



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

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Submitter: The Canberra Alliance for Participatory Democracy

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Submission to the Standing Committee on the Integrity Commission and Statutory Office Holders Inquiry into the 2024 ACT Election

To: LACommitteeIntegrity@parliament.act.gov.au.

From: Peter Tait, Convener, the Canberra Alliance for Participatory Democracy.

Thank you for the opportunity to make a submission to improve how the ACT election system works. As an education organisation whose role is to increase informed participation in politics, we have an interest in how people understand the election process and the publicly available information about voting and the election system.

To this end, we alert people to the currently available information on the Elections ACT website and provide information of our own based on this. Our submission goes toward addressing issues that we identified in doing this, including from conversations with voters and in running the candidate forums.

The **Canberra Alliance for Participatory Democracy** is a volunteer community group, working to strengthen democratic government in Australia.

Our objectives are to promote individual and community well-being and the common good in a healthy environment by advancing education to inspire people to participate in strengthening democracy by:

(1) empowering people in Australia, and particularly Canberra, to own and effectively participate in creating our common future by developing and supporting genuine citizen, community and civil society engagement in public decision making,

(2) stimulating and facilitating opportunities for citizens and community to participate in government and particularly parliamentary deliberation,

(3) developing and assisting citizen and community capacity to hold government, parliament, our elected representatives and policymakers more directly accountable,

We believe that when community members and their parliamentary representatives actively participate together in setting the policy agenda, designing policy and legislation, monitoring and evaluating the outcomes, decisions that enhance the public good will be made. Consequently, the power differential between elites and community members will become more balanced and political power shared more evenly. Institutionalising the processes for doing this will bring about stronger democracy.

We submit ideas for consideration in relation to the Terms of Reference of this Inquiry:

- (2) voter engagement, including:
 - (d) increasing voter turnout and participation in elections and encouraging political activity; and
- (3) the voting process, including:
 - (c) voting instructions, as provided by the ACT Electoral Commissioner;

across these topic areas:

1. we make some suggestions to make the current information on the Elections ACT website and elsewhere more easily understood and consistent for people including new voters (points 1 and 2);
2. we make some specific suggestions to make the voting instructions on the ballot paper more open and supporting of democracy or perhaps less potentially misleading (point 3);

3. we recommend simplifying voter access to candidate information to enable a single one-stop-shop for voters to find candidate information (point 4) , and
4. we raise a question that came up during our conversations about rotation of columns as well as rows (Point 5).

Summary of Suggestions

1. Standardise the wording about voting and the Hare-Clark system across all pages of the website (and printed material where relevant).
2. Have a simpler up front explanation of voting and vote counting with more detailed supporting material available either further down the page or on a separate page.
3. Remove the focus on and all references to five candidates / numbering five boxes as this is misleading for voters and open up instead the expectation people can vote for as many candidates as they want.
4. CAPaD suggests the ACT government explores ways to simplify access to candidates' information for voters that is consistent across election all levels of government in the ACT.
5. We suggest that the importance of column rotation as well as row rotation on ballot papers be investigated and if causing demonstrable change in vote distribution, column rotation be introduced. In any case we submit the question be addressed by providing information about it on the Elections ACT website.

1. Standardising and providing more simple and understandable wording for voting on the website and early voting guide

Website

Currently the wording in the FAQ section differs between Voting and Voting in the Hare-Clarke explanation system. Further we find the wording is confusing.

Current wording

At https://www.elections.act.gov.au/elections_and_voting/faq/elections-and-voting-faq, accessed 24/4/2024.

Voting

[How do I cast a valid vote?](#)

Voters mark preferences for candidates in the order of their choice by using the numbers 1, 2, 3, 4, 5 and so on. Voters should mark at least as many squares as there are vacancies, but may continue to number as many squares as they wish. Preferences can be written in boxes located in any of the columns on the ballot paper, but there must not be more than one number 1 on the ballot paper. Ticks and crosses are not allowed.

The ballot paper is divided into columns with a party name above each column. Non-party candidates and party candidates where the party is only nominating one candidate for the electorate, are always located in the last column on the right of the ballot paper under the column heading "Ungrouped".

Hare-Clarke System

https://www.elections.act.gov.au/education/act_electoral_commission_fact_sheets/fact_sheets_-_general_html/elections_act_factsheet_hare-clark_electoral_system, accessed 24/4/2024.

Hare-Clark is a type of proportional representation system known as the **single transferable vote** method.

Electors vote by showing **preferences** for individual candidates. To be elected, a candidate needs to receive a **quota** of votes. Each elector has a single vote, which can be transferred from candidate to candidate according to the preferences shown until all the vacancies are filled.

The Hare-Clark electoral system in brief

Step 1

Count the first preference votes for each candidate.

Step 2

Calculate the quota:

$$\frac{\text{total number of valid votes}}{\text{number of vacancies} + 1} + 1$$

Step 3

Any candidate with votes equal to or greater than the quota is declared elected.

- If all vacancies have been filled, the election is completed.
- If all vacancies have not been filled, does any candidate have more votes than the quota?
 - If yes then go to step 4.
 - If no then go to step 5.

Step 4

Distribute the successful candidate's surplus votes to continuing candidates according to the further preferences shown on the ballot papers by those voters. (A 'continuing candidate' is one neither elected nor excluded.) Calculate each continuing candidate's new total votes, then go back to step 3.

Step 5

If there are more continuing candidates than there are vacancies remaining unfilled, exclude the candidate with the fewest votes and distribute this candidate's votes to continuing candidates according to the further preferences shown by those voters. Calculate each continuing candidate's new total votes then go back to step 3.

Or, if the number of continuing candidates is equal to the number of vacancies remaining, all of those candidates are declared elected and the election is completed.

Voting

Voters mark preferences for candidates in the order of their choice by using the numbers 1, 2, 3, 4, 5 and so on. If there are 5 vacancies, voters are instructed to show a minimum of 5

preferences. Voters who wish to express preferences for more than five or seven candidates may do so by putting numbers in as many squares as they wish.

If a voter does not fill in the minimum number of squares as instructed, the vote will be counted up to the point where preferences stop, so long as a single first preference is shown.

We submit both sections should use the same wording.

We are also puzzled as to why the “or seven candidates” is included; and unless there is a good reason suggested that be removed.

We submit also that the current wording requires a moderate to high degree of literacy to understand and that simpler wording might be provided as the first point of contact, with this more detailed information available for voters who want that higher level of detail accessible via a link.

We also contend that the current wording primes voters to only number five squares. This is discussed in more detail at point 3.

Suggested alternative wording applicable for inclusion in both high-level sections

Voters mark preferences for candidates in the order of their choice by writing the numbers 1, 2, 3, 4, 5, 6, 7 and so on in the boxes on the ballot paper. Voters may mark as many squares as they like. Votes will be counted up to the point where numbers stop, so long as a single first preference is shown. Each number should only be written once on the ballot paper. Ticks, crosses and other marks will not be counted.

Early Voting Guide

On page nine of the Early Voting Guide, the explanation there is reasonably straightforward. The graphic is good, as is the instruction to “Don’t use the same number twice”.

However we would make the same point about the explanation suggesting to voters that they only need to number five boxes.

A second point with the language is the use in the final sentence of “informal”, which is jargon a reader might not understand. The real message is ‘you cannot elect anyone to represent you in the Legislative Assembly’. We suggest using this wording to replace the “informal” so people understand more clearly what is being said.

2. Simplified explanation for the ACT Hare-Clarke voting system

This introductory paragraph might be inserted before launching into the more complex system to cater to voters/ people who just want the brief version.

How votes are counted

Under the ACT’s Hare-Clarke voting system we elect five MLAs for each of the five electorates to the ACT Assembly. Candidates are elected if they achieve a certain proportion of the vote (called a quota). Candidates who reach the quota are elected and have the rest of their preferences distributed among the other candidates in the order each voter has put on the ballot paper. Candidates who don’t reach a quota are eliminated from the count after each round of counting starting with the person with the least votes at that stage. This continues until five MLAs are elected.

It can be followed by a ***Read how it works in more detail here***: leading into the current explanation.

CAPaD’s voter education material using these ideas can be found here: <https://canberra-alliance.org.au/wp-content/uploads/2024/10/Understanding-how-the-ACT-voting-system-works-v3.pdf>. and attached as Appendix 1.

We also were asked during our work, questions about where does a persons vote go or does my vote help elect someone. We developed an explanation there is here <https://canberra-alliance.org.au/wp->

<content/uploads/2024/10/ACT-Voting-Where-does-your-vote-go-V2.pdf>, and at Appendix 2. We offer this as it might be a useful explanation for Elections ACT to use.

3. Reword potentially misleading instructions on the ballot paper

The current ballot paper, under the electorate name, says: “Number five boxes from 1 to 5 in the order of your choice”.

We submit this wording carries the implication that only five boxes need to be numbered.

To test this, we randomly surveyed 16 voters and asked “What do you think these instructions mean?” Seven interpreted the instruction correctly as number at least five boxes but seven interpreted it to mean number **only** five boxes. Two interpreted it as meaning something else but their responses weren’t recorded. One of these had English as a second language. There was also uncertainty about numbering down columns or across rows. This is despite the smaller wording underneath instructing “You may then show as many further preferences as you wish by writing number from 6 onwards in other boxes”.

Comments made included misleading (1), confusing (3), ambiguous (1).

We then asked if they had seen the instruction at the bottom of the ballot paper: “Remember, number at least five boxes from 1 to 5 in the order of your choice”. Seven had and seven hadn’t. One of the two who mis-interpreted the top instruction, corrected themselves on reading the second instruction.

We think this confirms that the current instructions leads some voters to understand they only number five boxes. **We argue that this constrains voters democratic participation in the election by reducing the number of preferences they mark. Ballot paper and voting instructions should not do this.**

As mentioned above, we submit that the wording used in other places, the website and the Early Voting Guide, also give this potentially misleading impression to voters.

We submit that the wording needs to be revised so that it does not lead to this interpretation in all places. We submit that one clear instruction is better and will be more easily read and interpreted than three slightly differing instructions in three different places on the ballot paper.

We suggest the following wording that does this:

Number as many boxes as you want in the order you want candidates to be elected.

We suggest that is put only at the top of the ballot paper.

4. Simplify access to candidate information

CAPaD contends that a voter who is well informed about candidates will cast a wiser vote.

We argue that the easier it is to find information about candidates, the better informed a voter can be.

At present there are multiple places for a voter to seek information: party websites, individual candidate websites and Facebook (and other social media) pages, some other community group websites and Facebook pages. We think this does not help voters find information.

Instead, we suggest that a single site, a one-stop-shop for voters would help them more easily find out information.

In the ACT, only for ACT Assembly elections, Elections ACT provides such a site, with clear guidelines. In the 2024 election, 83% of candidates used the Elections ACT website. This was all major and large parties and groups, Family First and to a lesser extent other individual independents and small parties. We understand the NT Electoral Commission does something similar but this is not available in other jurisdictions.

For use in the rest of Australia at all levels of government, VoteEasy, a commercial entity, provides a place for candidates to put information about themselves so voters can easily find out about candidates.

We need to declare we support VoteEasy and are a community partner of theirs because we support their mission of making it easy for voters to become informed about candidates.

For federal elections in the ACT VoteEasy provides the only one-stop-shop for voters to connect with candidates. Thus, there is potential for voters to be uncertain as to where to find candidates' information across different election cycles. More to the point, by only having a single place for voters to go, they will better remember one site and will build a habit of use of a single site. From CAPaD's perspective, it is also easier in our education material to only have to promote one site. We are also aware that in the past, Elections ACT has not been enamoured of the requirement to provide the candidate statement pages. Given that an alternative exists CAPaD would be keen to pursue how to rationalise the situation so that voters again only need to access one site to find information about candidates.

CAPaD suggests the ACT government explores ways to simplify access to candidates' information for voters that is consistent across all levels of election in the ACT to help voters better access candidate information.

Various options are possible:

- removing the legislated requirement for Elections ACT to have Candidate Statements;
- exploring if Elections ACT might outsource or subcontract provision of this requirement;
- another option.

5. Rotation of columns as well as order of candidates in columns

Another issue that arose during conversation about the Robson rotation system is why the order of the columns are not also rotated.

We have no opinion as to the necessity for this and are not aware of any research showing that it is an issue and influences the outcome of the election. There is hearsay that in a past election, in one electorate where a particular party drew the left-hand column, their vote was significantly higher than in other electorates. Perhaps Elections ACT does have this research and can advise if it is a serious issue. We suggest that this matter is addressed by providing information about it on the Elections ACT website.

If there is no evidence on how column position affects the party / group vote, then we suggest that this be investigated to see if it is a significant issue. If it is a significant issue, then we would expect steps to be taken to reduce effect that has on the vote outcomes by introducing column rotation.

Conclusion

Thank you for the opportunity to make a submission to the 2024 Election Inquiry, for the purpose of improving the ACT election system.

Our suggestions for your consideration are provided at the beginning of this submission.

We would welcome the opportunity to address the Standing Committee on the Integrity Commission and Statutory Office Holders on the content of our submission.