

LARGEST REMAINDER

(Not quite Quota Notes)

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Occam's Razor: some reactions to the submissions to the JSCEM interim report 2014 and why we need an independent White Paper

By Stephen Lesslie (President, Electoral Reform Australia)

Frustra fit per plura quod potest fieri per pauciora

[It is futile to do with more things that which can be done with fewer]

– William of Ockham (c. 1287–1347)

There is no perfect electoral system, but in reforming the Senate voting system we should keep Occam's Razor in mind.

For those who think fourteenth century philosophy is a bit dated, the twentieth century KISS (Keep It Simple Stupid) principle works just as well.

Background

In 1948, Doc Evatt – with disastrous consequences – refused to listen to a sensible suggestion from Dame Edith Lyons and other Tasmanians in the House of Representatives that it was unnecessary for voters to number every square on a Senate ballot paper. Had Evatt simply asked his Labor caucus colleagues to fill in a mock Senate ballot paper, he would have realised the dire implications of his requirement for voters to number every square.

The only other time Australians have had an opportunity to comment on Senate voting

reform was in 1983 when Parliament again ignored sensible advice that their reforms would not work.

Although this lack of foresight became blindingly obvious in 1995 with the election of the A Better Future For Our Children candidate to the NSW Legislative Council, it has still taken nearly twenty years for the Parliament to realise that they got it wrong.

The 2014 interim report of the Joint Standing Committee on Electoral Matters (JSCEM) on the conduct of the 2013 election seems to indicate that the Parliament will get it wrong again. This time it will not be the fault – well, not fully – of the politicians because, judging by the submissions received by the JSCEM, most of the advice given by psephologists and lawyers is just plain wrong.

A copy of the interim report can be found at: http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/2013_General_Election/Interim_Report

Apart from a general agreement that group voting tickets must go, there is almost no consensus as to how the problem can be solved. Many commentators cannot even give a single suggestion but come up with alternative suggestions within the same submission. Hardly helpful to a Parliamentary Committee looking for answers.

Even worse, none of the submissions cite any mathematical or academic study to support their recommendations which, much like Doc Evatt's conclusions in 1948, appear to be based solely on folklore and guesswork.

To separate proportional representation facts from myths, the Government needs to commission a White Paper on the issue of Senate Reform. This committee should be chaired by a mathematician and not another lawyer. It would need to examine the necessity or otherwise of any form of forced

preferencing, transfer values, and the method of counting a proportional representation ballot (Gregory, Meek, Wright, etc.).

To demonstrate why such an independent White Paper is needed, Electoral Reform Australia offers some comments on a number of the submissions to the JSCEM.

1. Malcolm Mackerras, psephologist (JSCEM submission No. 7)

Mackerras recommends a round number like 10, 15 [sic] or 20 preferences for a formal vote. He also wants to keep above-the-line voting. It is unclear whether or not he wants to keep group voting tickets.

No academic or mathematical study is cited to explain why 10, 15 or 20 preferences are needed.

2. Professor George Williams, Anthony Mason Professor of Law at the Faculty of Law, University of New South Wales (JSCEM submission No. 23)

Williams recommends:

Preferential voting above and below the line

Just as voters can express their preferences below the line, so too should they be able to do this above the line. Voter [sic] should be able to indicate a preference between the listed parties and any independent candidates.

I would prefer that voters be required to indicate the full extent of their preferences, just as they do in the House of Representatives, but would be open to considering an optional preferential voting model, like that used for the New South Wales upper house.

If optional preferential voting is allowed above the line, I imagine it should also be permitted below the line.

It is unclear whether Williams is advocating a single [1] below-the-line to be formal or the NSW Legislative Council requirement for a minimum of fifteen preferences.

If fully optional preferential voting is permitted below-the-line there is no need to include an above-the-line option. The black line across the ballot paper and the necessity for two sets of instructions is an unnecessary complication on the ballot paper. If Williams is advocating for a minimum of fifteen

preferences, again no academic or mathematical study is cited to show how forcing voters to vote for multiple candidates will increase voter participation.

Williams also wants to impose a 4% threshold on parties before they can be elected. He fails to understand that the objection to the election of micro party candidates is not simply their small vote percentages but the manner in which their election win is achieved – i.e. through the manipulation of the system.

There is no deception involved if the Judean People's Front openly swaps preferences with the People's Front of Judea.¹ It is only if they also gain the support, through secret (and basically dishonest) preference swaps, from the Roman Alliance and the No Self Government for Judea that the election becomes corrupted.

Reform that gives voters back control of their preferences will ensure that only parties and candidates with genuine community support are elected

3. Dr Kevin Bonham, Tasmanian psephologist (JSCEM submission 140)

Bonham recommends:

optional preferential above the line with semi-optional preferential below. I would consider four for a half-Senate election and, say, eight for a double dissolution to be the ideal number of compulsory squares for a valid below the line vote.

As to why I don't support fully optional preferential voting below the line, I believe that where major parties run especially strong candidates who have a cult-like popular appeal, they would be more likely to attract voters who just voted 1 for them and then stopped. This would disadvantage the party since those votes would not flow to other candidates in the party, and this would create a perverse disincentive to the party fielding such candidates. The situation in the Tasmanian House of Assembly with a required vote of 1-5 avoids this problem.

Surely it is the choice of the party whether or not to run 'strong candidates who have a cult-like popular appeal' – though it is hard to think of such a Senate candidate offhand.

¹ With apologies to Monty Python.

The perceived problem of voters who vote one and then stop is very simply solved. Both the NSW Legislative Council and the ACT Legislative Assembly electoral systems have done so, simply by allowing the surplus to be carried by those votes that *do* have preferences – fewer votes transferring but each with a slightly higher transfer value.

The net result is a gain for the party, not a disincentive. Votes from party members breaking the ticket remain at full value, whether distributed or not, and votes stolen from other parties are either kept at full value or returned at the lesser transfer value if distributed.²

Because these votes become informal the Tasmanian House of Assembly requirement to vote 1-5 does not solve the problem but hides it.

Again, no academic or mathematical study is cited to show how forcing electors to vote for multiple candidates will increase voter participation.

4. Antony Green, ABC election analyst (JSCEM submission No. 180)

Green recommends:

1. Retain the current ballot paper structure involving above and below the line voting.
2. Abolish group ticket votes
3. As in the current system a voter can vote with a single '1', but that vote would only apply to the candidates in the selected group.
4. A voter can then vote '2', '3' etc for groups above the line indicating their preferences... .
5. The minimum two candidates for a group can be retained, avoiding the complex ballot paper used in New South Wales.
6. Ballot paper instructions should indicate a minimum number of preferences below the line. My suggestion is half the number of vacancies plus one.
7. However, I would permit fully optional preferential voting below the line. Even a

² A more complete explanation, with figures, can found in Electoral Reform Australia, *Largest Remainder* (Issue 20, September 2013).

single '1' would be formal.

8. Change the formulas to weight out exhausted preferences when distributing the preferences of candidates elected with more than a quota of votes.

The above package puts control of preferences back into the hands of voters...

While these are sensible suggestions, if fully optional preferential voting is permitted below-the-line then there is no point in having an above-the-line option.

Green clearly demonstrates in an appendix to his submission that voters will not utilise the above-the-line preferential voting option and that consequently many votes will exhaust.

Electoral Reform Australia fully supports this assertion. It is worth noting that the majority of voters in the Australian Capital Territory Legislative Assembly elections, who do not have the above-the-line option, do continue preferencing beyond their initial party group.

There are some inconsistencies between Green's submission and a recent entry on his blog, in which he states:

In my view, the minimum number of preferences at a half Senate election should be 4 not 6, at a double dissolution it should be 7 or 8 not 12. In the NSW LC you only need 15 preferences not 21. Half the number of vacancies plus one is a good minimum.³

As with the other submissions, Green cites no academic or mathematical study to show how forcing electors to vote for multiple candidates will increase voter participation.

5. Electoral Reform Australia (JSCEM submission No.87)

Our submission recommended:

- No group voting tickets
- No above-the-line voting
- As few candidates as practicable
- Fully optional preferential voting (a single 1 to be formal)

³ Antony Green, 'How the Senate's new Electoral System Might Work - Lessons from NSW' on *Antony Green's Election Blog* (27 June 2014) <<http://blogs.abc.net.au/antonygreen/2014/06/how-the-senates-new-electoral-system-might-work-lessons-from-nsw.html>>.

Electoral Reform Australia has produced a number of articles in support of the proposition that fully optional preferential voting increases voter participation by reducing both the informal vote and the exhausted vote. [See *Largest Remainder* (Issue 17, February 2013), *Largest Remainder* (Issue 20, September 2013), *Largest Remainder* (Issue 21, February 2014).]

Conclusion

Electoral Reform Australia is tired of constantly hearing the mantras that voters must vote for 'as many as there are to be elected' or 'half the vacancies plus one' or 'a round number like fifteen' or 'say, 4 or 6 or 8 or ...'.

These are random selections. On what are they based? Where is the mathematics behind these choices?

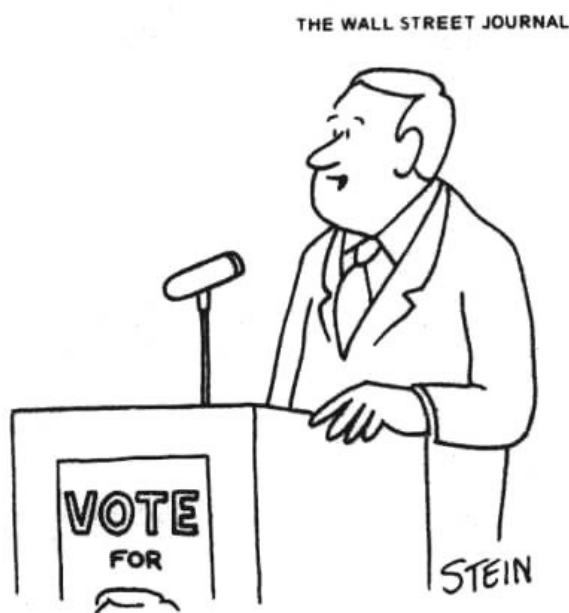
Electoral Reform Australia does not believe that such requirements increase voter participation.

We also acknowledge that our message is not getting through because these mantras have become universal 'truths' – the sorts of truths that can't be challenged because they are 'obvious'. Well, they are not obvious and they are not helpful to Australia's democracy.

We call on the Government to bring down a White Paper on electoral reform chaired by a suitably qualified mathematician, to hold public hearings and to examine the mathematics behind the various claims of what voters MUST do.

Few intellectual tyrannies can be more recalcitrant than the truths that everybody knows and nearly no one can defend with any decent data (for who needs proof of anything so obvious).

– Stephen J. Gould



"And if elected, I promise you will never hear from me again."

Future Meetings

The next meeting will be held in Sydney on Wednesday 19 November at 7.30pm. Anyone is welcome to attend.

For details, please contact Stephen Lesslie at president@electoralreformaustralia.org or on (02) 6351 2598.

Comments and/or contributions are welcome:

president@electoralreformaustralia.org, or

Electoral Reform Australia

12 Kirkley Street

South Bowenfels NSW 2790

Electoral Reform Australia officers

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

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