

**From:** [Frank Rayner](#)  
**To:** [Committee, EM \(REPS\)](#)  
**Subject:** Electoral Fraud - Rigging of the Ballot Paper Draw (By-passing the double blind draw in front of an audience)  
**Date:** Friday, 27 December 2013 3:06:22 PM

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To the Secretariat,  
Joint Standing Committee on Electoral Matters,

Dear Sirs,

I make the following submission to your Committee as a concerned citizen. I am not a member of any political party or activist group. I have not made the following submission or any version of it to either Committee Members or to the Committee in the the past (as I was not aware of its existence) though some Committee members may have heard of my research from other sources as I have widely circulated my research in 2011 through the media (unpublished), academia & political candidates who were adversely affected.

The thrust of my submission (relating mainly to the House of Reps) is that in select key marginal seats the candidate ballot paper draws have been rigged to favour one candidate over their key rival. I appreciate that the ballot paper order draw is conducted in front of a viewing audience with a double blind draw however when a controlled ball is used and it is illegal for the public to touch it let alone break it open, the exercise becomes nothing more than a magic show.

This fraud is about garnering the donkey vote, either directly (being at the top of the ballot paper) or more usually indirectly (simply by being higher than the key opponent on the ballot paper in full preferential voting). Different people have different views on the value of the donkey vote. A TV presenter (Antony Green) believes it is less than 1% of the vote. In a series of emails with an analyst in Canberra (Malcolm Mackerras) he took the view that for the 2010 federal election it was worth 1.2%. In my view the donkey vote in that election varied from .8% in high profile marginal seats to 1.5% for seats that pre-election had not been seen as marginal.

### 2010 Federal Election (Precursor to 2013) – New South Wales only

It was the widespread nature of the fraud in New South Wales in the 2010 federal election favouring the ALP that first drew my attention to the problem (where it took me almost a year to understand what happened). The ballot draws had been rigged in some 18 to 20 NSW federal House of Rep seats. If the two uncertain are removed (which are themselves interesting but don't add much) then the 18 rigged seats were the 18 most marginal NSW ALP held seats at the time of the 2010 federal election.

Of those 18 seats three (Robertson, Greenway & Lindsay) were won by the ALP by a margin of less than 1.2%. A fourth seat, Greenway, was won by a margin of less than 1.5% and it had been a safe seat where the donkey vote would have been higher.

The rigging wasn't all about ALP versus the Coalition. In seats such as Grayndler & Sydney the ALP members got above the Green candidates who were their main rivals for those marginal seats. In three of those 18 marginal ALP held seats the ballots were rigged against the ALP members (and I know this due to common statistically non-random events). Those three seats initially hampered my research because of my lack of political knowledge and it took some time to understand what was happening.

Of the 18 most marginal NSW ALP seats held, the three in which the ALP members did not get the benefit of the donkey vote were:

Richmond (northern NSW) held by J. Elliott, a member of the ALP's left faction;  
Kingsford Smith then held by P. Garrett, unaligned to any ALP faction; and  
Dobell then held by C. Thompson, a member of the ALP right faction.

According to a newspaper report (which I haven't verified) there had been a split in the 2010 pre-selection for Dobell between the sitting member of the Right (C. Thompson) and support for a challenger, also from the ALP Right. Based on the way the balls fell, it seems that the mind behind the 2010 rigging of the ballot papers supported the NSW ALP, but didn't like the ALP left, unaligned or C. Thompson! (This sort of narrows down who we are talking about). As a sidepoint, I do not believe that ALP Member candidates were directly involved, in that in at least one case the sitting ALP member was not even at the draw.

As noted earlier, it is pretty clear that a single controlled ball was used in each of the rigged ballots. Generally it was allocated to the candidate they didn't want to win, and that ball would in effect be held back until the ALP candidate ball was drawn out and then the controlled ball could come out anytime after that.

Example: Controlled ball is numbered 3. Candidate you want to win is Mr R.  
Candidate to lose is Miss L.

First blind draw (in front of the audience) Ball 3 is held back until Miss L's name comes up, and then ball 3 comes out. (Moot as to what Mr R got).

Second blind draw is conducted: Ball 3 is held back until Mr. R's ball is drawn. Then somewhere amongst the remaining balls, ball 3 comes out.

Thus Mr. R's name is listed higher on the ballot paper than Miss L and Mr. R gets the donkey vote of, say, 1.2%.

It is illegal for anyone other than AEC staff to touch Ball 3. Even if someone did act illegally and break it open and it was different, what could anyone do?

Please advise if you want detailed information on the above matters (specifics of affected seats etc). I do not have direct information on the fraud described above, though it is clear what happened when you know what you are looking at.

### **2013 Federal Election – Australia House of Reps & Senate**

With the 2013 Federal Election I was taking a similar research approach, though with a stronger idea of what I was looking for.

In NSW & Victoria the ALP got an edge in marginal seats (mainly in Victoria), but it was nowhere near as widespread as it was in NSW in 2010.

#### **NSW**

It still occurred, but at a smaller more subtle level. After the Coalition announcement that it was putting the Greens last, in NSW both A. Albanese (Grayndler) and T. Plibersek (Sydney) (both members of the ALP left faction) were slotted into last place on the ballot papers. Factional issues clearly came into play in the ballot paper draw given that both seats were in effect safe ALP seats as a result of the Coalition announcement.

#### **QLD, SA & WA**

The big event in 2013 occurred in Queensland, South Australia & Western Australia and it benefited the LNP rather than the ALP.

In Queensland the 11 most marginal seats held by the LNP all had the donkey vote go to the LNP over their ALP rivals.

In Western Australia the 4 most marginal seats held by the LNP all had the donkey vote go to the LNP over their ALP rivals.

In South Australia, all three marginal seats (2 held by the LNP, 1 held by the ALP) had the donkey vote go to the LNP over their ALP rivals.

The electoral fraud in these three states seems unsophisticated with no real attempt to cover the fraud (unlike NSW 2010). My guess on this is that there has been some form of unofficial square up for 2010. The key aspect for 2013 was that Kevin Rudd was hoping to win seats in Queensland to make up for expected loses in New South Wales. That the donkey vote went against Kevin Rudd in every single seat he was hoping to win in Queensland virtually guaranteed his loss of the 2013 federal election as soon as the ballot draw had been done.

#### **Senate – NSW**

in October 2013 the AEC had put out a circular relating to the situation in respect of D. Leyonhjelm on two aspects on the NSW Senate Ballot paper on:

1. The similarity of his party name (Liberal Democratic Party) to the Liberal Party; and
2. The positioning of his party in first place on the ballot paper.

Whilst the AEC has sought to downplay his first spot on the ballot paper due to both the double blind draw and the audience, clearly I do not find such comments reassuring, particularly as I had been speculating in emails several months earlier about any possible benefits of the donkey vote on the Senate ballot paper.

Whilst the AEC may believe that D. Leyonhjelm won first spot purely on random luck, I believe that it is just as likely that his win was an unsuccessful attempt to take out Senator A. Sinodinas. By allocating a controlled ball to the Liberal Democratic Party and putting it in first place, there was a real prospect of pulling significant votes from the NSW Liberal Party (and cost Senator Sinodinos his third spot). Clearly if this was the case it backfired in that the NSW Coalition took three Senate seats and there is some suggestion that D. Leyonhjelm may lean to the right of politics instead of the left.

I am not saying that this definitely happened as there is insufficient evidence to support that possibility. I am merely saying that this is as likely as a random draw on the NSW Senate ballot paper as promoted by the AEC.

Should the Committee require any further information on this submission (which is somewhat simplified & condensed due to the complex nature of the research) please do not hesitate to contact me. Unfortunately, given the criminal nature of the activity that I am saying has taken place I am uncertain on defamation laws in the context of any such submissions.

Yours sincerely

Frank Rayner

P.S. As I have not previously made any submissions to the Committee, would you please acknowledge receipt of this email.

2013 Australian Electoral Pendulum  
(By State, Plus or minus 7%)

	Held by: (2 Party only)	Donkey Vote won by: Seats +/- 7%
<b><u>NEW SOUTH WALES</u></b>		
Paterson (NSW)	LIB 5.3%	ALP
Gilmore (NSW)	LIB 5.3%	ALP
Hughes (NSW)	LIB 5.2%	ALP
Bennelong (NSW)	LIB 3.1%	ALP
Macarthur (NSW)	LIB 3.0%	LNP
Macquarie (NSW)	LIB 1.3%	LNP
Greenway (NSW)	ALP 0.9%	LNP
Robertson (NSW)	ALP 1.0%	LNP
Lindsay (NSW)	ALP 1.1%	ALP
Banks (NSW)	ALP 1.5%	ALP
Reid (NSW)	ALP 2.7%	ALP
Page (NSW)	ALP 4.2%	LNP
Eden-Monaro (NSW)	ALP 4.2%	LNP
Parramatta (NSW)	ALP 4.4%	ALP
Dobell (NSW)	ALP 5.1%	ALP
Kingsford Smith (NSW)	ALP 5.2%	ALP
Werrriwa (NSW)	ALP 6.8%	LNP
Barton (NSW)	ALP 6.9%	LNP
Richmond (NSW)	ALP 7.0%	LNP

<b><u>VICTORIA</u></b>		
Goldstein (VIC)	LIB 6.0%	ALP
Wannon (VIC)	LIB 5.7%	ALP
Higgins (VIC)	LIB 5.4%	LNP
McMillan (VIC)	LIB 4.2%	LNP
Casey (VIC)	LIB 1.9%	ALP
Dunkley (VIC)	LIB 1.1%	ALP
Aston (VIC)	LIB 0.7%	ALP
Corangamite (VIC)	ALP 0.3%	ALP
Deakin (VIC)	ALP 0.6%	LNP
La Trobe (VIC)	ALP 1.7%	LNP
Chisholm (VIC)	ALP 5.8%	ALP

2013 Australian Electoral Pendulum  
(By State, Plus or minus 7%)

	Held by: (2 Party only)	Donkey Vote won by:
<b><u>QUEENSLAND</u></b>		
Fairfax (QLD)	LNP 7.0%	LNP
Dickson (QLD)	LNP 5.1%	LNP
Leichhardt (QLD)	LNP 4.6%	LNP
Fisher (QLD)	LNP 4.1%	LNP
Flynn (QLD)	LNP 3.6%	LNP
Bonner (QLD)	LNP 2.8%	LNP
Dawson (QLD)	LNP 2.4%	LNP
Herbert (QLD)	LNP 2.2%	LNP
Longman (QLD)	LNP 1.9%	LNP
Forde (QLD)	LNP 1.6%	LNP
Brisbane (QLD)	LNP 1.1%	LNP
Moreton (QLD)	ALP 1.1%	ALP
Petrie (QLD)	ALP 2.5%	LNP
Lilley (QLD)	ALP 3.2%	LNP
Capricornia (QLD)	ALP 3.7%	ALP
Blair (QLD)	ALP 4.2%	ALP
Rankin (QLD)	ALP 5.4%	ALP
Oxley (QLD)	ALP 5.8%	LNP
<b><u>WESTERN AUSTRALIA</u></b>		
Cowan (WA)	LIB 6.3%	ALP
Stirling (WA)	LIB 5.6%	LNP
Swan (WA)	LIB 2.5%	LNP
Canning (WA)	LIB 2.2%	LNP
Hasluck (WA)	LIB 0.6%	LNP
Brand (WA)	ALP 3.3%	ALP
Fremantle (WA)	ALP 5.7%	LNP
Perth (WA)	ALP 5.9%	ALP
<b><u>SOUTH AUSTRALIA</u></b>		
Sturt (SA)	LIB 3.6%	LNP
Boothby (SA)	LIB 0.6%	LNP
Hindmarsh (SA)	ALP 6.1%	LNP
<b><u>TASMANIA</u></b>		
Bass (TAS)	ALP 6.7%	LNP
<b><u>NORTHERN TERRITORY</u></b>		
Solomon (NT)	CLP 1.8%	ALP
Lingiari (NT)	ALP 3.7%	CLP

**ACT**

Nil in +/-7% range

**Total** 37 25