

Submission for the Electoral Reform Green Paper –
Strengthening Australia's Democracy

A proposal for a hybrid group voting and optional preferential voting ballot marking for the Australian Senate.

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Scope of this submission

This submission proposes to a change of the rules regarding how a voter can mark their Australian Senate ballot paper, the formality of such votes and how they are counted. Currently the voter only has the option of voting in two ways in for the senate:

(a) Mark one above the line.

(b) Mark all numbers below the line (which is on some occasions around 100 numbers).

Any variations from these at best result in additional preferences being ignored or at worse result in the vote being declared informal.

However, the act of marking one above the line is essentially the same as marking all the numbers below the line in a way determined by the group voting ticket. In this way the option of marking one above the line does not change the way the votes are counted, or the voting system. It just gives another way for a voter to express their preferences.

That is, when all votes are counted, even above the line votes are treated as below the line votes with a given preference order specified by the group voting ticket.

Conceptually, every ballot marking is converted to a particular below the line vote before being counted, or otherwise declared informal. Much like when group voting was introduced, we can change the way ballots are marked and interrupted without changing the actual counting procedure.

This is solely what this submission proposes, an alternate way of interpreting the ballot markings on Australian Senate papers.

Properties that the ballot marking system proposed possesses:

The ballot marking system proposed possesses the following properties:

- Any vote that is currently formal under the current ballot marking system continues to be formal with the same meaning.
- The ballot paper design does not need to change.

These criteria were considered important prevent any potential impact on voters.

The system proposed however will make a number of ballot markings which would have been previously informal now formal votes.

Discussion of the goals of a voting system.

This submission is based on the following premise:

“As far as possible, we should aim for the true preferences of voter to be expressed by the ballot marking system.”

The rest of this submission will refer to this as the goal in designing a ballot marking system.

Discussion of the current Australian Senate ballot marking system

As discussed, the current Australian Senate system allows only two ways of marking the ballot paper:

(a) Marking 1 (and only one) above the line

(b) Marking all numbers below the line

Marking 1 above the line is easy for voters to do. However, voters may have preferences for more than one group. They may hold preferences for two, three or four groups. The group voting ticket for their favoured group may not express the same preferences as them. At this point, the voter has two options.

- (a) Mark one above the line, and express a vote that doesn't express their own preference.
- (b) Mark all numbers below the line, (often close to 100), and risk their vote being informal.

In addition, even if the voter chooses to vote below the line, they may actually want to follow the preferences of the group voting ticket for their preferred group for the majority of their preferences. The voter may wish to preference three or four groups, but leave the remainder to their group voting ticket to decide.

This sort of voter is probably quite common, someone who expresses preferences for more than one group, but not all of them. In addition, they would probably prefer their favoured group direct preferences to like minded groups after their preferences than not have their preferences directed at all.

Unusually, our current vote marking system in the Australian Senate doesn't cater for the mainstream voter, but for the extremes. It caters for those voters that only express a preference for one group, or those who can express a preference for all candidates. The vast majority of voters in the middle of these two extremes are left with two choices, one of which doesn't allow them to express their preferences, the other of which is difficult and cumbersome and prevents them receiving the assistance of a group voting ticket.

Proposed Senate Ballot Marking System

What this submission proposes is the following:

- The ballot paper is unchanged.
- Voters can mark any number of boxes either solely above the line, solely below the line or a combination of the two.
- All ballots which express a valid unique first preference are formal.
- Non group candidates can submit group voting tickets

As discussed earlier, a ballot marking system must have rules for converting a ballot into a “below the line” vote with a strict preference ordering before being counted. I propose the following process for converting a ballot into a “below the line” strict preference ordering. Keep in mind this is a “pen and paper” description, in the actual process, no markings will be required on the paper, just reference to the group voting ticket (or, the process could be done by a computer easily).

(i) **Move above the line markings below the line:**

For any marks above the line, fill those candidates below the line with the same number above the line. For example, if Group A is preference number '2' above the line, then fill a '2' into all of Group A's candidates below the line. If one of Group A is already numbered below the line however, either leave the number below the line, or optionally, if the group number is higher, overwrite it (whether to leave or overwrite must be determined in law, but is not an important aspect to the overall system).

(ii) **Determine first preference**

After step (i), the result should be an incomplete ordering of candidates below the line. Its probable that numbers are repeated, or numbers are skipped. Now check for the smallest number listed (highest preference). Generally this will be marked one, but if a voter does not mark a one but does for example, mark a two, this should be taken as the voters first

preference. Check to ensure that the highest preference only occurs in the candidates of one group or one ungrouped candidate. That is:

1. A first preference for a candidate in Group X and another candidate in Group X is formal.
2. A first preference for a candidate in Group X and a candidate in Group Y is not formal.
3. A first preference for a candidate in Group X and a non-grouped candidate is not formal.
4. A first preference for two non-grouped candidates is not formal.

The group voting ticket to be used is the group voting ticket for the candidate or group who receives the first preference. This is why votes with two first preferences for candidates in different groups must be informal, as the group voting ticket to use can not be decided.

(iii) Determine full preference order (i.e: equivalent strictly ordered “below the line” vote)

Now we have a vote with a number of preferences below the line, some of which are repeated. The current senate voting system does not handle repeated preference, so we need some way of resolving this issue. To resolve this, we use the group voting ticket of the first preference. For example, if there are three fourth preferences marked, they ordered in the way of the group voting ticket. In addition, after the voters preferences have completed, any remaining preferences are not expired but directed the way of the group voting ticket.

Advantages of the proposed ballot marking system:

- Voters have more control over their preference ordering
- More votes are considered formal, and as best as possible directed the way the voter would have intended, either via their own preferences or the preferences of their most preferred group, which is most likely would produce a similar preference ordering as the voter.
- Allows average voters to express their preferences whilst still allowing them, if they choose to, to rely partly or fully on a group voting ticket of a group they agree with, simplifying the voting process from the current “below the line” process.
- Required no changes to the core counting procedure, and maintains the principles of proportional representation.
- As individual candidates will be permitted to provide group voting tickets, it is likely that a number of parties which currently run as groups (primarily so their voters do not have to vote below the line) will now run single candidates. This will greatly reduce the complexity and size of the ballot paper. Only parties which expect to elect more than one candidate would need to run a group. The senate ballot paper as a result would be a much more reasonable size, and list possibly only half the candidates than is currently the case.

Thanks and contact

Thank you for reading my submission. If you would like more information about this proposed ballot marking system, including illustrated examples, or computer code which performs the process of converting some ballot markings given electronically into a strict ordering, or any other information, please feel free to contact me at clintonmead@gmail.com.