

# LARGEST REMAINDER

(Not quite Quota Notes)

No. 18

June 2013

## In this issue

- Editorial.....1
- Prematurely opened ballot boxes .....1
- AGM – 20 May 2013 .....1
- Who’s confused?.....2
- Senate Elections – 14/9/2013 .....2
- Above-the-Line Voting – A Worked Example .....3
- Future Meetings .....5

## Editorial

Bouquets to the NSW Farmers Association for adopting PR as its method of election. Despite the ignorant and rather silly comments in the Weekly Times (see article in this issue), the NSW Farmers should feel satisfied and very proud of themselves for adopting the most democratic method of election. Show of hands indeed!

Brickbats to federal MP Sophie Mirabella for revealing her lack of understanding of PR on Q&A (ABC1 TV, 15 March 2013) when she asserted that the voting system in Tasmania gives The Greens “a disproportionate amount of power.” Hare Clark is a system of proportional representation; parties gain seats in direct proportion to the vote they receive. By definition their representation cannot be disproportionate. If minority parties have the support of a significant portion of the electorate, they have every right to be represented and to share power. This is especially so in Tasmania where the will of the people is genuinely reflected in their election results; there is no above-the-line voting to direct and distort voters’ preferences.

## Prematurely opened ballot boxes

In our last editorial, we wrote that Electoral Reform Australia had made a submission to the Commonwealth Joint Standing Committee on Electoral Matters (JSCEM) in relation to a

proposed change to the *Commonwealth Electoral Act 1918* which would mean that all ballots in a prematurely opened ballot box would be excluded from the count.

We are pleased to say that the JSCEM took our concerns into consideration in their final report, which referred to our written submission and the oral evidence given by Electoral Reform Australia Vice President Stephen Lesslie. (The minority report also drew heavily on our submissions.)

As a result, the new section 238B requires the AEC to include ballots from a prematurely opened ballot box, unless they are satisfied that the ballots have been tampered with.

This new provision ensures the integrity of the electoral system is maintained, but does not result in the unnecessary exclusion of ballots that could have occurred under the initial draft legislation.

## AGM – 20 May 2013

The Annual General Meeting of Electoral Reform Australia, held on 20 May 2013, was addressed this year by former Labor MLC Jan Burnswoods (pictured here with Electoral Reform Australia Vice President Mark Rodowicz). Jan spoke on the impact of proportional representation on the selection of candidates for the NSW Upper House.



## Who's confused?

The following article appeared on the Weekly Times which calls itself "the voice of the country since 1869" and is published by News Limited.

### NSW Farmers Association voting confusion

Proportional Voting:

•A candidate is declared elected when they receive a quota of votes

•Quota is determined by using the following formula:

$$\frac{\text{Total Formal Votes cast}}{\text{Candidates to be elected} + 1} = \frac{36}{5} = 7.2, \text{ rounded down to } 7$$

Add one to the result

8

•Votes surplus to quota are distributed using a transfer value determined as follows (disregarding fractions):

$$\text{Transfer value} = \frac{\text{Candidates' surplus votes}}{\text{Value of candidates total votes}}$$

**READERS might remember in 2007 when federal Labor pollie Barry Jones released his plan for the Knowledge Nation.**

It contained a diagram so incomprehensible the media referred to it as "spaghetti and meatballs".

Well, the NSW Farmers Association has created its own spaghetti-and-meatballs moment with a change in their voting system for office bearers. NSW Farmers Association has gone to a proportional voting system that may need NASA's computers to process it.

*Back Paddock* will not attempt to explain it, mainly because we can't, even after reading one of the explanatory notes (pictured) sent to delegates.

Whatever happened to a show of hands?

Show of hands? Whatever happened to the concept of a secret ballot?

The Weekly Times makes itself look foolish in its attempt to belittle the NSW Farmers' Association's decision to adopt proportional representation. It might be too difficult for "Back Paddock" but anyone with basic primary school mathematics can count a proportional representation ballot. Computers may be helpful but are not needed

Proportional representation has been used in New South Wales to elect local government representatives since the 1950s and in Tasmania to elect their House of Assembly for over one hundred years.

More to the point, however, proportional representation is ideal for organisations such

as the NSW Farmers' Association, representing as it does thirteen separate districts and many different and diverse groups such as dairy farmers and oyster growers. Members of the NSW Farmers' Association can now be confident that in its deliberations the concerns of this wide group will be represented.

## Senate Elections – 14/9/2013

by Stephen Lesslie

The half Senate election to be held in conjunction with the House of Representatives election on 14 September 2013 will be a disaster. It will not be democratic and will not be proportional.

And proportional representation – or specifically, the single transferable vote (STV) currently used in Senate elections – will be blamed.

In an STV system, a member is elected when they receive enough votes to obtain a quota. For half Senate elections the quota is 14.29%. In most States, four or five Senators will be elected because they (or their party) received sufficient first preference votes to reach this quota and be elected in their own right.

The fifth and sixth positions, however, will be elected after candidates who fail to reach a quota are excluded and their votes are transferred to more popular candidates. If a number of parties can combine and persuade their voters to exchange preferences then, provided that they have sufficient combined votes to reach a quota, one of their candidates will be elected.

In practice, however, these parties do not need to persuade their supporters to exchange preferences; the system gives the parties the power to direct their preferences wherever they choose via above-the-line voting and registered group voting tickets (GVTs). At the next election it is very likely that some candidates will become Senators solely because they won the preference harvesting game.

Does anyone really believe that the elections in 2004 of Senator Fielding (Family First) and in 2010 of Senator Madigan (DLP) were the

result of the genuine democratic expression of the people voting in a free election? Or were they the result of an STV system corrupted by the addition of above-the-line party boxes, registered group voting tickets, excessive preference requirements, low electoral deposits and a superfluous number of micro parties and joke candidates?

Would these Senators have been elected had voters had the opportunity to choose their own preferences rather than having them dictated by the party machines? How many Christian Democratic voters in Victoria knew at the 2010 election that their third preference went to the DLP, even ahead of Family First? Would every one of them have agreed with that decision? And, had they actually checked the registered group voting tickets, would they have understood their implications? [See the companion article in this newsletter.]

Christian Democratic Party voters can certainly vote below the line (although only 5% of all voters do) and choose their own preferences but, had they done so, remembering that up to one voter in ten will make a mistake and therefore vote informally, would that result have been democratic?

At the next Senate election, there will be up to fifty groups contesting the election. 37 parties have registered with the Australian Electoral Commission (AEC) and presumably most will run. In the 2010 Senate election in NSW, there were also eleven unnamed groups that contested the election; that number could rise.

Why are there so many groups and parties, given that, with only six Senators elected per State, it seems that winning a seat would be a big task? At the last election a quota in NSW was 593,218 votes; even in Tasmania the quota was 47,242 votes. At the last Senate election in NSW, only three of the 32 groups running reached the 4% threshold required to get their electoral deposits back. Most failed to even reach 1% of the vote.

As most cannot realistically expect to be elected, there must be another reason why they run.

It is because the micro parties know that they can direct the preferences of the voters wherever they choose.

It is because if enough groups run and there is agreement, both spoken and implied, to put the major parties last, then one of the micro party candidates will take the last position.

It is because if they can just win the preference harvesting game, one of them will become a Senator for six years, with a basic salary of \$190,550. With an electoral deposit of only \$2,000 it has to be the best bet in the world!

STV is, in its pure form, the most democratic form of election and the most responsive to the wishes of the electorate. It is the accretions such as above-the-line-voting and group voting tickets – there purely to keep decision-making in the hands of the political party power brokers – that bring the system into disrepute. The reforms suggested in the next article would allow STV to work and would leave Australian democracy where it belongs: in the hands of the people.

## **Above-the-Line Voting – A Worked Example**

You are a voter.

You decide to vote for the Australian Labor Party in the House of Representatives.

For your Senate vote, you decide to vote for the World Peace Party. You don't know who they are and you don't think they will be elected but you believe that by voting this way you may be able to send a message that world peace is important.

You have checked the Australia Electoral Commission (AEC) website on how to vote for the Senate. The website gives an example ballot paper with five groups A-E and two ungrouped candidates – a total of seventeen candidates. It also gives an explanation of the difference between voting above the line and voting below the line.

*“No problem,”* you think, *“I can make a reasoned choice and I can vote for the required 90% of candidates below the line.”*

You get your Senate ballot paper, but unlike the AEC example, there are 50 groups, not five, and 120 candidates, not seventeen.

*“Hmm, this is more complicated: will I vote*

*for at least 108 candidates, ensuring that I don't make more than three mistakes, or will I vote above the line?"*

Time is short and you have to take the kids to soccer, so you decide to vote above the line but wisely decide to check the registered group voting ticket (GVT) with the returning officer. It is only 12:30pm, so naturally you are the first person to check this information, and the returning officer has to dig around to find the booklet with the required information.

*(The kids are starting to get bored.)*

You look up the GVT of the World Peace Party. It is so confusing! There are two tickets and numbers go everywhere. There are no sequential series within party groups. You decide that you will support this group *with an above-the-line vote* provided they preference Labor ahead of the Liberal National coalition.

The tickets are:

**Group A (Liberal National)**

	Ticket 1	Ticket 2
Candidate A	56	56
Candidate B	75	75
Candidate C	20	19

**Group W (Labor)**

	Ticket 1	Ticket 2
Candidate A	27	27
Candidate B	18	18
Candidate C	74	74

What does it all mean? You look at the tickets and see that Labor candidate A has a higher preference on both tickets than the Coalition candidates A and B. Labor candidate B beats all the coalition candidates. Labor candidate C has number 74, not good, but then you see that the coalition candidate B has number 75 so obviously the vote will stop at 74 before proceeding to 75.

*"How long can I spend studying this? If I don't go now, we will miss the start of the game."*

You vote 1 in the party box above the line for the World Peace Party, confident that if World Peace is excluded (and this seems

likely as there were no World Peace Party supporters handing out how-to-vote cards outside), your preferences will go to Labor.

**And you were wrong!**

*The World Peace Party was excluded and your vote went to the coalition's candidate C on both tickets.*

How did that happen?

It's simple. The first two candidates (A and B) on both the Labor and Liberal National tickets were elected with quotas. When World Peace was excluded, the preferences flowed past Labor candidate B and stopped at the Liberal candidate C. The real subtlety was the meaningless 75 given to the second Liberal National candidate.

Is this example too subtle, too deceitful, to be real?

Check it out for yourself on the AEC website. These figures were taken from the Carers Alliance group voting ticket Senate election (NSW) 2007.

How can we deal with this deception? How can you vote for the group that you choose first and still be confident that your preferences will go where you want them too?

It is not good enough to make the patronising comment that some commentators make: *"Vote below the line. I do!"* How many of the 495,160 informal votes at the 2010 election were the result of voters trying to achieve a "protest" vote and sending their preferences to their favoured major party by voting below the line?

The voting system needs to trust the voters. The following changes need to be made:

**1. Abolish above-the-line voting and associated group voting tickets.**

Voters will find the party of their choice and vote for it. Those that choose to make a protest vote will be able to choose their own second and subsequent preferences. Micro parties cannot direct their preferences, cannot participate in the preference harvesting game, and will lose their electoral deposits. They may actually decide not to run in the first place, thus reducing the size and complexity of the ballot paper.

## 2. Allow fully Optional Preferential Voting.

Informal voting will be greatly reduced and include mostly those who choose not to participate in the election by either deliberately spoiling their ballot paper or merely leaving it blank. Any increase in exhausted votes is compensated for by the reduction in informal voting. ACT Legislative Assembly elections amply demonstrate that, even with fully optional preferential voting, the great majority of voters will vote for all the candidates in a group.

## 3. Introduce the Robson Rotation.

With the Robson rotation the order of candidates in a group is randomised. Every candidate will share equally the top and bottom positions. This spreads the votes of the more popular parties, helping to ensure that micro party candidates are not elected at the expense of more popular candidates or parties.

Consider the following worked example.

### Sequential ballot order

Three (3) to be elected

Party A	Quota	Party B	Quota	Party C	Quota
Allen	1.66	Brown	1.64	Clark	0.7
Davis	0	Edgar	0	Flynn	0
<b>Total</b>	<b>1.66</b>		<b>1.64</b>		<b>0.7</b>

Result: Elected are Allen, Brown and Clark. Clark was elected even though more than twice as many voters preferred either Party A or Party B. Clark needs less than half of Brown's surplus to be elected.

### Robson rotation ballot order

Three (3) to be elected

Party A	Quota	Party B	Quota	Party C	Quota
Allen	0.85	Edgar	0.81	Flynn	0.1
Davis	0.81	Brown	0.83	Clark	0.6
<b>Total</b>	<b>1.66</b>		<b>1.64</b>		<b>0.7</b>

Result: Elected are Allen, Brown, and *either* Davis *or* Edgar. This occurs even if everyone of Flynn's supporters then voted for Clark.

The Robson rotation will also reduce the size of the ballot paper because parties, not wanting to spread their vote too much, will voluntarily reduce the number of candidates they run to only one or two more than they can realistically expect to be elected.

Note that the power brokers of Party A and Party B still control who gets elected from their parties because of their control of advertising and publicity. However, with the Robson rotation, they could get both candidates elected. For example, an effective campaign of "Elect Dr Allen and her team" will vary the ratio of Party A's supporters sufficiently to get the desired result. However, those parties that push for a complete dud run the risk of only getting one candidate elected.

## Conclusion

Election to the Senate is not a game or a lottery to be won by the party with the clever name. A hundred joke candidates are not an indication of a thriving and healthy democracy.

We need to start trusting the Australian people and give them back their Senate vote.

## Future Meetings

The next meeting will be held on Monday 19 August 2013 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 (02) 9181 5185 for the relevant information.

Comments and/or contributions are welcome:

[president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org), or

Electoral Reform Australia

74 Thompson Street

Drummoyne NSW 2047

### **Electoral Reform Australia officers**

Susan Gregory – President  
 Stephen Lesslie – Vice President  
 Mark Rodowicz – Vice President  
 Patrick Lesslie – Secretary/Treasurer

*Electoral Reform Australia is the NSW Branch of the Proportional Representation Society of Australia*