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Editorial

There's no interest like self interest.

It is very disappointing that Senator Nick Xenophon has regressed in his recommendations for Senate electoral reform. His latest suggestion – that the NSW Legislative Council model be adopted but that it also be compulsory for voters mark a minimum of three preferences – is ridiculous.

This proposal will increase the informal vote to levels unseen in Senate elections for over thirty years.

The Senate ballot paper will look identical to those of recent years but any voter who votes with a single [1] above the line, for the party of their choice, will vote informally. There are voters in their fifties who have only ever voted with a single [1] above the line and no amount of voter education will convince them that they will need to change how they vote.

Is this proposal just a device to force Green and other minor party voters to give second preferences to Senator Xenophon's party? How many voters forced to give second and subsequent preferences will just randomly allocate these votes?

Not that the Joint Standing Committee on Electoral Matters (JSCEM) recommendation that the NSW Legislative Council model be introduced is much better.

Certainly the informal vote will remain low but the level of exhausted votes will be very high. It would be naive to think that voters will take the opportunity to express further preferences by continuing to number groups above the line. The NSW Legislative Council experience is that a majority of preferences from every group will exhaust when the last candidate from the group is either elected or excluded.

Simplicity is still the best solution for Senate electoral reform.

The Australian Capital Territory (ACT) Legislative Assembly model should be adopted. One set of party groups, one set of instructions, no big distracting black line and, consequently, a much smaller and less intimidating ballot paper. Parties will run different numbers of candidates and this will break up the ballot paper and allow voters to more easily find the candidates that they wish to vote for.

The ballot paper should advise the voters how many candidates are to be elected, that they should vote using numbers starting from [1], and that they should vote for as many candidates as they wish in the order of their preference.

The more intelligent parties will not run a full slate of candidates but will trust that their supporters will, when they reach the end of the party list, realise that they can continue onto another party with similar policies. An examination of the votes in ACT Legislative Assembly elections will show that this is exactly what a majority of voters who support unsuccessful groups actually do.

This is instinctive voting behaviour. There is no separate party voting square implying that all that needs to be done is 'put a [1] here' and that the rest of the vote will be sorted.

Fully optional preferential voting must be permitted. When the ballot paper is presented in this format, it is very hard for voters to

resist voting for all the candidates in the party group. In the 2012 ACT Legislative Assembly election, Katy Gallagher received 23,996 votes and only 124 of these were single [1] votes. These single [1] votes did not exhaust: they remained with the candidate and the surplus was carried by the votes that gave further preferences.

The vote will be easy to count. The vast majority of votes will still be for the lead candidate in every group and because the ballot paper will be smaller and less cluttered, the counter will find the vote more quickly.

Currently, because votes below the line take precedence over votes above the line, every ballot paper has to be checked for votes below the line. Assuming it took just one second to make this determination, then it would take 150 days for one electoral official working eight hours a day just to sort the NSW Senate vote.

The ballot paper in this format will give ownership back to the voter. Whose vote is it anyway?

Dialogue with Simplicio (with apologies to Galileo Galilei)

Simplicio, an Australian voter, is discussing with Electoral Reform Australia (ERA) its single transferable vote (STV) model for the Australian House of Representatives. This model advocates multi-member electorates of at least nine members to be elected without the use of above the line voting or associated group voting tickets. Candidates would be grouped in party columns and the candidates would be rotated within each group to ensure that each candidate had an equal chance of having the top position on the ballot paper. Fully optional preferential voting would apply and the vote would be counted using the Meek method of counting.

A fuller explanation of the model can be found at www.electoralreformaustralia.org *under the heading 'Who we are'.*

Simplicio: Why is the current single member electoral system for the Australian Parliament so bad?

ERA: Put simply, the results of elections do not represent the considered views of the Australian electorate. Most voters are not represented in Parliament by the candidate, or even the party, to whom they gave their first preference. Many voters are represented by a party that they would never vote for, and minority views are often not represented at all.

An STV method of election, with electorates returning a minimum of nine candidates each, would ensure that every voter had the likelihood of being represented by the candidate of their choice, or at least by the party of their choice, and that the proportionality of the voters' choice is respected in the composition of the Parliament. With electorates of at least nine members, any candidate that gains 10% or more of the vote is guaranteed election.

Simplicio: Members of Parliament representing single member electorates often say in their victory speech on election night that they will represent all their constituents not just the ones who voted for them.

ERA: Yes they do, and it is a generous response. It is also an attempt to make an inferior electoral system seem more palatable. It is also unrealistic. Let's ignore obvious political issues such as a conservative member of Parliament who wants to ban trade unions, or the support for or against issues such as gay marriage, and consider an issue with no party political implications.

Consider two constituents: one wants to import queen bees to help develop immunity against the bee diseases ravaging the rest of the world. The other is totally opposed to the importation of bees because of the fear of introducing these very diseases. A single member of parliament cannot represent both these constituents and may well end up helping neither.

With STV, different members of parliament from the same electorate, and maybe even both from the same party, can each make separate representations to the Minister for Agriculture who can make the decision. Both constituents, even the loser, will know that their views were treated with respect.

Simplicio: With STV isn't it most likely that the outcome of the election will be a hung parliament?

ERA: Hung – or perhaps a better expression is 'balanced' – parliaments do occur but if a party has strong support it can win an absolute majority. In recent years, both the Liberal Party and the Labor Party have won absolute majorities in the STV elected Tasmanian House of Assembly.

Hung parliaments are not limited to parliaments elected by proportional representation. The House of Representatives and every State and Territory parliament has had, in recent years, a government in which no party has had an absolute majority.

However, not all governments formed where no one party has an absolute majority are the same. Those elected by proportional representation are more likely to consist of a coalition of parties and, once the initial coalition arrangements are established, can be quite stable.

Those elected from single member seats are more likely to be minority governments constantly requiring the support, in matters of supply and no-confidence votes, of one or more independents. These Independents often represent seats traditionally held by the opposition party and unsavoury pork-barrelling deals may eventuate.

Simplicio: Most STV electoral systems have electorates returning three and five members. Why do you advocate for electorates of nine or more members?

ERA: With electorates only returning three, five and even seven members, minority views are unlikely to be represented in the result. A quota with a three member electorate is 25% and with a five member electorate the quota is 16.67%. Many three and five member electorates will also be in electoral stasis in which an electorate cannot realistically change its political composition, regardless of the swing occurring in a general election. Electoral stasis is the equivalent of a safe seat in a single member electoral system, a seat which can and will be ignored by political party strategists who will allocate resources to other more marginal electorates.

Simplicio: Why not just use a PR list system?

ERA: There are many reasons that list systems are inferior but generally they are inflexible with regards to individual choice for the voters. Anyway, list systems most likely fail the requirement under sections 7 and 24 of the Australian Constitution that members of the House of Representatives and the Senate be '*directly chosen*' by Australian voters.

Simplicio: Isn't STV with its quotas and transfer values too complicated for the average voter to understand?

ERA: The mechanics of modern motor vehicles and aeroplanes are complicated but, despite not having mechanical or aeronautical qualifications, people still drive cars and catch aeroplanes.

In fact, the mathematics involved in STV is quite simple and anyone with basic high school mathematics can follow the logic. But it is not necessary to even go to this length; voters have an instinctive understanding that all they need to do is vote [1] for the candidate they most want and [2] for their next preferred candidate and so on until they run out of candidates that they wish to support. When they do this they will get it right. What is complicated is the study required in single member electorates *before the election* to determine how to vote tactically to ensure that your vote has the most influence on the result.

Simplicio: What is tactical voting?

ERA: Tactical voting is when voters do not vote for their preferred candidate but choose another candidate in the hope that this may help their preferred candidate or hurt their least preferred candidate. It is not always successful and can in certain instances backfire.

With three candidates, (one good, one bad and one indifferent) all apparently polling equally it may be best, tactically, to actually vote for the bad candidate with the aim of forcing the indifferent candidate into third position. Preferences from this candidate may then help elect the preferred candidate. Now *that's* complicated!

Simplicio: Some election commentators argue that we must vote for as many candidates as there are positions to be elected to ensure that votes do not exhaust. Is this true?

ERA: It is misleading. Votes only exhaust when the voter fails to find, either with their first preference or subsequent preferences, a winning candidate or the first runner-up.

In ACT and Tasmanian House of Assembly elections, both elections using STV, over 50% of voters find such a candidate with their first preference. These votes will never exhaust.

In ACT elections, where candidates are grouped in party blocks, the great majority of voters will instinctively vote for all the candidates within the group. Should any candidate within this group be elected then these votes will never exhaust.

Finally, observation of ACT elections demonstrates that a majority of voters who choose to support unpopular groups – those groups that do not reach a quota of votes – will again, without compulsion, find another group to support.

Compulsory preferencing is a solution in search of a problem.

Simplicio: OK. So voting for as many candidates as there are to be elected is not necessary. But is it a problem? And why do politicians and many political commentators keep insisting on it?

ERA: Yes, it is a problem!

Firstly, many voters who have actually found a winning candidate will needlessly and undemocratically have their vote declared informal just because they haven't filled in enough squares.

Secondly, parties and groups will be forced, sometimes even by legislation, to stand more candidates than they need to, or even want to, just to avoid votes being counted as informal. This increases the number of candidates to ridiculous levels. Over 300 candidates run in NSW Legislative Council elections – remove the necessity to run at least fifteen candidates in a group and the number would be fewer than a hundred.

We will also have candidates running who don't want to be elected. It is insulting to voters that they need to consider the merits of candidates who are not even serious.

And thirdly, if voters are forced to give preferences to candidates that they have no interest in, or even knowledge of, then we are introducing an unnecessary random element into the ballot. Many of these extra preferences will be meaningless 'donkey votes' where the voter has just filled up the required number from the left hand side of the ballot paper.

Why do politicians and many commentators insist on it? Good question. It's mostly about informality versus exhaustion.

Nobody sees informal votes. They remain just one line item at the end of the count. There may be a quick comment about why voters can't get it right, and then they are forgotten. Only good scrutineers can tell who they might have benefited.

Exhausted votes are much more obvious.

Election commentators need to explain why they are prepared to have votes declared informal that could and should have participated in the election result. Just for the record, with fully optional preferential voting both the exhausted vote and the informal votes go down .

Simplicio: What about strong candidates who have a cult-like popular appeal. Isn't it possible that if too many voters just give a single preference that the transfer value will rise above 1 and that some votes will exhaust to the detriment of the party concerned?

ERA: Simplicio, you've been swotting up! Yes, it's theoretically possible. Technically this is called loss by fraction. It is, of course, highly likely that if voters are so insistent on only voting for this cult-like figure they would vote informally if compelled to give further preferences. We also don't believe this would be a problem for the party as any cult-like figure would, almost by definition, take votes from opposition candidates.

This is all hypothetical, as we can find no

example in Australian parliamentary elections where, whilst there were still viable candidates within the party group, such an event occurred. Please let us know if you, or any of our readers, can find such an example.

For example, at the last ACT election Katy Gallagher, perhaps not a cult-like figure but certainly very popular, received 23,996 votes (over 2 quotas) but only 124 were single [1]s. Before Gallagher's votes could even start to 'exhaust', 11,442 of her supporters would have to have only given a single preference.

For completeness, occasionally in ACT elections when the last candidate from a party is elected, all other candidates from the group having either been elected or excluded, it can happen that votes do 'exhaust' in this manner. This is reasonable, perhaps even honourable, as these voters who have chosen representatives from their side of politics, now allow the voters from the other side of politics to choose their own candidates.

Simplicio: With electorates returning 9 to12 or more members, won't the number of candidates be too many to make an informed choice?

ERA: No. You only need to choose *one* candidate to have a formal vote. It is a popular misconception that a voter will first elect one candidate, then another, then a third and so on until they have elected six for the Senate or twelve in a local council or twenty one for the NSW Legislative Council.

But the Single Transferable Vote is just that: it is a *single* vote that is sometimes transferred. If your first choice is elected with too many votes, or doesn't receive enough votes to be elected, then that vote may be transferred to another preferred candidate and may help to get them over the line.

In the last ACT Legislative Assembly election only two candidates out of the seventeen elected candidates were elected with over a quota of first preference votes; most elected candidates received a solid first preference vote which was then topped up as other candidates, from within their own group and from other unsuccessful groups, were excluded.

In other words, in an electorate where candidates are rotated within party groups, the first preference of most voters never moves.

Simplicio: So I only need to vote for one candidate?

ERA: Yes, but we would not recommend that. If you only voted for a cabinet minister or an opposition front bencher you would probably have your vote counted at full value. But if you only voted for your neighbour who had just decided, on a whim, to stand for parliament then you would more than likely just waste your vote.

We live in a democracy and you cannot always accurately predict the outcome of an election. When voting, you should give second and subsequent preferences to further candidates just in case your preferred candidate is either too popular or not popular enough. Just to be on the safe side you should vote for as many candidates as you feel deserve your support.

Think of second and subsequent preferences as contingency votes – available should your preferred candidate either have too many votes or not enough.

Of course, if it is compulsory to give second and subsequent preferences many voters will end up voting informally. Current House of Representatives elections clearly show that the more preferences required, the greater the percentage of informal votes.

Simplicio: What if I don't know any of the candidates?

ERA: Most voters do not know the name of their Member of Parliament and you will be no different from the majority of voters in the current single member electorates. You will vote, as you do now, on purely political grounds. Find the party that you are philosophically attracted to and vote for them.

In this case, you should vote for all the candidates within the group and that will guarantee that your vote will end up supporting a viable candidate within your favoured party. There would be no reason for you not to give further preferences to other political parties again according to your own political philosophy.

You are the engine that makes the rotation of candidates work. Your vote, along with others who vote similarly, ensures that all the candidates within the group receive substantial percentage of the party's overall support. This then spreads the party vote and keeps the candidates of the more popular parties in the count longer. These candidates are then able to collect preferences from weaker less popular parties.

Simplicio: Won't geographically large electorates be impossible for members to service?

ERA: No. Why should it? We think it would be easier. There will still be the same ratio of voters to Members of Parliament. Each MP will still have an electorate office. Voters will continue to do what they do now: phone, email or even write to their representatives.

The major party representatives will divide up the work between themselves and voters will tend to only approach members that they actually voted for.

Minor party candidates may have to cover a large area, as minor party Senators and Legislative Councillors do now, but they won't complain as without these multi-member electorates they would not even have been elected.

Simplicio: These large electorates will not have any community of interest.

ERA: You are right; it is not possible to have 'community of interest' in these electorates. But what is it anyway? In political terms, the greatest indicator of 'community of interest' is voting intention. In single member electorates it is merely a device used to shore up electoral support and to create 'safe' seats.

When politicians and political parties make representations about 'community of interest' concerns to redistribution commissioners, what they are saying is 'this particular community would not vote for me therefore I am not interested in it – put it in another electorate'.

STV works on diversity, not uniformity. One of the reasons that we support large electorates which encompass both city and country voters is that these electorates mirror the diversity within each state as a whole and that spurious 'community of interest' concerns vanish. We believe that the community is the people of the State.

Simplicio: Won't regional voters will be swamped by their city cousins?

ERA: Where multi-member electorates overlap both city and regional areas then the major parties will preselect both city and regional candidates for each electorate; it is a political imperative. But if regional voters actually believe that regional candidates will represent them better, then regional voters will specifically choose regional candidates; if their city cousins merely vote for the party, then regional candidates will receive a greater percentage of the vote than their actual numbers warrant. Rather than being swamped, they would gain representation.

Political representation is, however, more important than regional representation. A Labor voter from Cobar is more likely to want to be represented by a Labor member who lives in Katoomba than the National Party member who lives down the road, and vice versa. In a single member electorate this Labor voter from Cobar would, in reality, consider themselves unrepresented. With STV this Labor voter would be represented by a regional Labor member. Liberal voters in regional areas would also be represented by a Liberal Party Member and not just a National Party member.

It is worth noting that this swamping takes place anyway. Only a third of Federal electorates are rural electorates and most are safe electorates which can be and often are ignored.

Whilst talking of being swamped, consider that both major parties will also have to ensure that women, different ethnic groups, age groups, minorities, etc. are also preselected in order to maximise their vote and to adequately represent the community.

Simplicio: Is it fair that some candidates require a full quota to be elected while others are elected with the largest remainder?

ERA: We don't think it's fair. We would

recommend that the Meek method of counting an STV ballot should be used. With Meek the quota is recalculated every time a vote exhausts and at the end of the count all winning candidates are elected with a quota.

New Zealand, a country with no previous experience with STV ballots, chose Meek when they introduced proportional representation for their local government elections. They simply looked around and then chose the best system available.

Simplicio: With these large electorates, won't it take too long to count the ballot?

ERA: We believe that the right result is more important than a quick result. However, the time taken to determine the result in close elections is the time taken for postal ballots to be returned and this will not change. In fact the result in most electorates will generally be known on the night: perhaps not the actual candidates but certainly the party representation.

Simplicio: With the potential of ten or possibly more candidates per party, won't it require millions of different ballot paper versions for the Robson rotation to work?

ERA: This rather pedantic argument is thrown into the mix by commentators who don't really understand or appreciate STV. The Robson rotation works well for multi-member electorates of seven or fewer and particularly well in jurisdictions, such as the ACT, Tasmania and local government, where the candidates are known to the electorate.

In larger, more anonymous elections, such as for the Australian Senate, it is the rotation of candidates that is important, but not specifically the Robson rotation.

We would recommend that a simple rotation is sufficient. The parties could supply a list of candidates in an order of their choosing and then these candidates could be rotated so that each candidate has an equal share of the top position on the ballot paper.

Simplicio: What happens if the parties run too many candidates?

ERA: Probably nothing. ACT elections confirm that most voters will number all the candidates within a party group. As weaker candidates are excluded, votes will transfer to the stronger candidates.

In practice, parties will have polling data and the results of previous elections to guide them in deciding how many candidates are likely to be elected and, hoping for a good result, will run two or three more. They will not have to run as many as there are to be elected.

In a nine member electorate, a party that could win four or five seats might run seven candidates – the occasional voter who, deliberately or accidently, only votes for a single candidate will still have over a fifty percent chance of hitting a winning candidate. Clearly this is better than having this vote declared informal. Remember that all votes for winning candidates will count at full value.

Running too many candidates is certainly better than not running enough!

Simplicio: Why do you recommend an increase in electoral deposits?

ERA: Electoral deposits are not a fee: they are a deposit which is returned should the candidate receive 4% of first preferences. The choice of a candidate for election to Parliament, or even a local council, is an important responsibility for Australian citizens and voters should be able to choose from amongst genuine candidates.

No candidate should expect to be elected unless they have a public profile and a team of willing supporters. As a political party requires five hundred members to be registered, seeking a deposit that equates to $40 per member would not be unreasonable. Remember that the deposit is returned when the party receives 4% of the vote.

A substantial increase in electoral deposits will deter frivolous candidates, reducing the number of candidates contesting the election and therefore increasing the chances of genuine candidates being elected or at least having their electoral deposits returned.

No candidate should stand for election unless they want to be elected. Did you know that at the 2015 NSW Legislative Council election, three candidates did not even vote for

themselves and received *no* votes at all!

Simplicio: What is plumping?

ERA: Plumping means voting for only one candidate, and partial plumping means restricting your preferences to the candidates of only one party.

Simplicio: Does plumping help my party?

ERA: No. Your second preference is not considered until the fate of your first preference has been definitely determined either as elected or excluded. This applies in the same way to subsequent preferences.

Remember, preferences are contingency votes available for use should your earlier choices have either too many votes or not enough. It is also impossible for your later preferences to harm the chances of candidates to whom you have given earlier preferences. Candidates and parties that recommend plumping do not understand the power that STV gives to the voter.

Simplicio: The ACT Electoral Commission says near the top of its ballot papers to 'Number five boxes from 1 to 5 in the order of your choice' and at the bottom of the ballot papers, 'Remember, number at least five boxes from 1 to 5 in the order of your choice'. Since a single number [1] is recognised as a formal vote, is it possible that the voters are being lied to?

ERA: We do not believe that the ACT ballot paper directions are well worded. The intention is good but we believe that it is wrong to lie or at least intentionally mislead voters. Better wording should be used. For the five member electorates, our suggestion would be to replace:

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

at the top of the paper with:

5 Members to be elected. Vote using numbers only.

and, at the bottom of the ballot paper, to replace:

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

with:

Starting from [1], vote for as many candidates as you wish in the order of your preference.

This wording could be readily adapted for the six Senators to be elected in half senate elections.

Australians have almost a hundred years' experience in voting with numbers with candidates listed in party groups. It is very difficult for voters to resist voting for all the candidates within their preferred party. The only hint that it is possible to vote beyond five is the two words *'at least'* hidden in the directions at the bottom of the ballot paper. Our suggested voting directions would instead encourage voters to continue numbering beyond their preferred party or group.

Simplicio: How many candidates **can** *I vote for?*

ERA: You have only one vote, so strictly speaking the question should be: how many preferences may I express? The answer is that you may number as few or as many candidates as you like. As long as the number 1 is put opposite the name of one (and only one) candidate, your vote will be formal. However, if you want to, you may number every candidate on the ballot paper, no matter how many seats there are to be filled.

There is nothing to be lost by listing more; it is impossible for your later preferences to harm the chances of election of your earlier preferences.

On the other hand, it is better to express only your real preferences and not to 'donkey vote' where you have no knowledge of the candidates concerned.

Simplicio: Is my vote certain to help to elect somebody?

ERA: No. Every election must have a loser, otherwise the office is just an appointment. In a single member electorate, up to 50% of voters may not help to elect a candidate. These are wasted votes, and those voters are not represented by someone they voted for.

However, in an STV election, the more members to be elected, the fewer wasted votes. With nine members to be elected, the number of wasted votes is less than 10%. This means that less than 10% of the voters in the

electorate will not be represented by a candidate they voted for.

Simplicio: Why is there such resistance to electoral reform?

ERA: Good question. Why do politicians not trust the voters with control of their own vote? Whose parliament is it anyway?

We would recommend that Occam's razor should be the guiding principle. Keep it as simple as possible. Fully preferential voting, no above the line voting, and no group voting tickets.

Address to the AGM of the Victorian-Tasmanian Branch

The following is an edited version of the address given to the Annual General Meeting of the Victoria-Tasmanian Branch of the Proportional Representation Society of Australia by Stephen Lesslie, President of Electoral Reform Australia.

Mr President,

We, Electoral Reform Australia, are looking for three things in any reform of an electoral system. They are:

1. The complete abolition of any form of above the line voting.
2. The rights of voters to have their vote counted.
3. Equality for voters.

The complete abolition of any form of above the line voting

Very briefly, for any reform to succeed it is essential that voters have returned to them the right to control and express their own preferences to the extent that they choose.

Without the above the line boxes, the two sets of instructions and the big distracting black line the ballot paper instantly becomes much smaller and less intimidating and more user friendly.

The rights of voters to have their vote counted

What sends my blood cold is the phrase, 'we will require voters to…'. It then continues with various endings like 'number all the candidates', 'number twice the number to be

elected plus one' or various arbitrary numbers like six, ten, twenty, etc.

Fully optional preferential voting is a fundamental right of the people. Anything else is a civil rights violation. You don't have to be Margaret Thatcher with her poll tax or the Ku Klux Klan with their burning crosses to prevent voters from exercising their franchise – making the ballot paper more complex is just as effective.

The vote belongs to the voter. We laugh at the United Kingdom and Canada with their first past the post system but if a voter votes for a candidate, they count it!

We want fully optional preferential voting and we maintain that with fully optional preferential voting voter participation actually goes up – that *both* informal and exhausted votes drop. What is voter participation? Turnout minus the informal vote minus the exhausted vote. It is pleasing, but irrelevant, that voter participation goes up with fully optional preferential voting as we would still object to any form of compulsory numbering even if there was clear evidence that voter participation would fall without it.

It is their vote – we cannot require voters to do anything except give a single unambiguous first preference. Advise, recommend, encourage and educate voters that continuing preferences to further candidates can never harm the chances of their first choice: yes; but require: no.

While we are at it, let's get rid of that other nonsense put forward by various commentators, including Kevin Bonham in Tasmania, who are worried about the problems posed to parties should they run, to quote Bonham, 'strong candidates who have a cult-like popular appeal'. They appear to be worried that should such candidates receive too many single first preferences, the surplus might increase to above one and thereby reduce the vote available to the party as a whole.

My response to that is:

o   STV elects candidates not parties.
o   There have never been any such candidates. Can anybody name one?

o It does not happen. Can anyone cite an example of this happening when available candidates from the same party were still in the count?

o A full quota of votes must be just a single [1] before a 'problem' begins to manifest itself. Candidates are still grouped in party columns and it is very hard for voters to resist voting for other candidates within the party group. A candidate with 1.5 quotas will need to have two thirds of their votes cast as a single [1]. In the 2012 ACT election for the seven member electorate of Molonglo, Katy Gallagher received 23,996 votes – over two quotas. Only 124 of these were single [1] votes and none exhausted.

o Since this candidate is a hugely popular candidate they will, by definition, take more votes from opposition parties and this, despite the fears, will benefit their party.

o The voting instructions on the ballot paper, how to vote tickets, and the AEC's advertising campaigns will encourage voters to express their preferences to the maximum.

o In the unlikely event that this occurs, counting the ballot by Meek will reduce the impact.

o It does seem an overreaction to have votes at every election declared informal, even those given to non-cult-like candidates, just to prevent the possibility of this happening.

Equality for Voters

Under the Australian Constitution, unlike local government and state governments, it is impossible to ensure that every multi-member electorate will have the same number of members. Each state has a predetermined number of members and prime numbers abound.

We should strive for an STV electoral system that does not have above the line voting and where the quotas are as even as possible. There is no reason why the district magnitudes within an individual state should vary by more than one.

Different district magnitudes are designed to prevent electorates returning an even

numbered cohort of members. But even numbered electorates are not the problem that some people think. It is not necessary to achieve a two party majority vote in every electorate. The Liberal, National, Labor and any minor party members elected from a Western Victoria multi-member electorate will not be caucusing about how to solve the problems in Mildura.

Electorates are just the device by which members are elected to parliament. Only having uneven numbered electorates will not prevent the 150 member House of Representatives ending up as 75 Government and 75 Opposition members. Indeed, an undue insistence on uneven numbered electorates may distort the proportionality of the entire election. It certainly distorts the quotas.

Two small wins for the same side of politics in two five member electorates may give a 6:4 result, where the true proportional result may actually be 5:5. The socio-economic divide in Australia is sufficiently wide and diverse that a 54.55% two party win, and therefore a genuine 6:4 split in a ten member electorate, would not be unusual.

We have come to 'electoral stasis', so a quick definition would be appropriate.

Electoral stasis occurs when an electorate cannot realistically change its political composition regardless of the swing occurring in a general election. In an STV proportional representation ballot, electoral stasis is the equivalent of a safe seat in a single member electoral system.

Electorates in electoral stasis are also so small that it is generally not possible to change the composition of members within the same party. The problem for small, even numbered electorates is the same problem that we get with small, *uneven* numbered electorates: they are too small and there is therefore a high probability that they will be in electoral stasis.

When formulating policies or allocating campaign resources, party strategists would not need to consider seats that are in electoral stasis. The major parties would not seriously campaign in these electorates or run extra candidates, so voters would not be given a

choice of candidates even within the same party.

South Australia is the problem when trying to devise an STV electoral system for the House of Representatives.

With eleven members (a prime number), South Australia cannot be divided into sensible electorates. Any division has one or more of the following problems:

o Quota difference is too great. One electorate returning 5 members and two electorates returning 3 members gives an 8.3% quota difference. Why should a candidate need 25% to be elected in one electorate but only 16.7% in an adjoining electorate?
o Electorates that are too small and are therefore, potentially, in electoral stasis.
o Electorates that are too big geographically to service, or more to the point, that are *perceived* as too big.
o Gerrymandering. Even a 5/6 split can be gerrymandered by the simple decision of having the Division of Grey in the five or six member electorate.

Dividing South Australia into small electorates is unsatisfactory, but having South Australia as one electorate with eleven members achieves many positives:

o The same quota of 8.34% for every voter and every candidate.
o The electorate will not be in electoral stasis and the likelihood that political swings will change the political representation is high.
o Parties will be forced to run sufficient candidates, enabling voters to choose candidates from within party groups.
o Gerrymandering will be impossible.
o Redistributions will be unnecessary. Should the State gain or lose a Member then the electorate just returns one more or one less Member.

Once it is decided that South Australia should be one electorate, the other mainland states can be divided to make electorates as close as possible in size to South Australia's eleven. The states that have to be divided are divided so that the quota difference between the electorates is at a minimum.

State	Members	Electorates
QLD	30	3 x 10 member
NSW	47	3 x 12 member; 1 x 11 member
Vic	37	2 x 12 member; 1 x 13 member
WA	16	1 x 16 member

Australia's Constitution makes it impossible to include Tasmania within the proposed model. But Tasmania, with over a hundred years' experience, is better able than most to utilize STV to its maximum, even though it is limited to a single electorate returning five members. (Tasmanians may also take comfort from the fact that constitutionally they are entitled to five members but mathematically to only four members.)

The quota in the mainland States varies between 5.55% and 9.09% – a difference of 3.54%

Compare this to the differences between 3 and 5 member electorates (8.33%); 5 and 7 (4.16%); 5 to 9 (6.66%); and 3 to 9 (15%).

The advantages of the Electoral Reform Australia model are many.

Electorates returning between ten and sixteen members incorporate all those ideals that we in the proportional representation movement hold so dear, and then most of us ignore.

1. Equality

The maximum quota variation within individual States is 0.65% and between States is 3.54%

2. Proportionality

Apart from Tasmania and the Territories, every electorate has a quota that is less than 10% and more than 5%. There appears to be a consensus around the world that, where thresholds apply, they should be set at 5%.

While I don't agree with the arbitrary nature of thresholds, I do believe that any candidate unable to poll at least 5% should struggle to be elected. These quotas will achieve that. I also believe that candidates who achieve 10% of the vote have met the proportionality requirement and deserve to be guaranteed election via a quota. These electorates also achieve that.

3. Choice of Candidates

Electorates of ten or more will force parties

hoping for a favourable result to stand more candidates than they might expect to be elected. This will give supporters of these parties more choice. To avoid looking like a bunch of clones, the parties will also have to offer a diversity of candidates.

4. Electoral Stasis

There will be no safe seats. The quotas for all these electorates are sufficiently small that even moderate political swings are likely to change the political composition of the electorate, meaning Parliament as a whole will be responsive to the mind of the electorate.

5. Redistributions

Redistributions are easy. Should a State gain entitlement to a seat, all that is required is for the most populous electorate to gain another member. If a State loses a seat all that is required is for the least populous electorate to lose a member. However, if even-numbered electorates are forbidden, redistributions would entail major boundary and district magnitude changes.

6. Members Of Parliament servicing electorates

There is a mistaken concern that with large multi-member electorates, Members of Parliament will not be able to adequately represent the voters. Parties that elect more than one candidate will be able to share responsibilities. Elected members will live and have past careers in different parts of the State or electorate and, because of the rotation of candidates on the ballot paper, will probably have campaigned in different parts of the State or electorate. It would be electorally disadvantageous to the party if they did not. These more popular parties will delegate the appropriate member or members to deal with an area or issue. Voters will understand this – their concern is being dealt with by a member of the party for whom they voted.

Elected members who are the sole representative of their party in a State or electorate are under a disadvantage and will have to decide how best to service their constituents. Senators from a party with only

a single member have the same problem. This is an inevitable downside of belonging to an unpopular party. The upside is that without these large multi-member electorates with their small quotas, they would not have been elected in the first place.

Senate Reform

Electoral Reform Australia's views on Senate reform are very simple.

1. No above the line voting of any kind.

Voters must be given back the right to express their own preferences *to the extent* that they choose.

2. Fully optional preferential voting.

Just a reminder: voter participation goes up with fully optional preferential voting because both the informal and exhausted votes go down.

3. A simple linear rotation of candidates.

In a modern STV ballot the rotation of candidates is essential.

o It spreads the vote of the popular parties amongst all their candidates.
o It allows voters to choose their favourite candidate with a reasonable chance of success .
o It helps keep the occasional single [1] vote from exhausting.
o It helps ensure that votes for micro, or less popular parties, eventually help elect candidates from the more popular parties instead of the other way around.
o It helps ensure that quotas have some meaning in determining which candidates are elected.

The Robson rotation, however, especially as it has been modified in the ACT, has taken this concept too far.

There are too many variations and, while there would be no problem with six candidates on a Senate ballot paper, it would be impossible with twelve candidates in a double dissolution. There will always be the possibility that some billionaire will think that running twelve candidates will be beneficial.

Senate elections are largely anonymous with regard to individual candidates. Who can

name two of the four Labor Senators for Victoria and how many Victorian Labor voters would be able to name any? Yet even a New South Welshman can name the Victorian minor party Senators that no one voted for.

With the Robson rotation it is likely that where second and subsequent candidates are elected they may beat their fellow party candidates not on merit but by luck, or worse because there is just enough avoidance of candidates because of their name or sex to change the result.

Preselectors, the members of political parties, are not evil people who have to be thwarted at every opportunity. Rotating candidates is essential for them, the party members, as they are likely to get more candidates elected, but their input into who is elected should be respected. Allowing political parties to present their list of candidates in the order of their choice will respect the parties' choice. Preferences are more likely to flow along the order of the parties' choice. If the voters believe the party has made an error, as they may with the recent Tasmanian Senate preselection, then they can still correct the decision. If the voters are supportive or neutral about the preselection then the party's choice has a higher chance of success.

All that is needed is a simple linear rotation. Three candidates, three variations; six candidates, six variations; and so on.

4. Electoral Deposits

Substantial electoral deposits should be required: $20,000 at a minimum.

A Senator gets a base salary of $195,000 a year plus perks. If an independent wants to be elected they have to be prepared to do what Nick Xenophon did – spend ten or twenty years building a profile and get the support of hundreds of friends. If they do this, they have a chance of being elected and having their deposit returned – if they don't, they are a joke candidate and deserve to lose their deposit.

We have to stop thinking that election to Parliament is available to anyone who wants it. 110 Senate candidates ran in NSW and 97 in Victoria, but only six get elected each time.

('What! I didn't get elected? Oh well, only two thousand bucks down the drain. But I did have fun.')

Fifty parties and one hundred candidates is not necessarily a sign of a healthy democracy.

5. Meek Counting

The vote should be counted using Meek. Should a vote exhaust, it is as if the voter did not vote at all and the quota is adjusted down accordingly. At the end of the count, every candidate is elected with a quota. No candidate is elected with the largest remainder.

Conclusion

We need to trust the voters.

Incremental change is not an option.

Before this parliamentary term is over there will be some reform. This will happen regardless of what we do. Our job should be to keep pushing for genuine reform. We might even succeed – at worst we can laugh at the politicians and say, 'We told you so!'

Future Meetings

The next meeting will be held on Tuesday 16 February 2016 at 7.30 pm.

Anyone is welcome to attend. For details, please contact Stephen Lesslie at president@electoralreformaustralia.org or on (02) 6351 2598 for the relevant information.

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