

## REMARKS ON THE ELECTORAL REFORM GREEN PAPER.

### Introduction

The *Strengthening Australia's Democracy* green paper raises for discussion a number of radical changes to the electoral architecture of the country. These issues have not been raised by pressing need or self-evident ailments, as have some reforms of the past. They are raised instead as thought-experiments, proposed 'improvements' which are unsupported by a crippling underlying cause.

This form of thinking is dangerous. The integrity, stability and trustworthiness of any nation's democratic system is an important safeguard against the breakdown of the rule of law, personal liberty and freedom to own property and participate in economic and social life. Countries where democratic legitimacy has failed to take root are characterised by cycles of violence, coups and counter-coups - in short, they suffer from putting bullets ahead of ballots in the selection of new governments.

I submit that proposed changes to the electoral system must show overwhelming evidence in their favour. They must demonstrably make the system more robust, stable and trustworthy. Other properties, such as budgetary efficiency, are simply not as important as maintaining democratic legitimacy. To think otherwise is a classic example of false economy.

Below I will treat a selection of proposals from the green paper in the order in which they are raised. Generally I will be focusing on the danger posed by a large number of the proposals.

### Non-citizen voters

The idea that 'British subject' voters justifies extending the franchise to all resident non-citizens is daft. This does not resolve the anomaly, it merely promotes it to unnecessary dilution of the franchise. The cause of the British subject rule has nothing to do with favouring one group over another; it is merely a wart left over from the Constitutional growth of Australia as an independent sovereignty *composed of citizens*.

### Lowering the Franchise Age

There is a substantial and growing body of evidence that the brain does not reach full maturity until the 20s. In particular, personality, rationality and risk assessment are all incompletely formed throughout the teenage years. Teenagers are more likely to make poor or risky decisions.

Even in Plato's hypothetical (and fascistic) state *The Republic*, it is argued that no man should have authority until he is at least 35.

The idea that this will improve voter turnout by "engaging" younger voters misses the point. If people don't want to vote, it's not because they haven't voted before. It's because they *have* voted in the past, and remembering the time and bother, decided not to do it again. If anything, lowering the franchise age could lead to a slump in votes amongst 18-19 year olds.

### Optional Preferential Voting

This is a very bad proposal, as demonstrated by the experience in Queensland. Due to strategising by political parties, optional preferential voting in practice devolves into plurality voting. The introduction of exhaustive preferential voting specifically overcame the many drawbacks of plurality voting. This proposal would reverse a previous improvement and should be flatly rejected.

The proposal for “partially optional preferential voting” is an invitation to expand, and not reduce, the number of informal votes.

## The Composition of Parliament

Australia has a useful hybridisation of single-member and multi-member electorates through the differences between the House and Senate.

In Australia, the matter of which side of politics controls the Executive is decided by the balance in the House of Representatives. Single-member electorates mean that either of the major parties will capture all or nearly all electorates. This greatly increases the chance that one side will form a clear majority in the house.

This has two important properties:

- Executive stability. Since the Executive is formed out of Parliament, stability within Parliament flows through to stability in Executive. There is a great amount of day-to-day work that requires constant supervision by Parliament, quite aside from the formation of new policy. In countries where the Executive is formed from multi-member Parliaments, instability of the Executive is common. Public servants, businesses and citizens must face a high cost of dealing with rapidly switching governments. To offset the risk of unhealthy terms of office, the Australian system goes to the polls approximately every 3 years.
- Having a lower house composed entirely or almost entirely of politicians from two parties means that when one side wins the numbers to form government, it has a much deeper pool of potential talent from which it can draw.

Contrariwise, the Senate provides a forum for minority views to be aired and sometimes included in law and policy. This means that the party elected to govern can actually govern, while needing to be somewhat mindful of the views and wishes of large minorities.

## Electronic and Internet Voting

An electronic voting system fails all the important tests for a polling system.

In particular, such systems:

- Break the secrecy of the ballot (“shoulder surfing” and “watchful husband” problems)
- Require provable identification for Internet voting, which is incompatible with civil liberties (because it will take 10 minutes for someone to propose it be “switched on” at all times)
- Are much easier to subvert than the booths-and-ballots system
- Are likely to be mistrusted in any election
- Have no tangible ‘audit trail’

All these and other drawbacks have been extensively reviewed by experts in computer security and cryptography. The consensus is that electronic voting is a very bad idea, and internet voting is an actively dangerous idea. The unwieldy, paper-based nature of our voting system is actually a *good thing*, as it dramatically increases the cost and risk to subvert the system.

To subvert our current system, you need to subvert officials at a large number of booths in a large number of electorates. You need to successfully subvert officials at the AEC counting stations in each state. You need to falsify several forms of paper records, including electoral rolls, tag and box registers and so on. To achieve all this is far more expensive than simply running for office.

Whereas an electronic or internet system can be broken by subverting the handful of men and women who control the tallying machine, or by subverting the system programmers, or by attacking traffic in-transit, or by attacking the home computers used to register votes ...

Finally, because all or any of these subversions can take place without leaving any noticeable evidence, *there is simply no way to know if a final count is legitimate*. That completely undermines the democratic system. Electronic and internet voting must be completely rejected as being positively dangerous.

## Compulsory Voting

Compulsory voting should be retained and possibly strengthened.

In a non-compulsory system, only highly motivated individuals will vote. It turns out that the most highly-motivated voters are not mainstream voters. In the USA, for example, the “religious right” has legislative influence disproportionate to its demographic representation, simply because the religious right is motivated and organised.

In a compulsory system, rather than relying on motivating “extreme” followers through outlying policy, political parties must rely on the “median voter” to form government. This helps to moderate the policy cycle: rather than being jerked suddenly this way and that, the rate of change is moderated by an inbuilt need to always bring the median voter along.