LARGEST REMAINDER

(Not quite Quota Notes)

In this issue

Introduction

Between the 2nd and 3rd issues of Largest remainder we've had a feast of elections! The A.C.T., the U.S. and New Zealand. While we cringe at the appalling electoral system(s) practised by the world's largest democracy, we can be proud of the A.C.T.'s, the adoption of which was an achievement of the PRSA and others.

MMP (as practiced in Germany and New Zealand) has been receiving some attention. How does MMP compare with PR as we know it? Stephen Lesslie looks at the NZ election from both points of view.

If you would like to join the PRSA (NSW) there is a membership form with this newsletter.

If you do not wish to receive Largest Remainder please let us know at president@electoralreformaustralia.org.

Annual General Meeting, Monday 13 October 2008

This year's AGM was notable for awarding life memberships of the NSW Branch to John Webber and John Alexander, two stalwarts of the PRSA.

The Committee for 2008/09 comprises Susan Gregory (President), Stephen Lesslie and Marc Rodowicz (Vice Presidents), Patrick Lesslie (Secretary/Treasurer), John Baglin, John Webber, John Alexander, Jean Alexander and Marian Lesslie (Committee members)
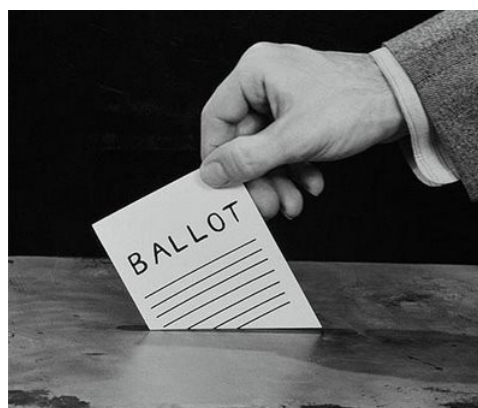
General Meeting, Monday 13 October 2008

The general meeting which followed the AGM involved discussion of the 2008 local government elections. It was resolved that the Branch write to the Minister for Local Government on a number of issues. That letter follows.

Letter to the Minister for Local Government

21 November 2008
Dear Minister,

The Proportional Representation Society of Australia (NSW) believes that the 2008 elections for Local Government were flawed and in some cases undemocratic.

We ask for a major revision of the provisions governing the election of Mayors and Councillors to local government.

We believe that there are six major causes for concern.

1. Method of Election of Popularly elected Mayors

The Problem:

Under current legislation a popularly elected Mayor is automatically elected to a councillor position. The votes initially cast for the Mayor – usually the leader of their team on the ballot paper for councillor positions – are then distributed starting from their second preference. In councils with a ward structure this invariably means that the Mayor's team unfairly gains one extra place on the council and undermines the principle of one vote one value.

Even in councils where there are no wards, the composition of the council can be distorted. For example, in the City of Sydney election there were nine councillor positions to be filled; a quota for election was 10%. The Mayor's team elected five councillors out of nine, the fifth elected only because the Mayor had been taken out of the councillor ballot. With the Mayor automatically given an uncontested position the result is six out of ten. Had the Mayor been required to win a councillor position in her own right, a quota for election would have been 9.09%. The Clover Moore Independents would have won only five out of the ten positions available. The tenth councillor elected would have been the second Labor candidate.

The mathematics is simple – it is easier to win five out of nine (and get a free position) than six out of ten – but the result does not accurately reflect the choice of the voters.

A similar result occurred in Manly Council where the Liberal Party, lead by the popularly elected Mayor Jean Hay, won five of the eleven councillor positions available giving her, with her uncontested position, six out of twelve and control of the Council. Had Cr Hay been required to win a councillor position in her own right, the twelfth and last position would have been won by the second Greens candidate.

Again the mathematics is simple. It is easier to win five out of eleven and get the free councillor position, than it is to win six out of twelve.

In Manly the Liberal Party gained 37% of the vote, 50% of the council, and 100% of the control.

With more and more councils moving to the popular election of Mayors this problem is going to occur more often.

The Solution

The PRSA (NSW) believes that no one should be elected as Mayor unless they are first elected as a councillor. To be elected as Mayor requires 50% of the vote. Election first as a councillor, requiring a much smaller percentage, would be almost automatic for an aspiring Mayor at the head of their team.

Put simply, the ballot for councillors should be counted and finalised first. The ballot for popularly elected Mayor should be counted next with the candidates who have not been elected as councillors ineligible to win the ballot. In practice, the two counts can be carried out simultaneously.

2. Wards electing only Two Councillors

The Problem

Some councils, particularly Botany Bay and Ku-ring-gai, have a ward structure in which only two councillors are elected from each ward. In these councils the method of election of the councillors is by preferential voting; it is in fact a winner-take-all voting system.

In each of the four wards contested in Ku-ring-gai, both councillors were elected from the same team. The ballot was uncontested in the fifth ward, perhaps showing that potential independent and minority party candidates realised the futility of attempting to win a seat.

In Botany Bay all three wards were uncontested.

This method of election was also used in Wollongong and Shellharbour and is likely to have contributed to the problems associated with the necessity to dismiss these councils and appoint administrators.

In councils made up of two member wards, up to fifty percent of the voters in any ward may be unrepresented. This can lead to voters becoming alienated and resentful. In these winner-take-all wards it is the voters who lose.

The Solution

All councils should be elected by proportional representation. This is the most democratic method of election and helps ensure that both majority and minority views are represented on the council.

Both Botany Bay and Ku-ring-gai should be re-constructed so that councillors are elected from an undivided council at the 2012 local government elections. Voters may be given the opportunity to vote in a referendum for a different ward structure, provided it meets proportional representation principles, but only after they have had the opportunity to observe the benefits of a truly democratically elected council.

3. Abolition of Above-the-Line Voting and the Introduction of Optional Preferential Voting

The Problem

(i) Above-the-Line Voting

Above-the-line voting undermines the principle that voters should be able to freely choose their representatives.

It also contributes to a high exhausted vote which can lead to the election of candidates who failed to reach a quota.

In Canada Bay, where the quota for election is 11.1%, the Labor Party received 40.3% of the vote. This amounts to 3.6 quotas and, had the ALP candidates been able to share these votes evenly, they would have received 0.9 quotas each. Each candidate would then have beaten the final councillor

elected who received only 0.67 quotas. Such an even split among candidates is, of course, unlikely, but it is impossible with above-the-line voting.

A close analysis of the local government results would show that in most councils the last candidate elected would have been elected without a quota.

(ii) Introduction of Optional Preferential Voting

The compulsory numbering of preferences in local government is unnecessary and leads to a high informal vote. The argument that it is necessary to give preferences to more than one candidate to minimise exhausted votes is false. The recent ACT elections, where a single 1 is a valid vote, demonstrate that nearly all voters will give preferences to all the candidates within the party group they wish to support. Most will without compulsion, and despite having to find a new group and column, continue their vote to other groups and candidates.

The advantage of fully optional preferential voting is that, although the exhausted vote is marginally increased, the informal vote is greatly reduced. Consequently, more voters have participated meaningfully in the election.

The number of candidates contesting local government elections will also be reduced. Parties and groups will no longer need to include candidates who can not be elected, and in many cases do not want to be elected, just so that they have sufficient candidates to ensure that their supporters' votes will not be declared informal.

The Solution

Abolish above-the-line voting and adopt the ACT model. Voters are advised to vote for as many candidates as there are positions to be filled, but allow any vote with a no.1 to count as a formal vote.

4. Introduction of the Robson Rotation

The PRSA (NSW) recommends that the Robson Rotation be used in order to ensure

that voters are given every opportunity to elect the best candidates. The Robson Rotation is the method used in both the Tasmanian and ACT legislative assembly elections and ensures that the order of candidates on a ballot paper is randomised.

Use of the Robson rotation means that no one gains any advantage or disadvantage from their position on the ballot paper, or position relevant to a popular candidate, and evens out the effects of donkey voting

The Robson rotation also enables the major parties to share their votes within a group and lessens the likelihood that marginal candidates will be elected.

5. Abolition of By-Elections and the use of Count Back to Replace Councillors

The Problem

The use of by-elections to replace councillors who have resigned or died is contrary to the principles of proportional representation. In the initial election the vacating candidate only needed to win a quota (normally 7.7% - 25%) to gain election. In a by-election, however, a candidate needs to win 50% of the vote. The result is that the majority party gains another councillor, sometimes at the expense of a minority party. The council then does not accurately represent the community that voted it in.

The Solution

The Australian Senate and the NSW Legislative Council, both of which are elected by proportional representation, have systems in place to avoid by-elections and ensure that vacating Senators and Legislative Councillors are replaced by members of their own party.

Because of the more informal nature of local government, the PRSA (NSW) recommends that a count back system be used to fill casual vacancies in councils.

With count back the quota that originally elected the councillors is re-examined to determine which candidate is most acceptable to the supporters of the

original councillor. Count back has been used successfully in Tasmania for many years.

We also recommend that in cases where a popularly elected Mayor dies or resigns, the Mayor's councillor position be filled by count back and that for the remainder of the Council term the Mayor be elected by the councillors on an annual basis.

The use of count back eliminates the need for expensive by-elections and maintains the voice of minority interests on the council.

7. Use of the Gregory Method of Transfers

The Problem

In NSW local government elections the procedure for transferring surplus votes of elected candidates incorporates a random selection of votes. This introduces an element of chance into the election and can cause the result of an election to be called into doubt.

In the election for Manly Council, the sixth Liberal candidate defeated the second Greens candidate by only six votes out of a total vote of almost 16,000. The successful candidate was elected after four sets of random transfers. In elections as close as this the loser can feel aggrieved and the winner always has a pallor of illegitimacy hanging over their win.

Such uncertainty is unnecessary, as the Gregory method for transferring votes gives each vote a transfer value and removes any element of chance.

Elections for the Tasmanian House of Assembly have always used this method, despite each electorate having approximately 40,000 voters. Computers make the application of the Gregory transfer very easy.

The Solution

The use of the Gregory method for transferring surpluses would eliminate any uncertainty. All elected candidates can be confident that they have a genuine mandate.

The PRSA (NSW) hopes that you will

view its suggestions favourably. We believe that their application will greatly benefit democracy in NSW local government.

Our representative(s) are available for consultation if you or your advisers require any further information on the matters raised.

Yours etc.

PRSA (NSW)

MMP, STV and the New Zealand election, by Stephen Lesslie

New Zealand went to the polls on Saturday 8 November 2008 to elect their fifth Mixed Member Proportional (MMP) Parliament.

The result is a win for the National Party which gained 58 seats, and, with the support of the five members of the right wing ACT (Association of Consumers and Taxpayers) Party, will be able to form a government. (For the complete figures, see **Table 1** on page 7.)

The result gives an accurate party breakdown of national support for the three parties (National, Labour and Green) that were able to pass the 5% threshold, but gives a distorted result for parties that did not reach 5%

Points to Consider

1.   ACT New Zealand gained five seats although they only received 3.65% of the national vote. Rodney Hide, the leader of the party, won an electorate seat. This electorate win entitles them to 3.65% of the seats in the Parliament despite being below the 5% threshold. Therefore they gain four members from the party list. The author believes that the electorate win for ACT was contrived. The electorate vote for Hide was 21,102 whilst his ACT party's list vote was 2,389. Compare this with the National Party electorate vote of 8,220 and a list vote of 24,030. The losing National Party candidate

was subsequently elected to Parliament from the National Party list!!

2.   The Maori Party, although it only gains 2.39% of the vote, wins five of the seven dedicated Maori electorates. Its vote would have entitled it to three seats but it keeps all five seats and the parliament is expanded to 122; these are the two overhang seats.

3.   New Zealand First received 4.07% of the vote but because it failed to reach 5%, and no member of the party won an electorate seat, the party does not win any seats in Parliament. Had there been no threshold (or even a 4% threshold) the party would have been entitled to five seats. Because there are no second preferences under MMP their 95,356 voters are disenfranchised.

4.   Similarly eleven other parties totaling 58,105 voters (2.47%) which also failed to reach the 5% quota are disenfranchised.

New Zealand's results using STV

The STV model proposed here is modeled on the system currently used for Australian Capital Territory elections. It incorporates the Robson Rotation and is a fully optional preferential voting system. Any tick or cross is considered to be a number 1. It does not incorporate an above-the-line voting option.*

In the following STV simulation the 120 member New Zealand Parliament is divided into eight 15 member electorates. This division allows the South Island to have two electorates (30 members) or 25% of the total. This is very close to the 16/70 or 23% in their current system.

A multi-member electorate of 15 has a quota of 6.25%. Any party gaining 6.25% of the vote is guaranteed a seat. New Zealand with its 5% MMP threshold is comfortable with parties being represented in Parliament when they have support at this level.

If each electorate's result was uniform across the country, the Nationals would receive 64 seats, Labour 48 seats and the

Greens 8 seats. (The result of a typical electorate in this hypothetical situation is given in **Table 2** on page 7.)

However, Rodney Hide (ACT), Jim Anderton (Jim Anderton's Progressives) and Peter Dunne (United Future) all polled very well and won in their electorates. On this basis each is given a seat. Hide takes one from the Nationals and Anderton and Dunne from Labour.

Winston Peters did not win his electorate seat but did poll reasonably well in his electorate and his party also polled well enough to give him a seat in the larger STV electorate. He wins his seat at the expense of Labour.

The Maori Party vote is concentrated in Maori electorates in the North Island. This in effect doubles their quota and they have been given three seats; all at the expense of Labour.

Final result for the 120 member parliament.

Party	Total Seats
National Party	63
Labour Party	42
Green Party	8
Mäori Party	3
Rodney Hide	1
Jim Anderton	1
Peter Dunne	1
Peters, Winston	1
Others (11)*	0
Total	**120**

[* Alliance, Aotearoa Legalise Cannabis Party, Democrats for Social Credit, Family Party, Kiwi Party, Libertarianz, New Zealand Pacific Party, RAM - Residents Action Movement, The Bill and Ben Party, The Republic of New Zealand Party, Workers Party]

The National Party has a majority in its own right. There are no separate Maori electorates and no overhang seats. Each Member of Parliament is elected from an electorate - no list members; no first and second class members of Parliament.

The seven Maori electorates can be retained under STV

In this scenario the country is divided into eight electorates each returning fourteen members and one Maori electorate returning seven members. This gives a Parliament of 119 members. The South Island now has two electorates (28 members) or 23% of the total. This is the same as the 16/70 or 23% in their current system. A multi-member electorate of 14 has a quota of 6.67%.

To prevent "double dipping" the party results obtained in the Maori electorates are subtracted from the totals. A uniform vote across the country gives the following result:

Party	Votes	%	Quota	Seats
National Party	130389	47.28	7.09	7
Labour Party	90963	32.98	4.95	5
Green Party	19026	6.89	1.03	1
ACT New Zealand	10604	3.84	0.58	
Mäori Party	2012	0.73	0.11	
Jim Anderton's Progressive	2608	0.95	0.14	
United Future	2538	0.92	0.14	
New Zealand First Party	10865	3.94	0.59	
Others (11) *	6800	2.47	0.41	
TOTAL	275805			= 13**
QUOTA (6.67%)	18388			

[** For an explanation of the allocation of the 14th seat, see below]

In a typical electorate thirteen seats are clear cut; Nationals seven, Labour five and the Greens one. Because of a better Robson Rotation split***, and the large ACT vote, the fourteenth seat is given to the Nationals in six of the electorates. Labour wins the last seat in the other two electorates.

As before, Hide, Anderton, Dunne and Peters are each given a seat. This reduces the National's total by one and Labour's total by

three. In the general electorates the Maori Party does not win a seat (see below).

[*** For a detailed analysis of a genuine STV proportional representation model, see www.lesslie.com.au, "Proposal for Australian Parliament"]

Maori Electorates

The seven Maori electorates are consolidated into a single seven member STV electorate. A quota for election is 12.5%. The following result is derived from the party list votes.

Party	Votes	%	Quota
Labour Party	69172	50.11	4.01
Maori Party	39883	28.89	2.31
National Party	10279	7.45	0.60
New Zealand First Party	8430	6.11	0.49
Green Party	5401	3.91	0.31
ACT New Zealand	661	0.47	0.04
Jim Anderton's Progressive	374	0.27	0.02
United Future	189	0.14	0.01
Others (11) *	3665	2.65	0.21
TOTAL	138054		
QUOTA (12.5%)	17257		

The Labour Party has four quotas but because of the strength of the vote for Maori Party candidates in the existing single member electorates the Maori Party has been allocated four seats and the Labour Party three seats. In a genuine election contest other parties, particularly the National Party and the Greens, would campaign more

actively and could each win a seat.

Final result for the 119 member parliament

Party	General Seats	Maori seats	Total
National Party	61	0	61
Labour Party	39	3	42
Green Party	8	0	8
Rodney Hide	1	0	1
Mäori Party	0	4	4
Jim Anderton	1	0	1
Peter Dunne	1	0	1
Peters, Winston	1	0	1
Others (11)*	0	0	0
TOTAL	114	7	119

In both STV simulations the National Party has an absolute majority, the support of at least one Independent and a divided opposition.

Conclusion

Both MMP and STV are proportional representation systems and both give an accurate breakdown of party representation.

STV, however, is the superior system. Every member is elected in the same manner and has the same accountability to an electorate. Under MMP fifty members are elected from party lists. There are no arbitrary thresholds disenfranchising voters. There is no incentive for tactical voting or contrived results. With a count-back system in place there is no need for by-elections.

TABLE 1 – New Zealand Election Results

Party	Party Votes	% Votes	Electorate Seats	List Seats	Total Seats
National Party	1,053,398	44.93	41	17	58
Labour Party	796,880	33.99	21	22	43
Green Party	157,613	6.72	0	9	8
ACT New Zealand	85,496	3.65	1	4	5
Mäori Party	55,980	2.39	5	0	5
Jim Anderton's Progressive	21,241	0.91	1	0	1
United Future	20,497	0.87	1	0	1
New Zealand First Party	95,356	4.07	0	0	0
The Bill and Ben Party	13,016	0.56	0	0	0
Kiwi Party	12,755	0.54	0	0	0
Aotearoa Legalise Cannabis Party	9,515	0.41	0	0	0
New Zealand Pacific Party	8,640	0.37	0	0	0

Family Party	8,176	0.35	0	0	0
Alliance	1,909	0.08	0	0	0
Democrats for Social Credit	1,208	0.05	0	0	0
Libertarianz	1,176	0.05	0	0	0
Workers Party	932	0.04	0	0	0
RAM - Residents Action Movement	465	0.02	0	0	0
The Republic of New Zealand Party	313	0.01	0	0	0
TOTAL			70	52	122

TABLE 2 – The election results in a hypothetical 'average' electorate

Party	Party Votes	% Votes	Per electorate	Quota	Seats
National Party	1,053,398	44.93	131,674	7.18	8
Labour Party	796,880	33.99	99,610	5.43	6
Green Party	157,613	6.72	19,701	1.07	1
ACT New Zealand	85,496	3.65	10,687	0.58	
Mäori Party	55,980	2.39	6,997	0.38	
Jim Anderton's Progressive	21,241	0.91	2,655	0.14	
United Future	20,497	0.87	2,562	0.13	
New Zealand First Party	95,356	4.07	11,919	0.65	
Others (11) *	58,105	2.77	7,263	0.39	
Total	2092787				15
Quota (6.25%)	18317				

Next Meeting

A date has not yet been set for the next Committee Meeting. Committee members will be consulted and informed. If you are not a Committee member but would like to attend, please contact Susan Gregory at president@electoralreformaustralia.org or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome at president@electoralreformaustralia.org, or

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