 I thought to myself: "If only \$56 million would fall from the sky into my bank account I could make this disgraceful Senate voting system an issue in the May federal elections." No such luck. Nevertheless, the Senate voting method should be an issue, with a properly resourced education campaign explaining to voters how truly bad it is.

Typical of the kind of system concocted by politicians pursuing the short-term interests of the party machines that gave them their seats, it is riddled with dishonest and voter-unfriendly features. The politicians are to blame for this, not the Australian Electoral Commission.

The Senate ballot paper has four contrivances, none of which can be defended by citing any genuine democratic principle. The first is the thick black line running through the ballot paper. The second? They are the party boxes above that line. Those two contrivances are inherited from the immediate past (1984-2014) system and have been retained in the new to suit the convenience of the big political parties. The third and fourth contrivances are the deceitful instructions to voters. The spin doctors defending the system (which they defend because they own it) object to this description.

The ballot paper handed to us next month will state: “You may vote in one of two ways.” then “Either above the line by numbering at least six of these boxes in the order of your choice (with number 1 as your first choice).” And then: “Or below the line by numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).”

The intent of those words clearly is to create the impression that your vote is informal if you do not number 1, 2, 3, 4, 5 and 6 above the line or 1 to 12 below the line. The fact is that a single 1 above the line is a formal vote for that party group. Likewise, 1, 2, 3, 4, 5 and 6 below the line is a fully formal vote. The only people who deny my use of the word “deceitful” are the spin doctors who own this outlandish system. You do not need to go 1 to 12 below the line any more than you need to go beyond a single first preference above the line.

Given I missed out on the \$56m, I have been reduced to writing a 300-page book describing this system and how easily it could be improved. But while I wait for it to be published let’s get moving. An important part of the book is the inclusion of three model ballot papers I have designed. Why three? The answer is that while the Senate voting system is by far the worst in the country, there are two other systems in need of reform. They are for the Legislative Councils of Victoria and Western Australia. My three model reform ballot papers are substantially the same in principle.

So, how do they compare with today’s Senate paper? The Senate ballot paper is dishonest, mine are honest. The Senate is voter-unfriendly, mine voter-friendly. The Senate is party-machine friendly, ensuring that the system is unfair between candidates. My system would be fair between both parties and candidates. The Senate ballot paper is complicated, mine is simple.

The Senate paper does not inform voters how to make their vote count. It merely tells voters how venal politicians would like people to vote. In my ballot papers the voter would know exactly that vote which is formal and that which is informal. The Senate informal vote would decline significantly if my reforms were adopted.

Given my uncertainty about getting this book published I have done something I never really wanted to do. Urged by my strongest supporters I have set up a website, www.malcolmmackerras.com. Readers there can study my model ballot papers, compare them with today's ballot papers and decide this question for themselves; which is better?

The essential choice is between ballot papers designed according to genuine democratic principles by an independent nonpartisan expert or a set of ballot papers concocted by politicians pursuing the short-term electoral interests of the party machines to which the politicians owe their seats. My plan is based on the old 1949-83 proportional representation system without the need for the voter to number every box. You would simply number candidates up to the number of senators to be elected. For those with technical knowledge I mean it would be the Tasmanian Hare-Clark system without Robson Rotation.

For the forthcoming election my own Senate vote will be informal. The bigger the informal vote the better. Among other comments my ballot paper will have an arrow pointing to the instructions with my words being: "These instructions are deceitful." Then at the bottom there will be this signed statement: "I refuse to be manipulated by the machines of big political parties." However, since I respect the format of the House of Representatives ballot paper my vote there will be conventional. For the Senate it will be uniquely unconventional – with several written comments on how bad the system is.

The editor for that article was Alan Howe. I was not paid for it. A pleasing aspect for me, however, was that there was one favourable response to the article and none that were unfavourable. The favourable response came from my friend Chris Curtis of Hurstbridge in Victoria whose letter "Senate reforms unpicked" was published on the following day. It began: "I share Malcolm Mackerras's contempt for the Senate voting system and the deceit of the voting instructions accompanying it."

There was a foolish article by Crispin Hull in *The Canberra Times* on Saturday 11 May 2019, one week before polling day. It was on page 29 and headed "Which party do you dislike the least?" It

prompted a letter by me published on Wednesday 15 May. The letter was titled “AEC, Hull, wrong on how to vote” and reads as follows:

In his Forum article (“Which party do you dislike the least?”, May 11, p.29) Crispin Hull writes: “The Australian Electoral Commission advises correctly that for a formal vote voters should vote preferences for at least six parties above the line. . .” The purpose of this letter is to dispute such contention. I argue the AEC advises that incorrectly.

In its essentials the argument gets down to this. The AEC and Hull have made it clear they are willing to “own” this new system. Consequently, they try their hardest to suppress public knowledge of an important fact about the system – namely that a single number one placed in a party box above the line counts as a fully effective vote for that party. To them that is an inconvenient truth. It is a fact that I have tried at all times to communicate to voters.

The voters should not be denied knowledge of that fact by what amounts to a conspiracy between the AEC, the political parties and most of the media. The AEC asks voters to consult its website. However, all readers would get from it is advice as to how to cast a Senate vote in accordance with instructions on the ballot paper.

On polling eve, Friday 17 May, there was a series of letters under the heading “So tell me, what does constitute a valid vote in the Senate?”. It included the sign “Please read the instructions on your ballot paper. . .” under which sign is written: “Many Canberra voters say the AEC has sent mixed messages on how to vote for the Senate. Picture AAP”. The first letter was by Martha Kinsman of Kaleen and reads:

Paul Kringas (Letters May 15) rightly complains about having to vote for parties that are abhorrent to him. There is, however, another option when voting for the Senate. As Malcolm Mackerras (Letters May 15) correctly states, voting in one box above the line is a valid vote. Unfortunately, Mackerras is rather vague about why this is so. It is as well, therefore, to state, in black and white, the relevant provisions of the Commonwealth Electoral Act.

Section 269 of the Act states that a vote is “not invalid” if it complies with section 239 (i.e. at least six boxes above the line are numbered) OR “the voter has marked the number 1, or the number 1 and one more higher numbers, in squares printed on the ballot

paper above the line”. The AEC website acknowledges this option on its Voting FAQ page. This “vote-saving” option is particularly important in the ACT where it is nonsensical to suggest that, unlike the states, we need to vote for three times as many groups as there are Senate vacancies.

The AEC flyer, Your official guide to the 2019 federal election, letter boxed throughout Canberra, incorrectly states that you need to number at least six boxes for a valid Senate vote. Its’ full-page advertisement (Canberra Times, May 11, p.21) is only slightly less misleading. Why is a mystery.

The AEC should take urgent steps to ensure officials at polling booths are clearly briefed regarding the right of voters to number fewer than six boxes above the line. Just as importantly, the Commission should publicly and unambiguously reassure voters that if they choose to exercise this option, their votes will not be erroneously discarded as informal by incorrectly briefed officials and scrutineers.

That was followed by a letter from Ramesh Patel of Weetangera under the heading “Mackerras is to be commended”. The letter reads:

I commend Malcolm Mackerras (Letters, Canberra Times, May 15) for bringing to our notice the apparent conspiracy between the AEC, political parties and politicians, and media regarding “how to vote” instructions. The majority of the voting public will think you must put six choices. For me, the letter from Mr. Mackerras is a few days too late. The fact that, as per Mr. Mackerras, “a single number one placed in a party box above the line counts as a fully effective formal vote for the party” is quite deliberately never mentioned anywhere.

There followed a letter titled “Thanks for the heads up” from Peter Ellett of Scullin reading as follows:

Thank you, Malcolm Mackerras (Letters, May 15) for exposing the misinformation being put about by the Australian Electoral Commission. Contrary to what the AEC is saying, ACT voters are not required to fill in six squares if voting above the line or 12 if voting below the line for the Senate. The Electoral Act says you only need to mark one square above the line and up to six consecutive numbers below the line and your vote will still be valid.

This is good news for voters who don’t wish to allocate any preferences to candidates they may find objectionable. Optional preferential voting is the most democratic form of

voting. Why the AEC has chosen to mislead the electorate about their voting rights is something which should be subject to a full inquiry after the election.

On polling day, Saturday 18 May, there was a letter from me titled “Malcolm has a book” reading as follows:

In Friday’s Canberra Times there were four letters all asking why the instructions on the Senate ballot paper are so misleading. I have written a book explaining it all but lack a publisher. The politicians have shown for all to see their dishonesty in this matter.

On the Tuesday following polling day, 21 May, there were two letters on this subject, the first being from Margaret Lee of Hawker under the heading “Senate vote a travesty”. It reads:

I’ve worked as a polling officer in the past, and my recollection was that if the intention of the voter was clear, even if the voter did not strictly adhere to the instructions, it would be counted. This time, with so much in contention, and with confusing messages, and wanting to make sure my vote counted, I found myself voting for people about whom I have been able to find nothing to recommend them to me, in an effort to make sure that I do not cast an invalid vote.

The most important issues for me are climate change and social justice, and based on this there were just six Senate candidates I felt reasonably confident would represent my most important concerns. I seriously considered just leaving it at that, but in the end gave into fear, and spread my remaining votes around the rest of the rabble.

This is just not good enough. If I felt I could only vote for four people, and was prepared to have my vote extinguished at that point, I should have been able to do so. This rule has to be cleaned up or, if my original understanding was right, it should be made absolutely clear to the voter. If my intention is clear, the vote should be valid.

That was followed by a letter from Rod Macleod of Isaacs under the heading “Explanation is needed” which reads as follows:

I thank Malcolm Mackerras (Letters, May 15) and Martha Kinsman (Letters, May 17) for their expert advice relating to Senate voting options. Having voted by putting just one number above the line I wonder, but will never know, whether my vote was discarded by an ill-informed AEC scrutineer. Apologies to Anthony Pesek if this was so.

I was told I had to number six boxes if I was voting above the line. When I queried this, the response was “This is what is on the ballot paper, and this is what we have been told to inform voters.”

For those who would say I was just being stubborn, I had no wish to direct any preferences (other than to put Z last). I believe the complexities of the system are what generate many votes which are declared informal. This, together with what is termed “the donkey vote” must contribute to the number of asses in the Senate.

The correspondence concluded the following day (Wednesday 22 May) with this letter from Mark Hartmann of Hawker under the heading “Senate vote confusion”. It reads as follows:

Having taken note of Malcolm Mackerras’ comments on Senate voting (Letters, May 15) I asked the supervisor at the Weetangera polling place if they had been following that correspondence. He said he never read such letters and that the AEC’s rules required me to vote in the Senate for six parties above the line or 12 candidates below. If I didn’t my vote would not be counted. Based on this I believe the results from this polling place need to be challenged.

Thereafter in 2019 the controversy died down.

My Comments in 2020, 2021 and early 2022

On Monday 26 October 2020 the following article by me appeared in *The Canberra Times* under the heading “Senate voting is rigged. Here’s how we can fix it.” The article reads as follows:

Earlier this month, the Senate passed legislation implementing the Morrison government’s higher education funding legislation, known as the Job-ready Graduates Package. The cost of humanities degrees will rise by 113 per cent as a result – and 28 per cent for law and economics degrees. There will also be 3,000 extra university places in South Australia, achieved by classifying Adelaide-based universities as “regional”, so they are not lumped in with disadvantaged capital city universities.

The government was determined to get these “reforms” implemented – so it secured the critical South Australian Centre Alliance votes it needed. I was neither shocked nor surprised, because I understood something about the present Federal Parliament not generally understood. The Senate is rigged in favour of the Liberal Party. The Morrison government can always rely on getting the legislation passed it really wants. Throw some

red meat to the One Nation base (securing two Senate votes) and secure the vote of either Jacqui Lambie or Centre Alliance, and Bob's your uncle. Or rather, Scott's your uncle.

It is not quite true that the Coalition has a Senate majority in this 46th parliament. Two bad pieces of legislation, an industrial relations bill and a bill that would have given the government the power to seize mobile phones from people in immigration detention have been blocked. However, when Morrison is really determined, he has shown he can secure the votes of One Nation senators easily, and of either Lambie or Centre Alliance, simply by making special offers to our two least-populous states. Think of income tax cuts and medevac repeal bills of 2019.

Tony Abbott and Malcolm Turnbull must surely turn envious eyes at Morrison for the ease of his Senate situation. They never enjoyed anything remotely like it. For their government to succeed in passing legislation they needed to herd up to a dozen cats.

When each of Julia Gillard, Abbott and Turnbull was prime minister, the party numbers in the Senate reflected the votes of the Australian people. Today that is not the case. This change for the worse is the consequence of the passage of the Commonwealth Electoral Amendment Act 2016, which was hailed by its supporters as a "democratic reform" of the Senate voting system. I never saw it that way.

The first test of the new system was the double dissolution election held in July 2016. On that occasion the Senate election did produce proportional representation by party strength. The reason for that was the simple fact that 12 senators were being elected in each state. In such a case the quota for election is quite low, enabling minor parties to succeed in significant numbers.

However, while half of the senators elected in 2016 are still in the Senate today, with terms expiring on June 30, 2022, the other half saw their terms expire on June 30, 2019. The 2016 half-Senate election gave the Coalition 17 of the 36 six-year places. That's 47 per cent of the seats for a Coalition vote of 35 per cent – overrepresentation of 12 per cent. Labor got 13 places, 36 per cent of the seats, overrepresentation of only 6 per cent.

The present Senate consists of the above 36 – plus 40 senators elected at the May 2019 half-Senate election. The Coalition won 19 places – 47.5 per cent of seats for a vote of 38 per cent. Labor won 13 places, which is 32.5 per cent for a vote of 30 per cent. So, Labor's overrepresentation is only 2.5 per cent compared with 9.5 per cent for the

Coalition. Combine those numbers and it can be shown that the Coalition is far more over-represented than Labor – or any other party.

Three years ago, there were 26 Labor senators, and today there are still 26 Labor senators. Three years ago, there were nine Greens senators and today there are still nine Greens senators. By contrast, three years ago there were 30 Coalition senators, but today there are 36. Surely you can see this system is rigged.

The reason for there being six more senators from the Liberal Party is that the crossbench has been cut by six - cut from 11 to five. The six eliminated senators, from political right to left, were David Leyonhjelm, Bob Day, Brian Burston, Peter Georgiou, Derryn Hinch and Tim Storer. The first four came from minor parties of the right. Hinch was a genuine independent and Storer was very much a senator from the left. So, the Liberal Party succeeded in getting six new senators to replace four very unreliable senators from minor parties of the right, an independent and a senator from the left. Why on Earth would the Labor Party vote for a pretend “democratic reform” designed to do that?

Clearly what is needed is a decent Senate electoral system. By “decent” I mean a system that would be fair to voters, fair between parties and fair between candidates. The present system is none of those things. How does one create fairness between parties? Simple. One changes from six to seven the number of senators elected at each half-Senate election. The total Senate numbers would rise from 76 to 88, while the size of the House of Representatives would rise from 151 to 175.

How does one create fairness between candidates? Again, simple – just get rid of above-the-line voting. It is not there to help voters. It is there to help the machines of big parties to manipulate the way people vote. The purpose of that manipulation is to ensure big parties get their senators elected in the “correct” order.

That manipulation is achieved by having four contrivances. They are the thick black line that runs through the Senate ballot paper, the party boxes above that line, the deceitful instructions to voters for the above-the-line vote and the deceitful instructions for the below-the-line vote. All four contrivances should be scrapped.

During the year 2021 I was less active on this front but on Wednesday 3 November I had the article below published in *Switzer Daily* under the title “Telling the Truth about Senate voting”. It was preceded by a recent photo of the Senate chamber

presided over by Slade Brockman. It was introduced with this comment: “Instructions regarding the Senate voting system from the AEC are at times deceitful and should be up for review.” The article reads as follows:

Readers of my articles in Switzer Daily would not be surprised to know that I interact quite a bit with officers of the Australian Electoral Commission. In recent times the officer with whom I’ve engaged the most has been Evan Ekin-Smyth, Principal Media Advisor and Director, Media and Digital Engagement.

For six years now I have been campaigning for reform of the Senate voting system. Among my many objections to the present system has been the ballot paper and especially these words: “You may vote in one of two ways, Either, Above the line, By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).” I assert that the purpose of those words (chosen by partisan politicians, not the AEC) is to deceive the voter into believing that your vote will be informal if you don’t do as instructed. Therefore, the instructions should be described as “deceitful”.

Recently Evan sent me a video on Senate voting that the AEC planned to use for educational purposes. He was inviting comment from stakeholders. I commend the AEC for doing this. It should educate the public and it should tell the truth, the whole truth and nothing but the truth. The video is filmed in the Senate chamber at Old Parliament House. It shows ballot papers, model ballot papers, people voting and the counting of votes. The speaker is a young woman I guess to be an employee of the AEC. This is what she says:

The Senate ballot paper is the biggest ballot paper that you’ll get in the election. In some states it is particularly big and over a metre long. You can expect to see an option to vote above the line and an option to vote below the line. If you vote above the line, you need to number at least six boxes. This means you are voting for parties or groups in the order of your choice. You may hear that it’s okay to vote in just one box above the line. Technically, that is correct. We will count your ballot paper even if you only numbered one box, but you have the ability to mark more boxes and we encourage you to do so.

The Senate is a house of review. It’s a really important chamber in Australian democracy. So, if you vote in only one box above the line it means you get a say in probably (about) three or, perhaps, four successful candidates, but if you vote for more you will get a greater say in all the people that sit in the Senate.

(At this point the video shows a model ballot paper with the numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the squares for individual candidates below the ballot dividing line.)

So, voting below the line means you are voting for individual candidates. In some ways, that means you don't have to vote for a particular party. You can vote for individual candidates across parties. If you vote for more candidates, you get a greater say in all the people that sit in the Senate. If you make a mistake – and it's easy to do in such a complex ballot paper – fold up the ballot paper you made a mistake on, give it back to the issuing officer and ask for a new one.

We instruct people to vote in accordance with the voting rules – not just because it is the rules but also because it enables you to get the maximum value out of your vote. It means you get a greater say in who sits in this really important chamber, and it means you have a greater impact on Australia's democracy.

My first reaction was to say to myself: "This is spin, of course, but I don't mind if the AEC tells the varnished truth so long as I can tell the unvarnished truth." Then I gave it more thought and decided to object. It should be done again.

First, the young woman should not say: "You need to number at least six boxes". It would be much better if she said: "You should number at least six boxes." You don't need to follow the deceitful instructions if you have a first preference for a party but think all the other parties are rubbish.

Second, I object to her saying: "Technically, that is correct." That is a gratuitous insult to me – as though I am engaging in mere technicalities. She should just say: "That is correct."

Third, the vote below the line is not adequately explained. The instruction is "Or, below the line, by numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)."

In fact, the AEC is required by law to count as a formal vote one which reads 1, 2, 3, 4, 5 and 6 between candidates – provided they are unique numbers and consecutive. That should be mentioned.

I make no demands in relation to my next two points. I just want to help the AEC to do a better video. First, after "We will count your ballot paper even if you only numbered one box" should be added: Indeed, we are required by law to do so". Second, instead of saying "The Senate is a house of review", a better statement would be: "The Senate is a fully-fledged house of parliament. Nothing can become an act of parliament without its agreement."

On Monday 28 February 2022 the letters page of *The Canberra Times* (page 15) carried this letter from Felix MacNeill of Dickson under the heading "Preferences not allocated". It reads:

John Warhurst's article "Greens could be collateral damage in indies' climate fight" (Canberra Times, February 24) repeatedly used the confusing phrase "allocate

preferences". That seemed to hark back to the old days of group voting tickets when you could simply vote one above the line for your preferred party and they would advise the Australian Electoral Commission how to allocate your preferences. At its worst, this had caused absurdities like "preference whispering", leading to the election of candidates with miniscule first preference votes.

This changed in 2016, with sensible legislation supported by the Greens, and now it is impossible for any party or individual candidate to "allocate" Senate preferences. Only the voter themselves can now do this by personally marking their ballot paper, though many voters still seem to be confused about the matter.

In order for a Senate vote to be formal, you must either number at least six boxes above the line or at least 12 below the line. That is the only information that determines how your preferences will be allocated. Of course, parties and candidates can still recommend how you should mark your preferences, through how-to-vote cards or advertisements. But that can never be more than a recommendation and the decision remains yours and yours alone.

On Wednesday 2 March my response to that article appeared on page 21, the letters page. The title given to my letter was "Information incorrect" and the letter reads:

In his letter of February 28, Felix MacNeill of Dickson erroneously states: "In order for a Senate vote to be formal, you must either number at least six boxes above the line or at least 12 below the line."

The correct position is expressed thus: "In order for a Senate vote to be counted as formal, you need only express a single first preference above the line or at least six below the line."

MacNeill is writing about the Commonwealth Electoral Amendment Act 2016, which he regards as a democratic reform. Wrong! That enactment replaced a bad system with another bad system. What is desperately needed is a genuine democratic reform. At least the old system was honest. The present system is dishonest.

The single most important element of what is needed is an honest, voter-friendly ballot paper. The present instructions must be scrapped. They are best described as "deceitful" and "manipulative".

There ended the controversy for the time being.

Half-Senate election 21 May 2022

Before readers study this section of my commentary, they are invited to study Appendix D on page 34 and Appendix E on page 35. Appendix D is the cover to the AEC pamphlet titled "Your official guide to the 2022 federal election: Saturday 21 May 2022". Appendix E is the fourth page of that pamphlet. It tells one truth (regarding the House of Representatives vote) and two lies (regarding the Senate vote). The heading "How to make your vote count" was an honest statement for the House of Representatives vote but a dishonest statement for the Senate equivalent. Voting above the line did not mean "you need to number at least 6 boxes" because one's vote counted if a single first preference were expressed. Voting below the line did not mean "you need to number at least 12 boxes" because a vote between candidates 1, 2, 3, 4, 5 and 6 was required by law to count as a formal vote.

Anyway, I noted above that on Monday 22 April 2019 I had an article published in *The Australian* titled "Shenanigans keep voters in the dark like mushrooms." I was not paid for it, but it gave me a national audience. The Opinion Editor then was Alan Howe.

Consequently, I set about doing just as well in 2022 and ascertained that the Opinion Editor was Jennifer Campbell with her "snail mail" address being GPO Box 4162 Sydney, NSW, 2001. More important, however, was her email address which was campbellj@theaustralian.com.au.

It seemed likely that I would get an article published in *The Australian*, but it not was not to be. I made the mistake of admitting to her that I wanted to get a similar article published both in *The Australian* and in *The Canberra Times*. Consequently, on Thursday 5 May I received this email from her:

I am withdrawing my offer to run your piece. I simply have too many pieces waiting in the wings, and it has become untenable. Sunday is the Liberal Party campaign launch and

the next leaders debate, so a whole new trajectory will kick off. I simply do not know if I will get your piece in, so it might be wise for you to go directly to The Canberra Times.

I took her advice and on Friday 6 May sent the following article to Andrew Thorpe, Opinion Editor of *The Canberra Times*:

The Australian Senate voting system is dishonest and voter-manipulative. It should be scrapped and replaced by a decent system. In doing so federal politicians should know that five states elect some of their politicians by systems of proportional representation (PR). The ACT elects every territory politician by PR. To give the Australian people a decent Senate system all the federal politicians would need to do is examine those state systems and copy some of their features.

As an academic of long standing, I am accustomed to marking things. Here are my marks for the seven PR systems: 85 per cent for Tasmania, 81 for ACT, 65 Victoria, 61 Western Australia, 58 New South Wales, 51 South Australia and a miserable 30 per cent for the Senate electoral system. It's that bad.

Since the Tasmanian and ACT Hare-Clark systems are thought to be identical readers may wonder why I give the ACT version "only" 81 per cent. I lack the space to explain why but my view is that a minor defect in the ACT version means it should get four marks lower than Tasmania's Hare-Clark which is the original and the best PR system in the world.

No state or territory would so demean itself as to copy the Senate voting system – and none has. The politicians of Victoria and Western Australia, while considering needed reform, have explicitly rejected the idea of copying federal legislation in this matter.

Explaining the dishonesty of the Senate system to ordinary voters is easy. Just look at the ballot paper which is voter-unfriendly but party machine friendly on steroids.

The ballot paper is divided by a thick black line with party boxes above that line and candidate boxes below. Above that ballot dividing line it says: "You may vote in one of two ways: Either, Above the line, By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)."

Then: "Or Below the line, By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)."

The Australian Electoral Commission (AEC) is required by law to count as a formal vote the expression of a single first preference for a party above the line or the expression of six consecutive preferences for candidates below the line, 1, 2, 3, 4, 5 and 6.

Once those facts are revealed to ordinary voters, they agree with me that both instructions should be described as "deceitful" and "manipulative", the words I use.

Ever since this system was legislated in 2016, I have been pestering politicians that they must scrap it and the AEC that it must administer the system honestly. Everyone has

listened to me politely, but I have had virtually no success with the politicians. Prior to October last year I had no success with the AEC.

Then in October 2021 I was sent a one-minute-long AEC educational video by Evan Ekin-Smyth, Principal Media Advisor of the AEC. I have played the video to many people. It should be played to every voter.

That video suggested to me the AEC might be prepared to go some way to meet me. So, I half-commend it, but my commendation is greatest for the fact that for the first time the AEC officially states that it will count as a formal vote the expression of a single first preference above the line.

My email to Evan welcomed this move, commended the video for its educational value but criticised it as “spin”, my word to which he strongly objected.

At the 2016 and 2019 elections I asked friends, neighbours and relatives to quiz polling officials about this. Let me give two examples from May 2019.

Both Angela of Campbell and Andrew of Isaacs voted Liberal. Both were given a short lecture by the polling official about voting under the new Senate system. “For the Senate you need to number at least six boxes above the line or at least 12 below the line. You can go further if you want.” That was the gist of the spiel.

Angela: “Look, I have been told on good authority that the AEC will count as a formal vote the expression of a single first preference above the line. Have I been informed correctly?” Official: “You’re not supposed to do that.” Angela: “I don’t care what I’m supposed to do. I want to vote for Zed Seselja and the Liberal Party and I don’t want even to think about all the other rubbish on this ballot paper if I don’t have to. Have I been informed correctly?” Official: “You have been informed correctly.”

Angela placed a single number 1 in Group A for the Liberal Party, as did her husband. Those two votes were counted as full first preference votes for Senator Zed Seselja. They knew that, contrary to AEC propaganda, there was no need to do more.

Andrew was given the same spiel. He asked the same question but was given a different answer. Official: “Whoever told you that was having a lend of you. See that sign in the booth: ‘Please read the instructions on your ballot paper. If you make a mistake, just ask a polling official for another ballot paper.’ When you read those instructions, you will understand that your vote would be informal if you mark only a single first preference.”

So, Andrew copied out six numbers from the party’s “how to vote Liberal” leaflet, but his vote for Seselja was of no more value than those of Angela and her husband. They knew the law. He believed the official and was fooled into thinking that the system is honest.

I was eagerly awaiting receipt in my letter box of “Your official guide to the 2022 federal election: Saturday 21 May 2022”. When it arrived I was bitterly disappointed.

Page 3 of the 2019 guide was shocking enough. It was pure AEC misinformation in which the Electoral Commissioner told two straight-out lies about Senate voting.

I thought I had persuaded the AEC to tell the truth this time. No such luck. The current guide, on page 4, gives the same misinformation and tells the same lies but changes the format in a sneaky way. It is worse. It is disgraceful propaganda for which the AEC should be ashamed.

Furthermore, the AEC gives the voter a “practice voting Senate” exercise to do. If the voter places a single “1” above the line it states: “Your vote would not be counted.” Another lie. It is required by law to be counted and the AEC cannot change the law.

Yet I remain hopeful the incoming parliament will listen to me and in 2025 give voters an honest ballot paper designed to help voters. The AEC would then tell the truth! Clearly it is not enough for me to beg the AEC to tell the truth.

The present ballot paper was concocted by the machines of big political parties for the purpose of giving a benefit to their machines.

In the name of “party unity” they have rigged the system to ensure that their senators are elected in the “correct” order, determined by the machines. They think (and the AEC thinks) that dishonesty is the best policy.

Before that article was published on Friday 20 May there was created a controversy in the letters page of *The Canberra Times*. On Friday 13 May this letter was published from Frank McKone of Holt under the heading “Voter confusion”:

Although we elect only two senators in the ACT, the Australian Electoral Commission insists, in its practice voting pages, that above the line we must number at least six boxes. There is no example for the territories. Is it correct for us to number at least two boxes above the line? And what is the minimum below the line? We have 23 candidates standing for two places.

On the following day, Saturday 14 May this letter of mine was published under the heading “AEC voting advice flawed”:

Frank McKone (“Voter confusion” Letters, May 13) correctly states that “the Australian Electoral Commission insists, in its practice voting pages, that above the line we must number at least six boxes”. He then goes on to ask: “Is it correct for us to number at least two boxes above the line?” The answer is “yes” because the AEC is required by law to count as a formal vote the expression of a single first preference above the line.

However, voters going to the AEC website will not get the correct answer. They will get instead this false statement: “Your vote would not be counted. Above the line. You need to number at least six boxes consecutively in the order of your choice above the line”.

By making that false statement the AEC has created the confusion to which McKone refers. Any voter wanting to know the truth should consult me, not the AEC.

On Wednesday 18 May, under the heading “Wrong advice on voting”, Peter Ellett of Scullin had this to say:

Two high profile independent candidates for the coming Senate elections threaten to undermine the cosy power sharing arrangements between the virtually identical Labor and Liberal camps. Could this be why the Australian Electoral Commission is trying to con ACT voters into allocating more preferences than they are legally required to?

On its website and “Official Guide” to the 2022 federal election, the AEC asserts that ACT voters for the Senate must fill in a minimum of six squares if voting above the line or 12 squares if voting below the line. As election expert Malcolm Mackerras has pointed out (Letters, May 14), this is false. Under sections 268A and 269 of the Commonwealth Electoral Act, you only need to fill in one or two squares above the line for your Senate vote to be valid or six squares below the line. So, why the anomaly?

Is the AEC corrupt or just incompetent? Meanwhile, voters looking for a change in this election do not need to allocate preferences to candidates they do not support.

The article I had sent to Andrew Thorpe, Opinion Editor, on Friday 6 May was published in the Opinion Page (page 52) on Friday 20 May, two weeks later and the day before polling. My original submission was cut in half and published by *The Canberra Times* under the heading “AEC should be honest about when they’ll count your vote” and reads this way:

The Australian Senate voting system is dishonest and voter-manipulative. It should be scrapped and replaced by a decent system. In doing so, federal politicians should know that five states elect some of their state politicians by systems of proportional representation (PR). The ACT elects every one of its territory politicians in such a way. To give the Australian people a decent Senate system, all the federal politicians would need to do is examine those state systems and copy some of their features.

As an academic of long standing, I am accustomed to ranking things. I rank Tasmania’s Hare-Clark system as the best such system in the country, followed closely by the ACT. There’s a drop off before the rest of the states, then the federal Senate electoral system comes in dead last. It’s that bad. No state or territory would so demean itself as to copy the Senate voting system – and none has. The politicians of Victoria and Western Australia, while considering needed reform, have explicitly rejected the idea of copying federal legislation in this matter.

Explaining the dishonesty of the Senate system to ordinary voters is easy. Just look at the ballot paper, which is voter-unfriendly but party-machine friendly on steroids. The ballot paper is divided by a thick black line, with party boxes above that line and candidate boxes below. Above the line it says: “You may vote in one of two ways: Either, Above the line, By numbering at least 6 of these boxes in the order of your choice (with number

1 as your first choice).” Then: “Or Below the line, By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).”

The Australian Electoral Commission (AEC) is required by law to count as a formal vote the expression of a single first preference for a party above the line, or the expression of six consecutive preferences below the line: 1, 2, 3, 4, 5 and 6. Once those facts are revealed to ordinary voters, they agree with me that both instructions could be described as deceitful.

Ever since this system was legislated in 2016, I have been pestering politicians that they must scrap it, and the AEC that it must administer the system honestly. Everyone has listened to me politely, but I have had virtually no success with the politicians.

In October 2021, I was sent a one-minute-long educational video by one of the AEC’s media advisers. I have played the video to many people. Every voter should see it. For the first time, the AEC officially states that it will count as a formal vote the expression of a single first preference above the line.

At the last two elections I asked friends, neighbours and relatives to quiz polling officials about this matter, to see if the proper information was filtering through. Let me give two examples from May 2019.

Both Angela of Campbell and Andrew of Isaacs voted Liberal. Both were given a short lecture by the polling official about voting under the new Senate system: “For the Senate you need to number at least six boxes above the line or at least twelve below the line. You can go further if you want.”

Angela: “Look, I have been told on good authority that the AEC will count as a formal vote the express of a single first preference above the line. Have I been informed correctly?” Official: “You’re not supposed to do that.” Angela: “I don’t care . . . Have I been informed correctly?” Official: “You have been informed correctly.”

Andrew was given the same spiel. He asked the same question, but was given a different answer. Official: “Whoever told you that was having a lend of you.” So, Andrew copied out six numbers from the party’s “How to vote Liberal” leaflet, but his vote for Seselja was of no more value than those of Angela and her husband.

I was eagerly awaiting receipt in my letter box of “Your official guide to the 2022 federal election: Saturday 21 May 2022”. When it arrived I was bitterly disappointed. It gives the same misinformation as in 2019 but changes the format in a sneaky way. It is worse.

Yet I remain hopeful the incoming Parliament will listen to me, and in 2025 give voters an honest ballot paper. The AEC would then tell the truth! Clearly it is not enough for me to beg them to do so.

My first post-election commentaries, June and July 2022

The election came and went and my next contribution to this debate occurred when every vote for both houses was counted, and every seat determined. So, my next comment was in *Switzer Daily* on Thursday 23 June in an article titled “Poor voting system gives Albo unexpected Senate control.” It was introduced with a photo of an empty Senate chamber. The article reads:

Back in the autumn of 2016 the Liberal Party entered into a Faustian pact with its arch enemy, the Greens political party. Jointly they would rig the Senate voting system in a way that would confer the maximum benefit on both parties. That was done under the guise of a “democratic reform” and implemented courtesy of the *Commonwealth Electoral Amendment Act 2016*, the worst piece of electoral law I have struck in my seventy years as a public psephologist.

Three elections later we can now see that the Greens reaped the entire set of benefits they could expect from the rig. Their plan was to win a Senate seat in each of the six states at two consecutive elections, increasing their number from the nine they had subsequent to the double dissolution of 2016 to the 12 they now have. The Greens won 10.2 per cent of the Senate vote in May 2019 and 12.7 per cent in May 2022. On the basis of that vote, they now have 12 senators out of 76, or 15.8 per cent of the senators.

Following the 2019 election it appeared that the Coalition had also gained a substantial benefit, as planned. Effectively Scott Morrison had control of the Senate during his term as prime minister. It was not an actual majority, but the Coalition was close enough that it had no trouble getting through the Senate any piece of legislation about which it was serious. The only bill dear to Morrison’s heart he could not get enacted was his Religious Discrimination Bill. It failed not because of Senate obstruction but because there was a revolt in his own party which meant he could not get it through the House of Representatives.

So, let me give the statistics for the Coalition during Morrison’s term, equivalent to the above statistics for the Greens in the present term. The Coalition had 36 senators out of 76, which is 47.4 per cent. It enjoyed that percentage of seats on the basis of a 35.2 per cent vote in 2016 and an even 38 per cent in 2019.

If everything had gone to plan the Coalition would now have 37 senators out of 76 or a cool 48.7 per cent of the seats. Three of the eight jurisdictions went to plan. New South Wales and the Northern Territory returned status quo results as planned. South Australia went brilliantly to plan for the Liberals. Nick Xenophon had thrown away his Senate seat to Rex Patrick who then proceeded to lose that seat to Kerryne Liddle, an indigenous businesswoman who was elected from third spot on the Liberal Party’s ticket. An Arrente woman who grew up in Alice Springs, Senator Liddle will be South Australia’s first indigenous federal MP.

The other five jurisdictions refused to go to plan for the Liberals. The Liberal Party lost a Victorian senator to the United Australia Party (Senator Ralph Babet), a Queensland

senator to the Greens (Senator Penny Allman-Payne), a Western Australian senator to Labor (Senator Fatima Payman), a Tasmanian Senate seat to Jacquie Lambie's party (Senator Tammy Tyrrell) and a seat in the ACT to a left-wing independent, David Pocock, who defeated Liberal incumbent Zed Seselja. So, the Coalition now has only 32 seats, or just 42 per cent of the senators. It was a disaster for the Liberal Party.

During Morrison's term as prime minister Labor had every reason to think this to be a bad system because it had only 26 senators out of 76, or 34.2 per cent. It still has only 26 senators – but every reason to be delighted with its position in the new Senate. The point is that the left will have a majority of senators. To Labor's 26 must be added 12 from the Greens and Pocock's vote, bringing it up to 39. And then there's Lambie and her mate, Tyrrell. During the last term Lambie supported the most important legislation put to the Senate by Morrison, so there's no reason to doubt she will be just as co-operative with Albanese, perhaps even more co-operative.

The coming parliament must reform this horrible Senate voting system. In my article on *Switzer Daily* of 3 November last year, "Telling the Truth about Senate voting" I expressed some optimism about that. Regrettably, I must tell readers that events have not supported my optimism. The fortunate position of the Albanese government in the new Senate may well mean that Labor too has a vested interest in keeping the system. That would mean all four big party machines may want to keep a bad system in place.

Furthermore, I have a problem with the Australian Electoral Commission. During the campaign for the July 2016 election, the May 2019 election and that of May 2022 the AEC's "education" of the Australian people consisted of telling two big lies. Unless something is done the AEC will go on, election after election, telling the same lies, to the cheers of politicians who want those lies to be told.

In case readers don't remember, let me remind you of the lies told by the AEC. The first is that for the above-the-line vote you need to number at least six boxes. The truth is that it is required by law that the expression of a single first preference above the line must be counted as a formal vote. The second lie is that for the below-the-line vote you must number at least 12 boxes. The truth is that a vote 1, 2, 3, 4, 5 and 6 for candidates below the line is required by law to be counted as a formal vote. So, you don't need to do the things the AEC claims you need to do. It's just that the AEC is happy to tell the lies the politicians want told and invent euphemisms to justify its behaviour. For example, the AEC justifies the deceitful and manipulative instructions on the Senate ballot paper by drawing a Jesuitical distinction between "the voting rules" and "the counting rules". So, the AEC says: "We instruct voters to vote in accordance with the voting rules" and that sounds fair enough until voters know that the counting rules are different. Meanwhile, the AEC does its best to ensure that voters don't know the counting rules. Polling officials must know the counting rules, but voters don't need to know them!

The unfortunate truth is that politicians are not interested in helping or serving ordinary voters. The voters are not there to be helped. Nor are they there to be served. The voters are there to be manipulated. And the AEC is no better than the politicians it serves. It claims to be an independent body, but its behaviour tells us that is not true.

The piece attracted two commenters. The first comment was from “marto” which reads: “OK Malcolm if this is incorrect and needs to be fixed and they have lied when we get the FED ICAC can we then get a submission to it and have it dealt with, or what other methods are there to get this corrected?”

Later came this comment from Nicholas Egan: ‘The distinction between “the voting rules” and “the counting rules” is in the actual legislation. The AEC has to follow the legislation and tell people to number at least 1-6. To do otherwise would be illegal unless the legislation is changed.’

Four hours after Nicholas Egan wrote that to “marto” he (“marto”) replied: “Right then Malcolm you need to read this from NE.”

On Friday 24 June Jonathan Perle added his opinion: “Excellent article Malcolm. Well said.”

I followed up that *Switzer Daily* article with another one that was published on the morning of Wednesday 13 July under the title “A challenge to my critics about the AEC.” It was introduced by a photo of AEC posters on “how to vote in a federal election.” The opening description was: “I stand by my view that the AEC voting system needs to be reformed.” The article reads:

My most recent article for *Switzer Daily* (“Poor system gives Albo unexpected Senate control”) has provoked more controversy than I expected, from “marto” and from Nicholas Egan. I’ll begin with “marto” who wrote: “OK Malcolm if this is incorrect and needs to be fixed and they have lied, when we get the FED ICAC can we then get a submission to it, and have it dealt with, or what other methods are there to get this corrected?”

The answer I give is that I have no intention to raise this with any federal ICAC for the simple reason that I have never accused the Electoral Commissioner, Tom Rogers, of corruption. I have merely accused him of telling lies. I did that first in a letter I wrote to him in October 2020 to which he gave me a courteous response that did not deny this assertion made by me: ‘First, we had the lies you told on page 3 of “Your official guide to the 2019 federal election: Saturday 18 May 2019”’.

In that letter I begged him not to tell the same lies in May 2022 as he had told in May 2019. There was a time subsequently when I thought he was willing to listen to me. My thinking expressed itself in my *Switzer Daily* article posted on November 3 last year and titled "Telling the truth about Senate voting". I am struck by the naivety of that article. I cannot imagine now why I ever thought the AEC would tell the truth when the politicians obviously wanted it to tell lies.

Nicholas Egan has written: 'The distinction between "the voting rules" and "the counting rules" is in the actual legislation. The AEC has to follow the legislation and tell people to number at least 1-6. To do otherwise would be illegal unless the legislation is changed.'

I have studied "Part XVI - The Polling" and "Part XVIII - The Scrutiny" of the *Commonwealth Electoral Act 1918* and can find no support for Egan's assertion. My challenge to him, therefore, is to cite chapter and verse to prove me wrong. Until he can do that, I say both the AEC and Egan have placed their interpretation on sections 239, 268A and 269 of the Act. Their interpretation is that the sections create a distinction between "the voting rules" and "the counting rules". Until he can meet my challenge, I say there are counting rules but no voting rules. What the AEC calls "the voting rules" I call "the deceitful and manipulative instructions on the ballot paper."

At all of the July 2016, May 2019 and May 2022 federal elections the AEC has hired polling officials who deal with voters. Those polling officials were instructed to say this to each elector collecting his or her ballot papers: "For the House of Representatives ballot paper, you need to number every square. For the Senate above-the-line vote you need to number at least six squares. For the Senate below-the-line vote you need to number at least 12 squares."

Most polling officials would see nothing wrong with that because they do not know the law. Their supervisors would know the law but would be instructed by the AEC. The fact, however, is that in complying with the duties given to them those polling officials were telling one truth and two lies. The truth related to the House of Representatives vote. It is not counted as a formal vote unless every square is numbered consecutively. The lies they were telling related to the two Senate options. Above the line the expression of a single first preference counts as a formal vote for the candidates of that party. Below the line a vote 1, 2, 3, 4, 5 and 6 counts as a formal vote. So, the voter does not need to do what the AEC claims the voter needs to do. Those who doubt me are invited to read the sections of the Act cited above.

If I had been the Electoral Commissioner, I would have instructed polling officials to ask each voter the questions required by section 229 to be asked. Rogers did that. However, unlike Rogers, I would have instructed polling officials not to advise voters on how to vote. I would have instructed them that,

if any question were asked by a voter, it be answered truthfully. I challenge Nicholas Egan to find for me the section of the Act making my behaviour illegal.

I noted above how naïve I was when last October I was sent that AEC video titled "Senate voting: Making the most out of your vote". It featured Kath, AEC Assistant Commissioner, telling the voter why he/she should follow the instructions on the ballot paper. Because it included a truth not previously acknowledged by the AEC, "like" was what I clicked – as did 21 other viewers. The truth was/is that the AEC is required by law to count as a formal vote the expression of a single first preference for a party above the line.

I now realise I should have clicked "dislike", but that is too weak a word. The video is spin. The lady wants you to believe that the Senate ballot paper was designed by principled democrats intent on empowering you, the voter. A fairy tale. The Senate ballot paper was concocted by the machines of big political parties to help them manipulate your vote through deceit.

Suppose Nicholas Egan is correct and can demonstrate that the law has required the AEC to behave as it has done – that would merely strengthen my resolve to do what I can to get this system reformed. Not a pretend "reform", but a principled democratic reform, as I now describe.

This system is unfair to voters in the ways described above. The first reform, therefore, must be to scrap the deceitful and manipulative ballot paper and replace it by an honest ballot paper in which it is made quite clear that vote which is counted as formal and that which is rejected as informal.

This system is unfair between parties because the number elected from the states is six and from the territories two. They are even numbers when odd numbers should be elected. The system should be made fair between parties by increasing the six to seven and the two to three. The size of the Senate, therefore, would rise from 76 to 90.

The best illustration of my point is the ACT. The normal distribution of the vote is 65 left and 35 right which gives the Labor and Liberal parties one senator each, 50 per cent representing 65 per cent and 50 per cent representing 35 per cent. The vote in 2022, however, was 70-30 in favour of the left, leaving the Liberal Party with no federal representation of any kind from the ACT.

I have written to the new Special Minister of State, Senator Don Farrell, presenting my democratic demands. My letter includes two model ballot papers acceptable to me headed "Election of 7 Senators". I plan to write to other politicians. In addition, I am working hard on my submission to the new Joint Standing Committee on Electoral Matters which, presumably, will be formed during the 47th Parliament.

Nicholas Egan did not respond to my challenge. In the meantime, on Thursday 7 July, I sent the following article to *The Canberra Times*, with the suggested title being “Re-considering the AEC Role in Recent Federal Elections”

Back on Friday 20 May, on the eve of the 2022 federal election, I had published in *The Canberra Times* an article titled “AEC should be honest about when they’ll count your vote”. In that article I accused the Australian Electoral Commission of being dishonest in the way it handled the Senate elections of July 2016 and May 2019, and I begged the AEC to handle the 2022 Senate vote honestly.

It is in the interests of Australian democracy that I now record my disappointment at the way in which my entreaties were dismissed. All the criticisms I recorded in respect of 2016 and 2019 I must now repeat for 2022.

Both the House of Representatives and Senate votes were counted meticulously and honestly on all three occasions. However, the difference between the two is that the House ballot paper is honest while that for the Senate is dishonest.

I could fall back to saying the politicians should receive the entire blame, but I cannot do that. The AEC is supposed to be an independent body. It could have acted in the interests of voters. It chose, instead, to act in the interests of the machines of big political parties.

The Senate ballot paper contains four contrivances unique to it. For no Australian lower house electoral system and for no Australian state Legislative Council system can the charge of dishonesty be levelled. Victoria’s needs reform but it is honest, nevertheless.

The four contrivances of the Senate ballot paper are the thick black line that runs through it, the party boxes above that line, the deceitful instructions for the above-the-line vote and the deceitful instructions for the below-the-line vote. None of those can be justified according to any democratic principle.

There are those who object to my word “deceitful”, but I stand by that word strongly. It is actually short for “deceitful and voter manipulating”. The point is that this ballot paper was drawn up by the machines of big political parties who have set out to manipulate how voters should vote. They have done that by deceit.

In October 2020 I wrote a letter to the Electoral Commissioner, Tom Rogers, in which I objected to page 3 of his information pamphlet “Your official guide to the 2019 federal election: Saturday 18 May 2019”. He gave me a courteous reply

in which he did not deny this comment by me: "First, we had the lies you told on page 3. . ." The lies to which I referred were: "For the Senate above-the-line vote you need to number at least 6 boxes. For the below-the-line vote you need to number at least 12 boxes."

They were lies because you did not need to do those things. It was (and still is) required by law that the expression of a single first preference ATL be counted as a formal vote. Likewise, a BTL vote 1, 2, 3, 4, 5 and 6 is required by law to be counted as a formal vote.

My main comment about the AEC conduct of the 2016 and 2019 elections was that outside staff were hired as polling officials and told that each voter must be asked certain questions. Fair enough. Section 229 of the Commonwealth Electoral Act requires those questions be asked.

It was the additional requirement to which I objected. Polling officials were told they must give a spiel following page 3, as cited above. In 2016 the justification was the fact of a new Senate voting system. In 2019 it was that this was the first half-Senate election to operate under the new system. All I ever requested was that in 2022 polling officials not be required to give that spiel but should answer questions truthfully if asked.

In October 2021 I received some encouragement. The AEC sent me a video titled "Senate voting: Making the most out of your vote". It featured Kath, AEC Assistant Commissioner, telling the voter why he/she should follow the instructions on the ballot paper. Because it told a truth not previously acknowledged by the AEC (the ATL truth stated above) I clicked "like", as did 21 other viewers.

But I soon came to realise I should have clicked "dislike". The truth about the ATL vote being counted as formal (stated above) was greeted with the comment: "Technically, that is correct". Although I was not named, I took the unnecessary additional word "technically" to be a gratuitous insult to me.

That video is spin. Kath wants you to believe that the Senate ballot paper was designed by principled democrats intent on empowering you, the voter. A fairy tale. The Senate ballot paper was concocted by the machines of big political parties to help them manipulate your vote through deceit.

My enquiries following polling day told me that the AEC rejected my simple request but was very cunning in doing so. In May 2022 polling officials were required to give the spiel in a different form, now being: "For the House of Representatives ballot paper, you need to number every box. For the Senate above-the-line vote you need to number at least 6 boxes. For the Senate below-the-line vote you need to number at least 12 boxes."

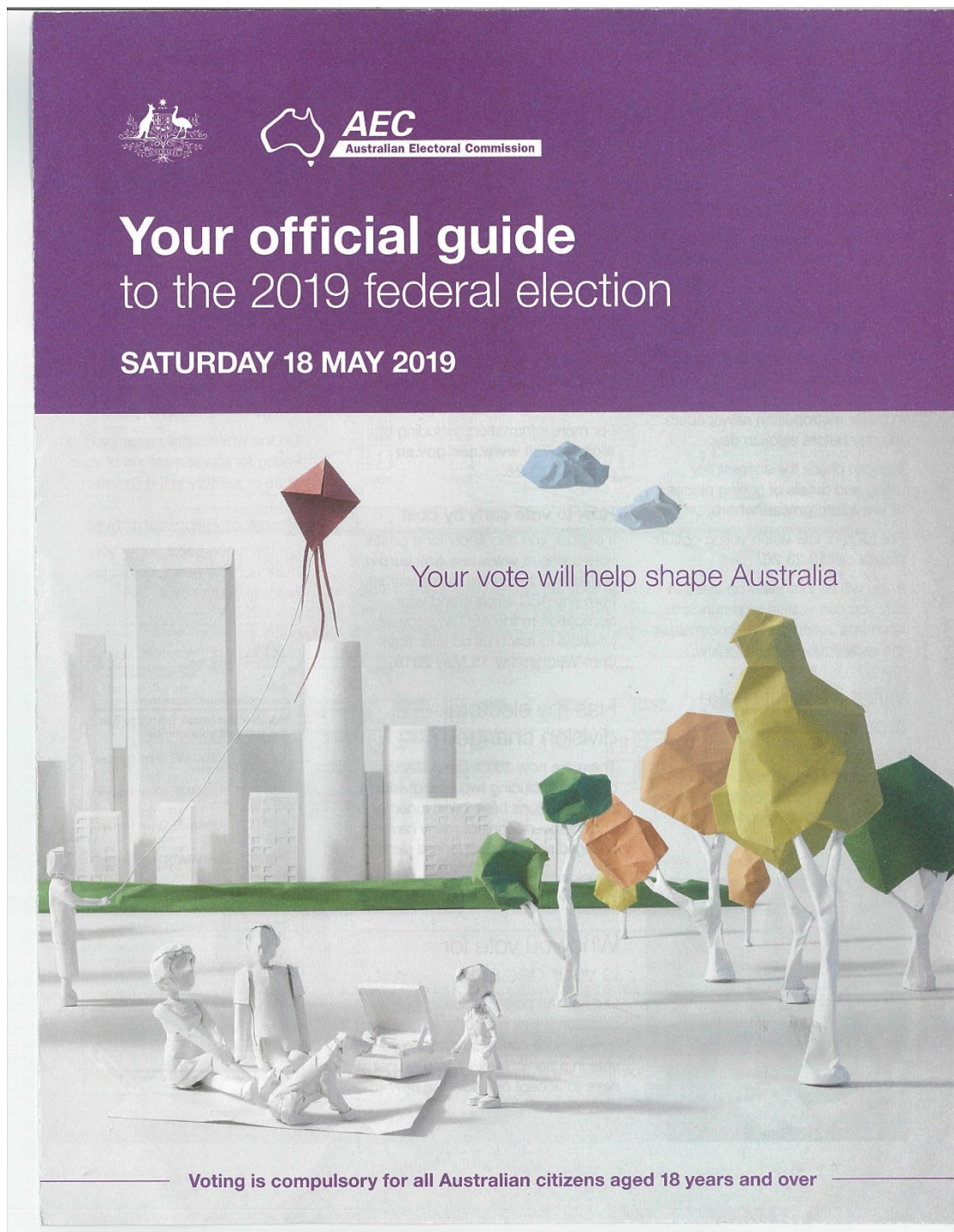
I have no doubt how the AEC would defend the addition of “For the House of Representatives ballot paper, you need to number every box.” They would point out that the House informal vote in 2019 was 835,223 (5.5 per cent) but in 2022 it was 802,337 (5.2 per cent). They would claim the addition of those words to the spiel bought that about.

In May 2022 voters were told one truth and two lies. When voters asked questions, some polling officials gave truthful answers. They were the ones who knew the law. Others told AEC lies. They were the ones who did not know the law.

During the coming 47th Parliament I intend to make certain democratic demands of federal politicians. Chief among those demands would be the scrapping of this disgraceful Senate ballot paper and its replacement by an honest voter-friendly ballot paper designed to my approval. Only then would I stop pestering politicians and AEC officials.

The article was not published – presumably because *The Canberra Times* judged the controversy had run its course. For the time being that is so – but it will arise again – and I’ll make sure the truth is told.

Appendix A



Appendix B

Election day is Saturday 18 May 2019.
Polling places open from 8am to 6pm sharp.

Where can I vote?

You can vote at any polling place in your state or territory on election day.

Polling places are usually located at local schools, churches and community halls, or public buildings.

To find your nearest polling place visit www.aec.gov.au/where. Details of polling places will also be published in major metropolitan newspapers the day before election day.

You can check the accessibility rating and details of polling places at www.aec.gov.au/where.

For blind or low vision voting options please call 13 23 26.

If you will be interstate on election day you can vote at a designated interstate voting centre, or consider the early voting options below.

What if I can't make it on election day?

If you can't make it to a polling place in your state or territory on election day, you may be eligible to vote early either in person or by post.



How to vote early in person

You can vote before election day at an early voting centre, with a mobile polling team, or at an Australian overseas voting centre.

Early voting centres open from Monday 29 April 2019. Opening dates and times vary, so visit www.aec.gov.au/where to check the details of each early voting centre.

For more information, including on eligibility, visit www.aec.gov.au or call 13 23 26.

How to vote early by post

If eligible, you can apply for a postal vote online at www.aec.gov.au/pva. Application forms are also available from any AEC office. Send your application to the AEC as soon as possible to reach us no later than 6pm Wednesday 15 May 2019.

Has my electoral division changed?

There are now 151 federal electoral divisions (including two new divisions). Some divisions have been renamed, and the boundaries of many have changed since the last federal election.

Check which electoral division you live in at www.aec.gov.au/electorate.

Who you vote for is your decision

Outside the polling place, candidate representatives may offer to give you how-to-vote cards, suggesting you vote in a particular way. You do not have to accept or follow the how-to-vote cards.

How to make your vote count

On election day you will receive **two ballot papers**:

- a green one for the House of Representatives, and
- a white one for the Senate.

You must complete both ballot papers.

On the green ballot paper you are voting for a representative of your local area or electorate in the House of Representatives.

On the white ballot paper you are voting for representatives of your state or territory in the Senate.

House of Representatives

On the green ballot paper you must number **every box** in the order of your choice.

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2	SURNAME, Given Names INDEPENDENT
3	SURNAME, Given Names PARTY
7	SURNAME, Given Names PARTY
4	SURNAME, Given Names PARTY
1	SURNAME, Given Names PARTY
5	SURNAME, Given Names PARTY
6	SURNAME, Given Names PARTY
8	SURNAME, Given Names PARTY

Remember... number every box to make your vote count

SAMPLE

Sample ballot paper

Appendix C

Senate

On the white ballot paper you have a choice of two ways to vote:


EITHER


Above the line

If you choose to vote above the line, you need to **number at least 6 boxes**.

Put the number '1' in the box for the party or group that is your first choice, a '2' for your second choice and so on until you've numbered at least 6 boxes.

You can continue to place numbers in the order of your choice in as many boxes above the line as you like.











 Senate Ballot Paper
State – Election of 6 Senators



You may vote in one of two ways

Either

Above the line
By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).

A	B	C	D	E	F	G
		  			  	
5	2	1		3	6	4
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	
























OR

Below the line

If you choose to vote below the line, you need to **number at least 12 boxes**, from 1 to 12, for individual candidates in the order of your choice. You can continue to place numbers in the order of your choice in as many boxes below the line as you like.

Or

Below the line
By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	UNGROUPED
 SURNAME Given Names PARTY	8  SURNAME Given Names PARTY	 SURNAME Given Names PARTY	6  SURNAME Given Names PARTY	10  SURNAME Given Names PARTY	 SURNAME Given Names PARTY	4  SURNAME Given Names PARTY	 SURNAME Given Names INDEPENDENT
1  SURNAME Given Names PARTY	5  SURNAME Given Names PARTY	3  SURNAME Given Names PARTY	 SURNAME Given Names PARTY	9  SURNAME Given Names PARTY	11  SURNAME Given Names PARTY	 SURNAME Given Names PARTY	7  SURNAME Given Names INDEPENDENT
 SURNAME Given Names PARTY	 SURNAME Given Names PARTY	2  SURNAME Given Names PARTY	12  SURNAME Given Names PARTY			 SURNAME Given Names PARTY	 SURNAME Given Names INDEPENDENT
	 SURNAME Given Names PARTY						

SAMPLE

Sample ballot paper

Don't worry if you make a mistake. You can ask for another ballot paper and start again.

Did you know you can practise voting on the AEC website? Go to www.aec.gov.au/practise-voting

Appendix D



Appendix E

How to make your vote count

On election day you will be given two ballot papers, a small green one for the House of Representatives, and a large white one for the Senate. **You must complete both ballot papers.** On the green ballot paper, you are voting for a representative of your local area or electorate in the House of Representatives. On the white ballot paper, you are voting for representatives of your state or territory in the Senate.

House of Representatives

On the green ballot paper, **number every box** in the order of your choice.

House of Representatives
Ballot Paper

State
Electoral Division of Division Name

Number the boxes from 1 to 8 in the order of your choice

2	SURNAME, Given Names INDEPENDENT
3	SURNAME, Given Names PARTY
7	SURNAME, Given Names PARTY
8	SURNAME, Given Names PARTY
1	SURNAME, Given Names PARTY
5	SURNAME, Given Names PARTY
6	SURNAME, Given Names PARTY
4	SURNAME, Given Names PARTY

Remember... number every box to make your choice.

SAMPLE

Sample ballot paper

Don't worry if you make a mistake.
You can ask for another ballot paper and start again.

Senate

On the white ballot paper, you have a choice of two ways to vote:

EITHER

Above the line

If you choose to vote above the line, you need to **number at least 6 boxes.**

Put the number '1' in the box for the party or group that is your first choice, a '2' for your second choice and so on until you've numbered at least 6 boxes. You can continue to place numbers in the order of your choice in as many boxes above the line as you like.

Senate Ballot Paper
State - Election of 6 Senators

You may vote in one of two ways

Above the line
By numbering at least 6 of these boxes in the order of your choice with number 1 as your first choice.

5	2	1		3	6	4
PARTY	PARTY	PARTY	PARTY	PARTY	PARTY	PARTY

Sample ballot paper

OR

Below the line

If you choose to vote below the line, you need to **number at least 12 boxes**, from 1 to 12, for individual candidates in the order of your choice. You can continue to place numbers in the order of your choice in as many boxes below the line as you like.

Below the line
By numbering at least 12 of these boxes in the order of your choice with number 1 as your first choice.

8	6	10	4	7
SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY
1	5	3	9	11
SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY
	2	12		
SURNAME, Given Names PARTY	SURNAME, Given Names PARTY	SURNAME, Given Names PARTY		

Sample ballot paper



Did you know you can practise voting on the AEC website? Go to aec.gov.au/practise