

# LARGEST REMAINDER

(Not quite Quota Notes)

No. 16

November 2012

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## Editorial

Electoral Reform Australia has recently been approached to participate in a campaign asking for a referendum on the introduction of proportional representation (STV) for the House of Representatives: see <http://www.change.org/en-AU/petitions/a-new-electoral-system>

We, as an organisation, declined to participate - not because we don't think it is a good idea but because it is premature.

Before such a campaign can have any likelihood of success much more ground work needs to be done. The electorate needs to see the benefits of STV in practice.

Our preferred approach is to work for major reform of the corrupted version of STV currently used for the Senate and for the NSW Legislative Council.

Such reform would include the abolition of above-the-line voting and any associated group voting tickets; the introduction of the Robson rotation; fully optional preferential voting, and substantial electoral deposits to deter the joke parties and frivolous candidates.

Senate election reform, when implemented, would demonstrate to everyone the power that can be delivered to individual voters to determine the outcome of elections. It would then serve as a model for reform of the House of Representatives.

In particular, Senate reform would work to counter the common fallacy that STV

electorates for the House of Representatives would be geographically too large for effective representation.

## Is the American Presidential Election Democratic?

By Stephen Lesslie

The United States of America calls itself a representative democracy. It is certainly representative: everyone from local Sheriff to President is elected.

But is it a democracy?

In a representative democracy, the people should have equal rights and privileges, particularly in electing their representatives.

Consider the following:

1. Candidates for President.
2. Electoral Colleges
3. Swing States
4. Ex-Prisoners
5. Photo Identification
6. Gerrymanders

*[N.B. This article does not consider whether or not it is democratic that to be elected President of the USA a candidate will have to spend a billion dollars but focuses on the legal and constitutional requirements governing elections in the United States.]*

### 1. Candidates for President

The American Constitution decrees that only persons born in the United States are eligible to become President.

Approximately 11% of the citizens of the United States are foreign born. In other words these 11% are, and will always be, second class citizens, permanently denied the right to aspire to the highest office in the land.

Were this rule to apply to Australia's highest elected officeholder – the Prime Minister – both the current Prime Minister, Julia Gillard

(born in Wales) and Leader of the Opposition, Tony Abbott (born in England), would be ineligible.

Many objections may be expressed about both these individuals but it is certainly not in question that either are 'not Australian' enough to hold the position of either Prime Minister or, should Australia become a republic, any putative Presidency. In any discussions about the form and nature of an Australian republic, no one seriously considers incorporating such an undemocratic provision.

## 2. Electoral Colleges

In Presidential elections, the American Constitution requires that voters in each of the states choose a body of electors – the Electoral College – who will vote on their behalf. The system of voting in the Electoral College is a plurality winner-take-all system.

Each state is allocated a number of Electoral College votes equal to the number of Congressmen and Senators representing that state. For example, the state of California is allocated 55 votes: 2 for the Senators and 53 for the Congressmen/women. The number of voters who actually cast a vote does not affect the number of electors chosen from each state. In states which are safe for one or other of the parties there is no incentive to get the vote out and, despite the turnout, they still have the same number of Electoral College votes.

There is also no guarantee that the Electoral College voters will actually vote as they have pledged to do. Some states, but not all, have laws requiring these voters to vote as promised but these laws have never been tested in the Supreme Court.

Finally, the Electoral College does not always determine the result. If no candidate has an absolute majority, either because a third party candidate has split the vote, or the result in the Electoral College is a tie (270 votes each), then the election is determined by the House of Representatives in a bizarre lottery where each state gets one vote!

## 3. Swing States

In an election for a single position, all votes should be equal. Every voter should have the

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expectation that their vote will carry the same weight and have the same value as every other voter in the same election.

This is not the case in American Presidential elections. Only the votes cast in "swing" or "battleground" states have any value. The winning candidate takes all the Electoral College votes in a state<sup>1</sup>. If a voter does not live in a "swing" or "battleground" state then that person's vote is purely tokenistic if they vote for the less popular candidate in their state.

The popular vote does not determine the result of the election. Candidates can be, and have been, elected with a minority of the popular vote. The last example occurred in 2000 when George W. Bush with 47.9% beat Al Gore who received 48.4% of the popular vote. Of course, had the result been determined by the popular vote more Texans may have voted for Bush and more

<sup>1</sup> There are two minor exceptions, Maine and Nebraska, where one Electoral College vote is allocated to each congressional district and the two remaining votes, representing the two Senate positions, are allocated to the overall State winner. These make up a total of 9 Electoral College votes out of the total 538.

Californians for Gore.

#### 4. Ex-Prisoners

Many states, such as Florida, deny their citizens the right to vote if they are prisoners or ex-prisoners. As the USA at 730 per 100,000 has the highest rate of incarceration in the world (Australia's incarceration rate is 129 per 100,000 people), this becomes significant. Despite denying some of their citizens the right to vote, these same states keep the same number of Electoral College votes as if they *were* entitled to vote.

When drawing up the American Constitution in the 1780s, the "Founding Fathers" saw that denying a significant percentage of the population (slaves) the right to vote and then claiming an advantage for Electoral College purposes was unfair. Their compromise was to have each slave considered as only 3/5 of a person.

In the twenty first century, the denial of voting rights to ex-prisoners is equally undemocratic and is implemented to gain political advantage. But these states do much better than the slave states of the past; their ex-prisoners still count as a whole person for Electoral College purposes.

#### 5. Photo Identification

Recent laws implemented in some states requiring photo identification before a citizen can vote springs from the same partisan thinking. Fake concern about an issue that has not been demonstrated as a problem in the

past, and a solution that denies or hinders a large section of the population the right to vote, is patently undemocratic.

#### 6. Gerrymanders

In the USA, there is no independent body equivalent to the Australian Electoral Commission that determines electoral boundaries. Electoral boundaries are determined after the census, which occurs every ten years, and are drawn up by the state legislatures. The party governing the state draws the boundaries to suit itself. Both sides might do it, but it is still not democratic.

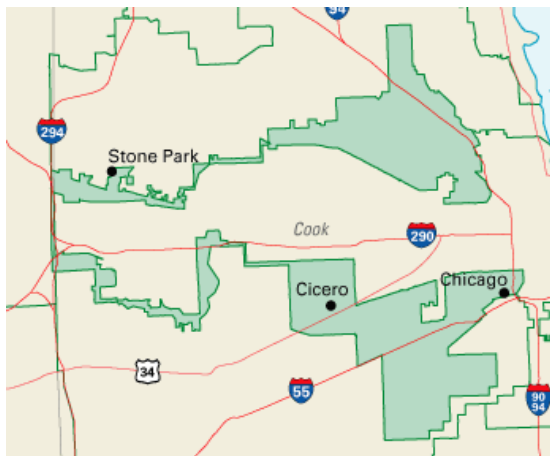
#### Conclusion

Presidential elections in the United States may be free and open for most of its citizens but will not be truly democratic until the votes of all its citizens have equal value. All citizens should be allowed to stand for the Presidency; the Electoral College needs to be abolished; and the modern day Jim Crow laws with their arbitrary restrictions on the voting rights of many of its citizens need to be removed.

The voter turnout in American Presidential elections is, despite the power and importance of the position, one of the lowest amongst comparable countries. Many Americans fail to vote because of legal restrictions and structural reasons, such as registration requirements, but many would chose not to vote because they know that their vote makes no difference.

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#### Some Gerrymander examples



*Illinois Congressional District 4*



*California Congressional District 38*

## STV Simulation for 2010 House of Representatives Election

In the April edition of *The Largest Remainder* we examined the intellectual tyranny that STV electorates need to return an odd number of members.

In this edition we simulate the results of the 2010 Federal election for the House of Representatives. Here the States are divided as evenly as possible so that the quotas for the electorates are as equal as possible. Remember that the Constitution does not allow electorates to cross state boundaries and the number of representatives to which each state is entitled is determined by their relative populations. Each original state must have a minimum of five members. It is worth noting that of the eight electorates returning an even number of members four gave a majority to one side of politics.

The result of the simulation is a win for a Labor-Green coalition with seventy seven seats, the Liberal-National coalition with seventy one seats, and two Independents (Windsor and Katter) The result is close, reflecting as it does the 50.12% to 49.88% two party preferred vote between Labor and the Liberal-National coalition obtained at the 2010 election.

After the election of the Speaker, the Labor-Green coalition would have a majority of one vote. The two Independents would not be obliged to indicate who they would support and could vote as they thought fit. This simulation, unlike the result in the current Parliament is not a hung parliament any more than a Liberal-National Party coalition can be called a hung parliament.

The Greens are not, of course, obligated to join in a coalition with Labor but we all know that political imperatives would force such a coalition. The last stand alone election for the House of Representatives was in 1972 and the defeat (twice) of referendums for simultaneous elections of both the House of Representatives and the Senate effectively means that parliaments must run for three years. In light of the current political climate the Liberal Party must rue their short term decision to oppose those referendums.

The simulation outlined below uses the most democratic of voting systems - the Single Transferable Vote (STV) using the Meek method of counting; party grouping of candidates but no above-the-line voting; the Robson rotation, and fully optional preferential voting. Countback for the filling of vacancies ensures that once the parliament is elected it remains stable for the life of the parliament.

The Robson rotation ensures that no candidate can be certain of election unless they obtain a quota. A minor party or independent only receiving 90% of a quota would have a nervous wait to see if they gained sufficient preferences to push them over the line. This de facto threshold, together with substantial electoral deposits, helps prevent preference harvesting. Attempts to swamp the ballot paper with excess numbers of candidates to subvert the result are expensive and counter productive. The abolition of above-the-line voting with its associated group voting tickets also removes the incentive to attempt such tactics.

### National Result under STV Simulation

	NSW	Vic	Qld	W. A.	S.A.	Tas	ACT	N.T.	Total
<b>ALP</b>	21	16	10	5	5	2	1	1	61
<b>Liberal</b>	19	15	16	8	5	2	1	1	67
<b>Nationals</b>	3	1							4
<b>Greens</b>	4	5	3	2	1	1			16
<b>All Others</b>	1 (Windsor)		1 (Katter)						2
<b>Total</b>	48	37	30	15	11	5	2	2	150

**Result****NSW Electorate 1***9 Members – Quota 10.0%*

Parkes, Hunter, Calare, Macquarie,  
Robertson, Berowra, Mitchell, Greenway,  
Mackellar.

Party	Vote	%	Quota	Elected
ALP	244280	31.8	3.18	3
Liberal	266797	34.7	3.47	4
Nationals	125174	16.3	1.63	1
Greens	73124	9.5	0.95	1
All Others	59523	7.7	0.77	0

Labor has 3 quotas. One Green elected on Labor's surplus and/or preferences from All Others. The Robson rotation ensures the Liberals 4 seats and the Nationals 1.

**Result:** Labor 3; Liberal 4; Nationals 1; Greens 1

**NSW Electorate 2***9 Members – Quota 10.0%*

Farrer, Riverina, Hume, Macarthur, Lindsay,  
Chifley, McMahon, Fowler, Werriwa

Party	Vote	%	Quota	Elected
ALP	295418	40.3	4.03	5
Liberal	288388	39.4	3.94	4
Nationals	39389	5.4	0.54	0
Greens	51784	7.1	0.71	0
All Others	57830	7.8	0.78	0

The Robson rotation ensures Labor that wins the ninth and last seat on the preferences of All Others and the Greens.

**Result:** Labor 5; Liberal 4

**NSW Electorate 3***10 Members – Quota 9.09%*

Eden Monaro, Gilmore, Throsby,  
Cunningham, Hughes, Cook, Banks, Barton,  
Blaxland, Watson

Party	Vote	%	Quota	Elected
ALP	362599	43.5	4.79	5

Liberal	351897	42.2	4.64	4
Greens	80973	9.7	1.07	1
All Others	38012	4.6	0.05	0

**Result:** Labor 5; Liberal 4; Greens 1

It is worth noting that despite this electorate's returning an even number of members (10), the left side of politics wins six of them.

**NSW Electorate 4***10 Members – Quota 9.09%*

Richmond, Page, Cowper, New England,  
Lyne, Paterson, Newcastle, Charlton,  
Shortland, Dobell

Party	Vote	%	Quota	Elected
ALP	311480	37.0	4.07	4
Liberal	169925	20.2	2.22	2
National	148858	17.7	1.95	2
Greens	75742	9.0	0.99	1
Windsor (New England)	56415	6.7	0.74	1
Oakeshott (Lyne)	40061	4.8	0.52	0
All Others	38902	4.6	0.51	0

**Result:** Labor 4; Liberal 2; National 2; Greens 1; Independent (Windsor) 1

Only the tenth and last position is effectively determined on preferences - given to Windsor on Oakeshott's preferences.

**NSW Electorate 5***10 Members – Quota 9.09%*

Warringah, North Sydney, Bradfield,  
Bennelong, Reid, Parramatta, Grayndler,  
Sydney, Wentworth, Kingsford Smith

Party	Vote	%	Quota	Elected
ALP	280713	33.7	3.71	4
Liberal	393139	47.2	5.19	5
Greens	128782	15.5	1.7	1
All Others	30113	4.6	0.4	0

**Result:** Labor 4; Liberal 5; Green 1

The Liberals have five quotas and the Robson

rotation ensures that Labor wins four seats and the Greens one.

### Victoria Electorate 1

10 Members – Quota 9.09%

Kooyong, Gorton, Maribyrnong, Gellibrand, Wills, Melbourne, Higgins, Melbourne Ports, Chisholm, Goldstein

Party	Vote	%	Quota	Elected
ALP	364960	43.4	4.77	4
Liberal	295688	35.2	3.87	4
Greens	151504	18	1.98	2
All Others	28846	3.4	0.38	0

**Result:** All effectively elected on quotas – Labor 4; Liberal 4; Greens 2.

Note: Another electorate returning an even number of members (10) with one side of politics winning a majority.

### Victoria Electorate 2

9 Members – Quota 10.0%

Aston, Holt, Dunkley, Isaacs, Hotham, Deakin, Bruce, Flinders, La Trobe

Party	Vote	%	Quota	Elected
ALP	338115	43.8	4.38	4
Liberal	317503	41.1	4.11	4
Greens	73613	9.5	0.95	1
All Others	43851	5.6	0.56	0

**Result:** Labor 4; Liberal 4; Greens 1

The Greens are sufficiently close enough to a quota to ensure that they win the ninth and last seat.

### Victoria Electorate 3

9 Members – Quota 10.0%

Mallee, Wannon, Corangamite, Ballarat, Corio, Murray, Bendigo, Lalor, Calwell

Party	Vote	%	Quota	Elected
ALP	345295	43.3	4.33	4
Liberal	268812	33.7	3.37	3
National	54399	6.8	0.68	1
Greens	76302	9.6	0.96	1

All Others	49250	6.6	0.66	0
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**Result:** Labor 4; Liberal 3; National 1; Greens 1

The only interest here is if the Robson rotation can give the Liberals the ninth and last seat at the expense of the Nationals. Given to the Nationals on Labor preferences.

### Victoria Electorate 4

9 Members – Quota 10.0%

Gippsland, Indi, McMillan, Scullin, Batman, Casey, McEwen, Jaga Jaga, Menzies

Party	Vote	%	Quota	Elected
ALP	313046	40.5	4.05	4
Liberal	277298	35.9	3.59	4
National	47020	6.1	0.61	0
Greens	90725	11.8	1.18	1
All Others	43957	5.7	0.57	0

**Result:** Labor 4; Liberal 4; Greens 1

Labor and the Greens elected with whole quotas. The Robson rotation gives the Liberals the ninth and last seat at the expense of the Nationals.

### Queensland Electorate 1

10 Members – Quota 9.09%

Leichhardt, Kennedy, Herbert, Dawson, Capricornia, Flynn, Hinkler, Wide Bay, Fairfax, Fisher

Party	Vote	%	Quota	Elected
ALP	267619	33.5	3.69	3
Liberal	369360	46.2	5.09	5
National				
Katter (Kennedy)	38170	4.8	0.53	1
Greens	71370	8.9	0.98	1
All Others	52248	6.6	0.71	0

**Result:** Labor 3; Liberal National 5; Greens 1; Independent (Katter) 1

This is the only electorate where the seats have not been allocated according to the calculated quotas. Katter would gain votes from areas other than just his electorate of

Kennedy.

### Queensland Electorate 2

10 Members – Quota 9.09%

Maranoa, Groom, Wright, Forde, McPherson, Moncrieff, Fadden, Oxley, Rankin, Moreton

Party	Vote	%	Quota	Elected
ALP	241442	31.1	3.42	3
Liberal National	403946	52	5.72	6
Greens	83817	10.8	1.19	1
All Others	35960	6.1	0.67	0

**Result:** Labor 3; Liberal National 6; Greens 1

Note: Another electorate returning an even number of members (10) with one side of politics winning a majority.

### Queensland Electorate 3

10 Members – Quota 9.09%

Ryan, Blair, Dickson, Bowman, Bonner, Petrie, Griffith, Brisbane, Lilley, Longman

Party	Vote	%	Quota	Elected
ALP	291651	36.1	3.97	4
Liberal National	357219	44.2	4.86	5
Greens	105284	13	1.43	1
All Others	54070	6.7	0.74	0

**Result:** Labor 4; Liberal National 5; Greens 1

All seats effectively elected on quotas.

### South Australia Electorate 1

6 Members – Quota 14.29%

Adelaide, Port Adelaide, Grey, Makin, Hindmarsh, Wakefield

Party	Vote	%	Quota	Elected
ALP	240463	45.5	3.19	3
Liberal	191899	36.3	2.54	2
Greens	61761	11.7	0.82	1
Family First	34175	6.5	0.45	0

**Result:** Labor 3; Liberal 2; Greens 1

The Green elected on Labor and Family First preferences.

Note: Another even numbered electorate where one side of politics wins a majority of seats.

### South Australia Electorate 2

5 Members – Quota 16.66%

Sturt, Boothby, Barker, Mayo, Kingston

Party	Vote	%	Quota	Elected
ALP	158816	35.2	2.11	2
Liberal	202104	44.7	2.68	3
Greens	55603	12.3	0.74	0
Family First	35128	7.8	0.47	0

**Result:** Labor 2; Liberal 3

The Robson rotation and preferences from Family First gives the Liberals the fifth seat.

#### Note on South Australia:

We divided South Australia into a five member and a six member electorate because the Electoral Reform Society of South Australia informed us that this was their preferred option.

However, should the eleven South Australian MPs be elected from a single electorate comprising all of South Australia, the quota would be 8.34%. This is similar to the 9.09% quota for the ten member electorates proposed for NSW, Victoria and Queensland. An eleven member electorate gives the same result as the combined five and six member electorates outlined above. i.e. Labor 5; Liberal 5; Greens 1.

### Western Australia Electorate 1

7 Members – Quota 12.5%

Moore, Cowan, Perth, Curtin, Stirling, Durack, Pearce

Party	Vote	%	Quota	Elected
ALP	161853	29.1	2.33	2
Liberal	277605	50.0	4.0	4
Greens	76112	13.7	1.1	1
All Others	39954	7.2	0.57	0

**Result:** Labor 2; Liberal 4; Greens 1

All elected on quotas.

**Western Australia Electorate 2***8 Members – Quota 11.11%*

Swan, Hasluck, Tangney, Fremantle, Brand, O'Connor, Forrest, Canning

Party	Vote	%	Quota	Elected
ALP	213528	32.9	2.96	3
Liberal	288540	44.5	4.0	4
Greens	82005	12.6	1.14	1
All Others	64404	10.0	0.9	0

**Result:** Labor 3; Liberal 4 Greens 1

Effectively all elected on quotas.

Should the fifteen Western Australian MPs be elected from a single electorate comprising all of Western Australia the result would be the same: Labor 5, Liberal 8; Greens 2.

**Tasmania***5 Members – Quota 16.66%*

Bass, Braddon, Denison, Franklin, Lyons

Party	Vote	%	Quota	Elected
ALP	143796	44	2.64	2
Liberal	109908	33.6	2.02	2
Greens	55042	16.8	1.01	1
All Others	18406	5.6	0.33	0

**Result:** Labor 2; Liberal 2; Greens 1

All elected on quotas.

**ACT***2 Members – Quota 33.34%*

Canberra, Fraser

Party	Vote	%	Quota	Elected
ALP	100700	45.0	1.35	1
Liberal	77880	34.8	1.04	1
Greens	42942	19.2	0.58	0
All Others	2175	1.0	0.03	0

**Result:** Labor 1; Liberal 1

Both elected on quotas.

**Northern Territory***2 Members – Quota 33.34%*

Lingiari, Solomon

Party	Vote	%	Quota	Elected
ALP	35589	37.9	1.14	1
Country Liberal	38335	40.8	1.22	1
Greens	12175	13.0	0.39	0
All Others	7784	8.3	0.25	0

**Result:** Labor 1; Liberal 1 -- Both elected on quotas.**Conclusion**

An election based on these electorates gives a result that is fair. Parties are represented in Parliament in close approximation to their national vote and, regardless of which coalition forms government, every region of the country would be represented in the government.

Any reader wishing to see the raw data used in the tabulation of party votes and compilation of the quotas used to determine the results can contact the author at [stephenlesslie@electoralreformaustralia.org](mailto:stephenlesslie@electoralreformaustralia.org)

**Future Meetings**

The next meeting will be held on Monday 17 December 2012 at 7:30 pm.

Anyone is welcome to attend. For details, please contact Susan Gregory at [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org) or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome: [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org), or  
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*Electoral Reform Australia is the NSW Branch of the Proportional Representation Society of Australia*