

Democracy in Australia – Redesign of senate ballot papers to ensure transparency of preferences

Above-the-line voting on ballot papers was introduced to offer voters a simpler alternative to the requirement to number every candidate in order of preference on ballot papers. It also had the aim of reducing the number of incorrectly completed ballot papers and thus informal votes. Above-the-line ballot papers, while retaining the option to number all candidates, introduced the alternative of the nomination of a vote for a particular party and by implication for the preferences that the party had decided upon.

In Senate elections where there are large numbers of candidates, the incentive to vote above the line for a party and its preferences instead of numbering all the candidates' boxes in order of the voters' preference is very strong. Numbering each individual box is a very tedious task and has a high risk of making a mistake and thus of making an invalid vote.

Researchers and commentators have, however, expressed much concern with the current Senate above-the-line voting practice. They argue that above-the-line voting not only puts the voter in the hands of the chosen party but makes it very difficult for the voter to understand what the preference implications are of his or her vote. The virtual invisibility of preference flows may direct a vote in a way not intended by the voter. This is because parties increasingly negotiate preference deals not on issues of policy or principle but on the basis of strategy and self interest.

A case study from the 2004 Federal Election

In the 2004 Federal election, Family First leader Steve Fielding won a Victorian Senate seat by polling about 0.13 of a quota. Senator Fielding received 56,376 primary votes (the sixth highest primary vote count, and a fraction of the third highest, the Australian Greens with 263,481). Family First received the bulk of their votes during the distribution of preferences. Peter Brent notes that Senator Fielding needed the preferences from half the ALP votes to win the seat from the Australian Greens. As it turned out, the system sent the unused votes from all the above-the-line ALP voters to Family First. Brent points out that it is unlikely ALP voters intended to preference Family First over the Australian Greens since Greens scrutineers observed that 63 per cent of ALP voters who voted below the line, articulating their preferences rather than accepting party negotiated deals, gave their preferences to the Greens over Family First candidates.

Election analyst Anthony Green writes that the price for a decrease in informal voting achieved by above-the-line ballot papers is that “a democratic deficit has developed, with serious questions as to whether the results engineered by group ticket voting truly represent the will of the electorate”.

Options for Improving Democratic Outcomes

Anthony Green argues that reform is required both to the Senate ticket and to the automatic preference planning available to parties. His alternative means of dealing with the problem are set out below.

The first (approach) is to give voters more options to direct their own preferences, which will weaken the control parties have over preferences, making elections more reflective of the will of the electorate. The second is to change the way parties lodge ticket votes to discouraging micro-parties engaging in preference harvesting, and also to discourage larger parties from gambling with their preferences. The easiest solution is optional preferential voting below the line, voters only having to fill in as many preferences as there are vacancies to fill. A second is to adopt the new NSW Legislative Council system, where voters are allowed to fill in their own preferences for parties above the line, again ideally using optional preferences. Both of these options give voters a much more

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manageable way of voting against the pre-determined preference tickets of parties.

The second approach would be to put an upper limit on the number of parties that could be included on a group ticket preference list. If a party could only give preferences to five other parties on the ballot paper, it would have two consequences. First, preference harvesting by micro parties would be made much more difficult. Second, with a limit on preferences, parties would be encouraged to list like-minded parties on their preference tickets rather than gamble one of their precious preferences on a strategic deal.

Proposed parliamentary changes

Senator Bob Brown introduced the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 to the Senate in May 2008. The Bill would replace current above-the-line one box selection with nomination of preferences to parties by the voter. It would allow voters to select parties above the line, rather than numbering individual candidates below the line, forcing transparency of preferences for the voter. The Bill was referred to the Joint Standing Committee on Electoral Matters which tabled its report in Parliament in June 2009. The Committee declined to make recommendations on the Bill but proposed further discussion. It cited concerns that the increased complexity of voting would decrease the proportion of valid votes.

The Second Green Paper on Electoral Reform

The Rudd Government's second green paper on Electoral Reform of September 2009 includes discussion on ballot papers. It includes, as one of its key principles for an electoral system, that balloting processes should enable voters to truthfully express their choices between candidates or parties.

The Green paper presents two models of preferential above-the-line voting; voters could number either all, or a minimum number of squares above the line instead of a ticket voting with a single square.

The Green Paper invites submissions on changes to enrolment practices by late 2009.

Conclusion

As can be seen there are many options for change to the above-the-line voting system being put forward.

Implicit in all of these proposed alternatives is agreement that the current system lacks transparency, distorts voters' intentions and thus needs change.

Sources

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