

Mr Ed Cocks MLA
Chair
Standing Committee on the Integrity Commission
and Statutory Office Holders
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Cocks

Provision of analysis paper – Ballot paper preference analysis: impact of ballot paper instructions

At the Committee's public hearing on the operation of the 2024 ACT election and the *Electoral Act 1992*, the Commission undertook to provide the Committee with further analysis of ballot paper preferences. This commitment arose in response to issues raised in submissions about the legislated ballot paper instruction to 'number five boxes from 1 to 5 in the order of your choice', and concerns that the instruction may influence voter behaviour or contribute to ballot exhaustion.

We are pleased to provide the attached analysis paper, which consolidates the work the Commission has completed over recent weeks. The paper presents an evidence-based assessment of how preferences were expressed and activated in the 2024 scrutiny, including:

- how preferences were activated at the point candidates were elected
- the extent and distribution of exhausted votes
- historical patterns concerning whether final elected candidates reach quota
- the likely impact of any changes to the ballot paper instructions.

In summary, the analysis shows that almost all decisive preference activity occurs within preferences 1–5. Consistent with the findings published in the Commission's 2024 Election Report, **the evidence indicates that the current 'number five boxes' instruction does not distort outcomes and that changing the instruction would be unlikely to materially alter election results.**

The paper also provides contextual options for the Committee's consideration. These are presented to support the Committee's deliberations and do not alter the Commission's settled position, as set out in Recommendation 24 of the 2024 Election Report, that the current legislated instructions should be retained.

We trust this analysis will assist the Committee in its consideration of this aspect of the inquiry. If the Committee requires any further information or clarification, the Commission would be pleased to assist.

Yours sincerely

David Kalisch
Chair

Damian Cantwell AM CSC
Electoral Commissioner

Ed Killesteyn PSM
Member

31 March 2026