



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

Submission number: 018

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Submission by Bruce Paine to the Inquiry into the operation of the 2024 ACT Election and the Electoral Act 1992.

Dear Standing Committee on the Integrity Commission and Statutory Office Holders,

This submission particularly refers to the following Terms of Reference: (1); (3)(c); (4)(b); and (6).

I would welcome to discuss matters with the Committee.

1. I have been an active participant in the 2016, 2020 and 2024 ACT Elections (the last 2 as a candidate) and consider that I have a good working knowledge of the ACT's voting system and arrangements.
2. I consider that:
 - a. the instructions on the ballot paper should be amended to instruct people to number at least 10 candidates (rather than the current 5) and to clearly indicate that the voter's most desired candidate is to be numbered 1;
 - b. a proper survey of the community's knowledge of the ACT's electoral system – with particular emphasis on the practical operation of preferential voting in the ACT's Hare Clark voting system – to fully inform changes;
 - c. in any case ElectionsACT publicly available information on ACT's electoral system needs to be reviewed and amended to properly inform the community about the practical operation of the Hare Clark system (including that each voter is essentially only electing one candidate, that their vote helps elect the first candidate they number who also gets support from enough other voters, and that it is the community overall not the individual voter that elects five candidates in each seat).
3. In assessing the existing system and making any changes, I urge existing MLAs to prioritise the future of our democracy over any self-interest for themselves or their Party.

Currently, there is a general perception including among commentators that the ACT's Hare Clark system is very complex. While this is not actually the case, that perception could be exploited to undermine our democracy.

More clarity and better education are required so that each voter understands how to effectively support the candidate they most prefer.

Evidence that improvements are needed

4. Evidence includes:

- Questions and comments from voters and members of the public that I and colleagues received. Many of these questions reflected a mis-understanding that each voter is electing 5 candidates (rather than helping elect only 1 candidate). Many of the comments were along the lines of ‘I gave an Independent my number 2 vote after major party candidate X because I want an Independent to be in the Assembly’.

This demonstrated a clear misunderstanding of the operation of the preferential system. As the major political party organisers know, putting no.1 next to a well-known major party candidate almost guarantees that vote totally remains with their candidate and does not help elect any other candidate.

- ElectionsACT not properly informing people (eg “fill in at least five squares as there are five candidates to be elected”) – see more information below.

Not surprisingly, this messaging is picked up by reputable reporting – for example, see <https://www.abc.net.au/news/2024-10-16/act-votes-here-is-what-you-need-to-know/104466808> which included:

“Why am I voting for five candidates?

The ACT has five electorates, with voters choosing five candidates in each to represent them in the Legislative Assembly.”

- Commentators sometimes conflating the issues of numbering 5 candidates and 5 candidates to be elected.

Suggested actions and improvements

Amending instructions on the ballot paper

5. I consider the existing instruction on ballot papers is not properly informing people on how to vote to give effect to their wishes. The existing instruction is “Number five boxes from 1 to 5 in the order of your choice” followed on the next line in smaller font by “You may then show

as many further preferences as you wish by writing numbers from 6 onwards on other boxes”.

In my opinion the existing instruction has served the self-interest of major political parties. This has occurred through, for example, the combined operation of the main instruction on the ballot paper to number 1 to 5 and the major Parties generally running 5 candidates per electorate resulting in relatively few preferences flowing across columns. In my opinion, the current arrangements encourage ‘donkey’ voting down a column.

However, with more Independent candidates and more voters supporting them, it may be that major parties self-interest is now in voters numbering more than five candidates (to increase the chance a vote will help elect a major party candidate if no Independent candidate is elected).

Irrespective, maintaining support for our democracy argues for providing instruction and guidance to number a higher number of candidates so there is more likelihood that people’s vote will help elect one of their preferred candidates.

6. Reflecting the above, I recommend that the instruction on the ACT Ballot paper be amended to “Number at least 10 boxes in the order of your choice (with number 1 as your first choice)”.

This instruction would, by increasing the recommended no. from 5 to 10, reduce the risk of votes ‘exhausting’ (ie not helping elect any candidate) and hence improve the integrity of the ACT’s voting system over time as more people vote for Independent and minor Party candidates.

This instruction would also inform voters that they should number their most preferred candidate no. 1 (currently that instruction is completely missing from the ACT’s ballot paper).

This instruction would also be conceptually consistent with the instruction for a Senate election (that is also a preferential proportional voting system).

It should be noted there is no inherent reason for the recommended number (eg 5 or 10) to equal the number of candidates to be elected by the community – for example, for the House of Representatives voters have to number all candidates however the community only elects one

candidate. For the Senate, voters are instructed to number 12 candidates however the community only elects 6 candidates per election.

Impartial survey

7. Currently, we do not know whether people number candidates in the way that gives effect to their desired outcome. I recognise this is inherently hard to measure.

I suggest that ElectionsACT undertake or commission an impartial survey to accurately gauge stakeholders' actual understanding of the ACT's electoral system.

I note the Electoral Commission's report on the 2024 Election refers to "Exit survey results". To the extent these ask about understanding, these are based on voter's self-assessment of their understanding – however that can be different to their actual understanding.

Better educate people about the ACT's electoral system

8. Even if a survey is not undertaken in time to improve the conduct of the 2028 ACT Election, I suggest that ElectionsACT review and amend their information on ACT's electoral system so that it better informs the community, particularly about the practical operation of the Hare Clark system. This includes the related points that each voter is essentially only electing one candidate, that their vote helps elect the first candidate they number who also gets support from enough other voters, and that it is the community overall that elects five candidates in each seat.

9. As part of the review and amendment, I suggest that particular emphasis be given to:

- a. Elections ACT Voting guide (see

https://www.elections.act.gov.au/_data/assets/pdf_file/0007/2589451/Voting-Guide-Brochure.pdf accessed 28 August 2025).

This guide included the following "You should fill in at least five squares *as there are five candidates to be elected in each electorate*. But, to make sure that you get the most value from your vote, you can continue to fill in the squares, until all your preferences are recorded. You can fill in every box if you like."

I have underlined the text that I consider potentially misleads people into thinking they individually are electing more than one candidate – which can mislead people into thinking it does not matter which order they number their first 5 preferred candidates. Unfortunately, this form of words was used orally by Elections ACT staff in live media and essentially repeated by commentators (see for example, CanberraWeekly, p14, 3 October 2024).

I suggest the underlined words be deleted.

Fortunately, it is not difficult to explain the practical operation of the ACT's Hare Clark system – see, for example, CityNews September 26 – October 2, 2024, p10.

- b. I think that part of the reason there is a low understanding of the Hare Clark system is that electronic voting has removed physical counting of ballot papers, including the process of allocating preferences as a candidate is eliminated. This is removed a visual representation of the operation of Hare Clark.

I suggest developing material that visually shows the operation of Hare Clark.

For example, developing (if it does not already exist) and distributing an easy-to-understand poster to explain the Hare Clark system. As an example of a poster see

<https://www.aec.gov.au/learn/files/poster-counting-hor-pref-voting.pdf> accessed 28 August 2025.

I suggest a poster focuses mainly on the most common situation that arises as votes are counted ie that no candidate has a quota after the first count.

I suggest that an explanation of the 'more votes than the quota after the first count' situation only be contained in, for example, a footnote since this situation is relatively rare, is essentially irrelevant to people when they vote and adds undue complexity. Consistent with the above, I suggest that Elections ACT explanation of how votes are counted in the ACT's Hare Clark system note that a 'candidate's surplus' is relatively rare – that will allow readers to focus on the parts of the count that always occur particularly excluding the candidate with the least votes at each

step.

And/or developing a Youtube to show a count.

Other matters

10. I suggest that the number and placement of corevflutes be further reduced – essentially on environmental grounds. One option is to restrict each candidate to a maximum of one coreflute in a declared area at each suburban shopping centre, with the location of each coreflute allocated by something akin to the Robson rotation system used on ballot papers.

Furthermore, each declared area could be under 24 hour electronic surveillance to discourage vandalism.

11. I also suggest that civic and citizenship education be directed to all people (rather than just Year 11 and 12 students as recommended in the Commission's report).

Bruce Paine