

## **SUBMISSION TO THE GREEN PAPER REVIEW**

*Electoral Reform Green Paper - Strengthening Australia's Democracy*

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The present Senate Ballot Paper fails completely to present every individual candidate with an equivalent exposure to every voter in the act of their casting their vote, and with an equivalent treatment under the electoral processes.

It seems to me, whatever the administrator of election may prefer to simplify the processes for their own purposes, there should be no construct in the voting process that clearly advantages any single candidate, and certainly none that advantages a group of candidates over individual candidates, where that deficiency is readily capable of correction. In this respect, I would hold that where the defect arises out of some direction in legislation that legislation or its interpretation is inconsistent with the foundations of our political processes, at least as these are understood by the general population. Biased procedures including procedures with avoidable technical defects of bias are entirely inconsistent with strengthening Australia's democracy.

The present Senate Voting Paper clearly disadvantages non-party, non-grouped, candidates whose constituency under it is only that section of the public prepared to number all the squares below the line. While those preferred by this anomaly would no doubt argue there was no disadvantage in this, such argument could hardly be reasonable.

The Senate Ballot Paper should not display for any candidate more information than it displays for any other candidate. That is, it should display every candidate's name only, and only once, and no completely unnecessary implicit information should be included - so grouping of names on a ballot paper according to any criteria that clearly informs (by party grouping for example) should be rigorously avoided. It is obviously and absolutely not the prerogative of the mechanics of an electoral process to design any bias into the process because it suits some procedural purpose of the electoral process or some political preference of any interest group.

*The Constitution requires that: "The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting"*

While I am sure that plausible arguments can be made for all sorts of positions once precedent permits that simple idea to be nuanced to suit the whim of people for whom simplicity is anathema, it does seem to me that the Constitutional idea is not that Senators be elected by default but that they should be elected by a directly indicated vote.

The Senate Voting Paper is also biased against the expression of a voter's will. Clearly, very few voters give a damn about who gets their eighth or fourteenth preference, and those that do are free to give those preferences. Presumably voters are forced to make full-paper selections to suit the "accounting" system. Any voter casting an above the line vote has no interest in the preference order past the few that may be relevant to actual candidate election.

The result is that people cannot cast a formal vote that does not flow to the decision between the last two candidates. No voter can cast a vote that is only as "active" as they choose it to be. The system requires the recording of preferences that the voter might otherwise not choose to indicate.

It seems entirely possible to me to have a voting system that overcomes all these objections. For example:

all candidates are listed by name only on the voting paper in order of a draw-for-position,

*That is: there is no above the line section, and candidates of the same political affiliation appear wherever they are individually drawn.*

voters may indicate however many preferences they wish and the vote be valid.

No pre-poll automatic preference allocations would be included. Only the preferences directly indicated by the individual voter would be relevant.

A vote indicating a less-than-full preference list would expire at its last indicated preference in the event of the non-election of a preferred candidate.

A vote cast with no preferences indicated would be counted as a valid vote.

I understand that such a system may raise questions about quotas for election as the number of "deciding votes" would be different from the number of valid votes cast.

My suggestion would be to determine quotas for election from the number of valid votes cast, which may see the election only nominate a smaller number of Senators than the number of quotas, one or two short perhaps. This would reflect that an adequate number of voters could not find senators they would accept from the field of candidates presented.

There are many ways to consider the selection of "top up" senators.

For example, my preference would be for the AEC to select names at random from the State electoral role and offer the person selected the choice of placing their name on the Senate ballot paper (Section 2), as a citizen prepared to accept appointment to the Senate, until say five such persons had been found. Voters could then vote on enough Section 2 people if this had to happen for legal reasons, or make-up senators could be selected at random from the small list.

Other "democratic" options are readily imagined.

Some non-politicians in Government sounds most appealing.