LARGEST REMAINDER

(Not quite Quota Notes)

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Editorial

What are the Labor Councillors on Botany Bay Council afraid of?   Most local government representatives welcome the idea that their council should represent a wide cross section of opinions.

Not the City of Botany Bay (*Labor looks to bolster Botany*, Sydney Morning Herald 22 November 2011, p. 17)
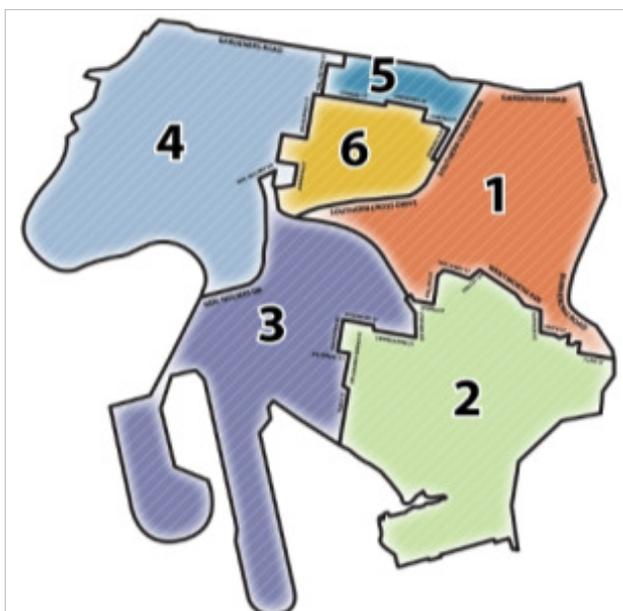
Botany Bay councillors only want Labor represented. Botany Bay currently has three wards each electing two councillors and the Mayor is elected at large.   Proportional representation does not apply in two-member wards and because the Labor Party can gain over 50% of the vote it wins both seats in all three wards. With the Mayor, this gives the Labor Party a 7:0 vote.

The Local Government Amendment Bill 2011 sensibly requires two-member wards to be elected by proportional representation. Did the City of Botany Bay welcome this change - a change that might allow minority interests to be represented? No! Its response in 2008 when the legislation was first introduced was to change its ward structure to six wards each electing one councillor, again denying any other than the Labor voice from being represented.

There must be some advantage in being a councillor on Botany Bay Council - the prospect of vigorous debate on the floor of the council cannot be one of them. With one

party in total control all the debate and decision-making must happen in the caucus room, or perhaps the Mayor's office.

Why not trust your voters? Let them have a real choice and elect all 6 councillors at large! Democracy can be so easy.

At the next Local Government Election to be held in 2012 the people will be electing six councillors, in six wards as shown in the above map, and the Mayor of the City of Botany Bay, for the following four years.

Website revamped!

Please have a look at our website www.electoralreformaustralia.org and let us know what you think.

Committee meeting held 12 September 2011

At this meeting it was unanimously resolved that STV (instead of Hare Clark, proportional representation, PR, etc.) be the preferred term on the PRSA (NSW) website and in any material issued by the PRSA (NSW)

This policy change will be reflected in future publications.

Countback (as we know it) is a failure

by Stephen Lesslie

In the ACT and Tasmania the procedure for countback is that the quota of votes that elected the candidate who has resigned (or died) is re-examined and distributed amongst those candidates who wish to be considered for the position. <u>All other votes cast at the general election are ignored.</u>

The theory is that the resigning member is replaced by candidate preferred by the majority of the original member's supporters. Where a resigning member has a quota in his or her own right all the votes to determine the new member are second or later preferences.

If two candidates from the same party are vying for the same, perhaps the last available position, and with the Robson rotation now in place in the ACT and Tasmania this often happens, then the votes gained by the unsuccessful candidate will have no influence on the outcome of <u>any</u> subsequent countback election. In fact the better they do the worse their prospects will be if a countback election takes place.

In many cases the choice of a successor to a resigning member is made by voters who have only a marginal interest in the identity of the candidate to succeed. Voters who have expressed a strong preference for particular candidates are ignored.

Candidates are also given the option of whether to contest a countback election and this has the potential to change the result.

Some Hypothetical examples

At the general election Team A receives the following votes.

Team A	(Quota 10,000)	
White	10,000	Elected
Black	9,000	
Green	900	
Blue	90	
Purple	9	

White subsequently resigns and a countback election is conducted.

Scenario 1:

Three candidates contest the countback election. White's preferences (quota) are counted.

Black	1500	
Green	500	
Blue	8000	Elected*

*by the 8000 voters who went 1 White, 2 Blue

This scenario shows the countback mechanism as it is supposed to work. But Black still has greater community support, even with this decisive show of support by White's voters for Blue.

Scenario 2:

The same three candidates contest the countback election. White's preferences (quota) are counted.

Black	4999	
Green	0	
Blue	5001	Elected*

*by the 5001 voters who went 1 White, 2 Blue

Scenario 2 demonstrates the ridiculous nature of the countback mechanism and a possible side effect of the Robson rotation.

If two voters attend the polling booth table at the same time the Robson rotation will guarantee that they will be given ballot papers with the candidates in differing order. One voter chooses the candidates in a set order irrespective of their position on the ballot paper; the other chooses one, two or three candidates in a set order then fills in the rest of the ballot paper from the top down. Had these two voters been given the ballot papers in the opposite order a different result ensues. In a close countback election such as scenario 2 the random nature of the ballot paper order can affect the result.

In both scenarios the 9000:90 vote difference in favour of Black at the general election had absolutely no bearing on the result.

It is Optional for a Candidate to Contest a Countback Election

The result of a countback election can also be changed by whether all or only some of the candidates contest the ballot.

Scenario 3:

All four candidates contest the election. White's preferences (quota) are counted.

	Count 1	Count 2	Count 3
Black	3600	3600	4800
Green	3000	3000	(excluded)
Blue	2000	3400	5200 (elected)
Purple	1400	(excluded)	

Scenario 4

Only three candidates contest the countback election.

Black had good scrutineers at the general election and, knowing he wouldn't be elected, decides not to contest the countback election. Black's 3,600 votes are no longer blocked and can move to their third preference. This allows Green, Blue or Purple to be the eventual winner.

	Count 1	
Green	3200	
Blue	5200	(elected)
Purple	1600	

or

	Count 1	
Green	5200	(elected)
Blue	2500	
Purple	2300	

or even

	Count 1	Count 2
Green	4000	4800
Blue	2500	(excluded)
Purple	3500	5200 (elected)

The electorate has no way of knowing whether Black's decision to not contest the ballot has been made innocently or maliciously.

Tactical Voting

Tactical voting should have no part in voting in a STV ballot. It should be axiomatic that the best way to help your favourite candidate is to vote for them. Countback encourages candidates, or voters, to consider the advisability of tactical voting. Had Black known of White's ill health, or her likely decision to take a government posting overseas, then he could have asked his

supporters to vote tactically and vote 1 White, 2 Black. In scenario 2 he only needs three voters to do this and he is elected at the subsequent countback.

In elections where electoral stasis[*] is likely to apply and the identity of the expected winner(s) is reasonably certain, then tactical voting is a sensible decision by makeweight candidates.

There is also a tendency, encouraged by the very presence of countback, for party leaders to quit after losing an election.

Some Real World Examples

Case 1: The Countback election to Replace Jon Stanhope as Member for Ginninderra

In May 2011 Jon Stanhope resigned as Chief Minister and member of the ACT Legislative Assembly. A countback by-election was held to determine who would succeed him as the Member for Ginninderra; Chris Bourke won that countback election.

Is this the result that the Labor voters of Ginninderra would have wanted?

The problem is that the result largely depends on voters who really don't care. In the ACT, where at least the major parties run five candidates, the determining preference may only be the fourth preference.

Five Labor candidates contested the general election in 2008.

The primary vote for the ALP candidates was:

Name	Vote	%ALP vote
Adina CIRSON	2797	11.6%
Chris BOURKE	1431	5.9%
David PEEBLES	2711	11.2%
Jon STANHOPE	13461	55.8%
Mary PORTER	3719	15.4%

Jon Stanhope was elected on the first count with a quota in his own right and Mary Porter was subsequently and easily elected as the second Labor member. She received 42% of Stanhope's preferences. This was not unexpected as Stanhope was the Chief Minister and Porter was a sitting member.

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[*] See Largest Remainder June 2008 for a discussion of electoral stasis.

Stanhope's Preference distribution (at the general election)

Cirson	Bourke	Peebles	Stanhope	Porter
2797	1431	2711	13461	3719
2797	1431	2711	13461	3719
547	510	654	(3452)	1244
18.5%	17.3%	22.1%	----	42.1%

At count 1 Cirson had a lead over Bourke of 1366 votes. At count 6, after the distribution of Stanhope's surplus, Cirson increased this lead to 1403 votes, and by count 62, when Bourke was excluded, she had further increased this lead to 1417 votes.

Count 6:

Cirson	Bourke	Peebles	Porter
3527	2110	3604	5318

How is it then that in the countback election Bourke beat Cirson by 344 votes (255 after applying the transfer value of 0.742 to reduce all of Stanhope's votes to the value of 1 quota)?

Firstly, the countback rules did not allow any of Cirson's first preferences to be taken into account, and secondly, it was the 64% of Stanhope's voters who placed either Mary Porter (already elected) or David Peebles (not contesting the by-election) or both ahead of either Cirson or Bourke that made the difference.

Is it reasonable to think that this third or fourth preference was an informed vote? Or was it just the random result of the allocation of the placing of preferences dictated by the operation of the Robson rotation? How many voters merely filled in the rest of the squares on the ballot paper so as to comply with the strident demands that voters must vote for at least five candidates. (*See copy of ballot paper below.*)

Can a third or fourth preference out of five (or even a sixth preference out of seven) be taken as an indication of support? It is an unreasonable expectation to believe that a voter is saying with this third or fourth preference "if Stanhope resigns, I want Bourke (or Cirson) to be my local member." And if they are actually saying that, should it outweigh the support expressed by other voters' first preferences?

Only 36% of Stanhope's voters gave a second preference for either Bourke or Cirson and the randomization of votes caused by the Robson rotation must call into question whether this result was a deliberate choice or just a matter of luck.

If all of Cirson's 2797 voters had voted

+   +

Ballot Paper   Election of 5 Members   2008   Legislative Assembly for the Australian Capital Territory

Electorate of Ginninderra

Number five boxes from 1 to 5 in the order of your choice

You may then show as many further preferences as you wish by writing numbers from 6 onwards in other boxes

A AUSTRALIAN MOTORIST PARTY	B AUSTRALIAN LABOR PARTY	C COMMUNITY ALLIANCE	D THE GREENS	E CANBERRA LIBERALS	UNGROUPED	UNGROUPED
Denis WALFORD	Adina CIRSON	Jane TULLIS	James HIGGINS	Vicki DUNNE	Harold HIRD INDEPENDENT	Eddie SARKIS
Deborah HANNIGAN	Mary PORTER	Mike CROWTHER	Meredith HUNTER	Matthew WATTS	Adam VERWEY INDEPENDENT	Darren CHURCHILL
Andrew SIMINGTON	Jon STANHOPE	Roger NICOLL		Alistair COE	Mark PARTON INDEPENDENT	Barry SMITH INDEPENDENT
Wayne WHITING	Chris BOURKE			Andrea TOKAJI	Cathy McILHONEY INDEPENDENT	
Chris SEDDON	David PEEBLES			Jacqui MYERS		

SAMPLE

Remember, number at least 5 boxes from 1 to 5 in the order of your choice

1   1

tactically by voting 1 Stanhope and 2 Cirson she would have been elected. She would have been elected even if Bourke's supporters had applied the same tactical consideration to their own votes.

Is it also reasonable to think that there is sufficient choice available to the electorate to be able to replace a resigning member with one who will have similar ideals? No. In the ACT with a maximum of five candidates contesting the five member seats the choice can be very limited. In Tasmania the situation is slightly better because the major parties have no fear about offering reasonable choice to the voters, often running seven or more candidates.

Another consideration is the decision of David Peebles not to contest the countback by-election. Would he have been elected? The initial distribution of Stanhope's surplus did give Peebles a 107 lead over Cirson and 144 lead over Bourke. Had Peebles been elected and then resigned, would a further countback election have resulted in a different outcome? In this case the votes to be re-examined would have been Peebles' quota. He may not have been elected, but simply by contesting the countback he may have tied up sufficient votes so that Bourke was excluded first, resulting in the election of Cirson.

Largest Remainder has no reason to believe that any ulterior motive exists for Peebles' decision not to contest the by-election and the published figures are insufficient to make a decision on the likely outcome had he run.

Case 2. The election of Dr Bob Brown to replace Norm Sanders as the Member for Denison

In December 1982 Dr Norm Sanders, a Democrat member of the Tasmanian House of Assembly, resigned and a countback election was held to replace him. Dr Bob Brown won that countback election. In the original election Sanders won the last position, not with a quota which was 6201, but with the largest remainder 5849.

However in the countback election Sanders had his vote increased to the quota by adding 352 votes from the only source available – Brown's 5208 losing votes.

When the countback election took place these extra votes were then immediately given back to Brown.

Why should those votes be included? They had no part in helping Sanders to be elected. The published figures are unclear but it is by no means certain that Brown would have been elected without the 352 extra votes.

The Solution

The current method of countback is the "lazy person" method of determining the result. It is quick and cheap. Only one bundle of votes needs to be examined. It is similar to the discredited "last bundle" method in counting a STV ballot. For important positions, such as representing your State or Territory, "quick and cheap" should not be a consideration.

The countback rules should be changed to:

1. If a member resigns or dies the original ballot is recounted as if that member had never contested the ballot.
2. Every candidate who contested the original ballot is obliged to contest the countback election.

Rule 1 enables genuine community support to be recognized and eliminates the potential for tactical voting. The Robson rotation now works as it is designed to, eliminating the donkey vote and preventing popular candidates from being buried at the bottom of party tickets.

Rule 2 prevents real, perceived or imaginary threats by fellow candidates against other candidates. No candidate who gets "accidentally" elected is obliged to take the seat and could resign before being sworn in. I would be surprised if many, or even any, ever did.

With modern computer technology this change would not be much more expensive than the current flawed system. Even with hand counting the count would be much faster as the ballot papers have already been substantially sorted and collated.

Submission to Warringah Council

The Proportional Representation Society of Australia (NSW Branch) recommends that the

Warringah Council adopt a ward structure consisting of

o   a Mayor elected by popular vote, and
o   eight Councillors elected from a single ward.

Advantages of a Single Ward Council

1. Every voter is treated equally.

Every voter in the council has the opportunity to support any candidate running.

2. No demarcation disputes in Council.

Generally the most important issues that councillors have to consider such as rates, senior staff appointments, building codes and traffic management plans, will affect the whole of the council area. Councillors can now consider how these issues will affect the entire council area without the distraction of how it might affect their own bailiwick. Every issue that is raised in council becomes the responsibility of all the councillors.

3. It is impossible to gerrymander a single ward council, and ward boundary redistributions become obsolete.

Myth of Ward Representation

There is a belief that a ward structure enables better access to councillors by residents and ratepayers. This is a myth. In the early years of last century residents may have walked around to visit their local councillor but these days with modern communications they will email, use social networking, phone and even occasionally write to their councillor. In most cases they will contact all the councillors. They do not walk! Where the councillor lives is not relevant to most voters.   What is relevant is what they do.

Problem with Popularly Elected Mayor

Under current legislation a popularly elected mayor is automatically elected to a councillor position.   The votes initially cast for the newly-elected Mayor, as leader of his/her 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, but the effect is now borne by the council as a whole and not by one ward. The change in the quota from the 10% required when electing 9 councillors, to 11.11% when electing 8 councillors, means that occasionally this distortion does not occur. In a three member ward, however, it is unlikely that a Mayor requiring 50% to be elected by popular vote will be unable to obtain 25% in a ward election.

We recommend that Warringah Council lobby the State government to have this undemocratic provision repealed.

We would be happy to discuss this submission at any time.

Yours sincerely,

Susan Gregory
President

Future Meetings

The next meeting will be held on Sunday 11 December 2011 at 3.00 pm.

The meeting will be coupled with an **end-of-year BBQ!** Anyone is welcome to attend, however we do ask that non-members RSVP for catering purposes.

For details, please contact Susan Gregory at president@electoralreformaustralia.org or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome:
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