Australian Greens Victoria Submission regarding the Conduct of the Victorian State Election 2006

The Victorian State Election 2006 marked a dramatic step forward for democracy in Victoria with the introduction of proportional representation in the Legislative Council. Such changes are rarely without teething problems however, and The Greens believe that lessons can be learned from the conduct of this election to enable future elections to be run more smoothly.

The following are our concerns:

1) **Ambiguities in the formality of Legislative Council votes.** During the count of the Legislative Council there was considerable debate about the formality of certain votes. It is inevitable that there will be debate in regard to reading certain numbers – 2s and 3s can be indistinguishable with certain handwriting. However the issues extended beyond this.

One particular example that caused much debate among scrutineers was the question of votes cast below the line that had candidates numbered “1”, “2”, “3”, “5”, “6”. There are three possible ways of treating such a vote. It can be classed as informal because the numbers are not sequential, the vote can be counted for the first three, but then treated as exhausted, or it can be treated as a vote that runs 1-5 through the candidates who have received numbers.

There are arguments for each of these rulings. However, The Greens believe that as far as possible the electoral act, or a specific by-law, should spell out which will be used prior to the election. Instead the decision was left to the interpretation of the Commissioner. This creates the unfortunate situation where, if such a ruling could have affected the outcome, the issue could well end up in court. For the record the Greens would prefer the last interpretation, but would be happier with any of them being clearly spelt out than the decision being left in the hands of an individual.

There was also some confusion as to what counted as a mark above the line – some scrutineers believed that during the recount the standards of what would be accepted relaxed as the evening wore on and staff became tired. This is understandable, but would again be helped if clearer rules were available beforehand that could be referred to.

The examples above were the most common such issues, but not the only ones to arise in the course of the Legislative Council count. We believe as many as possible should be dealt with prior to the next election.

2) **Understaffing of polling booths.** A number of polling booths, particularly in the inner city, were drastically understaffed on polling day, leading to queues often
lasting over an hour. This degrades the voting experience of people living in the area, and can also potentially affect the outcome of the election. Some people may simply decide not to wait so long, either trying unsuccessfully to find a less busy booth or deliberately risking a fine. The length of the queues also caused some polling officials to hurry through their explanation of the new Upper House voting system to try to speed things up. This is an understandable reaction, but problematic if it means that people voting at certain booths do not have their options explained, while those at quieter booths do.

It is unclear to The Greens whether the problem here was a result of miscalculation by the VEC of how many staff members were needed, or a shortage of funds which forced the commission to cut corners at some point. Either way, we are concerned that the problem be rectified by next election. It may be worth the VEC deliberately keeping a “flying squad” of extra polling staff who can be sent to any polling booth within a reasonable radius where queues are getting out of hand.

3) **Post-count information:** The VEC has not made available booth-by-booth data for the Legislative Council. It is not clear why this is the case, since such information is provided by the AEC for Senate elections, and by most other state commissions for houses elected by proportional representation. We understand that under a new system there will have been an unusually high number of errors recorded by staff at the polling booths, so boot- by-booth data will probably not be completely accurate, and may not tally perfectly with the total result. However, the same thing applies for the Lower House, although to a lesser degree. The two-party preferred votes for individual booths in Richmond do not tally with the overall total. However, it is better for psephologists to have the best information available, and the opportunity to observe that at least some booths are wrong, than to have no information at all.

4) **Slowness of count in certain areas:** It is common for election observers to complain about the slowness of the post-election day count in Australian elections. The Greens are aware there are reasons why the count cannot be rushed and overall do not believe this is a major problem. However, at this election certain electorates were particularly late in counting postal and absentee votes. It is understandable that close lower house seats will receive priority. However, the situation where well after most districts had counted most of their postal and absentee votes a few districts had barely started does seem abnormal. Northcote and Preston appeared particularly egregious examples in this regard.

In the days when such districts were safe at both lower and upper house level this may not have mattered. However under proportional representation it is rare for all spots in a Legislative Council region to be safe. A delay in counting the votes in several districts for a region can leave the outcome in doubt longer than it needs to be. Again it is not clear to the Greens whether the problem here relates to a lack of funding for the VEC, or an internal failure. Certainly it was clear that some staff were
overworked during this period and the slow progress was a result of lack of people rather than laziness or incompetence. We do not want to jump to conclusions on who is at fault, but hope the situation can be fixed in future.

5) **Advertising and training:** In every election it is essential that resources be allocated to advertising to make people aware that the poll is coming up and get them enrolled. In an election with a radical change such as this one there is an extra importance to explain the new system. There is no real way to say how much advertising is “enough” in this case, but the Greens certainly believe that it would have been better to have more – the cost per person of such advertising is small considering the importance of democracy, and it is disturbing to see just how many people enrolled shortly after polling day, presumably having thought they were on the roll and discovering too late they were not. TV advertising targeted at youth demographics is particularly essential to avoid this problem repeating.

Likewise no amount of training will ever be fully adequate for polling officials who work just one day every four years. Informal feedback from casual polling staff suggests training was better than at the last federal election, but with a new Upper House system more training still would have been valuable. Having one person per polling booth specifically designated, and well advertised, as the person to respond to questions about proportional representation might have been helpful.

Likewise we would welcome an increased role for the VEC in public education through schools, ethnic community groups, senior citizens’ centres etc. It will be worth examining the success of the AEC’s Enrol to Vote week. The decision to run such events is largely one for parliament in the form of the VEC’s budget. If funding is inadequate then all the VEC can do is decide between the relative merits of various forms of advertising and community education. Again the cost of such campaigns is small compared with the running costs of democracy between elections, let alone the total state budget.

At the next election the system will not be new, but it will still be poorly understood. It is likely the 2010 election will be held very close to a federal election, and it will be particularly important to have staff able to explain to voters where the two systems are different. Otherwise many voters may believe that to vote below the line they need to number all boxes.

6) **Display of Group Voting Tickets:** The Greens welcome the fact that the VEC did not repeat the decision of the AEC to not make Group Voting Tickets available at polling booths (a contravention of the electoral act). Nevertheless, some people who attempted to view copies at polling places were not able to find them.

Many people also reported not being able to find the GVT on the commissions’ website prior to the election. After the election was over a rearrangement temporarily
moved the GVT to a more prominent position. At this point where preferences had been directed was of academic interest. However, at a time when it might have affected how people would vote it was located in a not particularly intuitive place.

This problem is compounded by the situation where a copy of a Group Voting Ticket was ruled not to be a How-To-Vote card by the Commission. Consequently political parties did not have an opportunity to tell voters on polling day how their votes were being distributed in the Upper House. A change to, or re-interpretation of, the electoral act to allow the distribution by campaigners of copies of the Group Voting Tickets on polling day would improve the transparency of elections.

7) **Electronic count for the Legislative Council:** The Greens conduct our internal elections by proportional representation and are aware that the counting process is not simple. Naturally such a count is a major task for close to 400,000 votes with 10% of them being cast below the line. Nevertheless, we have concerns about the use of electronic counting as a solution. There are several problems here.

Firstly it is more difficult to scrutinise the data entry as polling officials type below the line votes into the computer than it is to ensure votes are placed on the correct pile during a hand distribution.

Secondly, while the Greens do not doubt that the algorithm for distributing votes used by the computer was in keeping with the legislation, this is not immediately obvious to some concerned citizens and reduces faith in the process.

Finally, computer counts increase the chance of errors such as occurred in Northern Metropolitan where the number of votes for the Liberal Party was entered incorrectly. Such an error can occur in a hand count as well, but will almost certainly be picked up by scrutineers before the process has gone very far. An electronic count requires a wait until all the below the line data entry has been completed, followed by a very quick “pressing of the button”. Errors such as the one in Northern Metropolitan can only be detected after the result has been announced, which at the very least causes confusion and embarrassment.

These issues could in part be addressed by increased checking processes – for example a comparison of the total number of votes with the number cast in the Legislative Assembly. Nevertheless, it is far from clear to the Greens that the benefits of electronic counting outweigh the drawbacks, even if these extra measures are taken.

Despite these criticisms, the Greens would like to express thanks to the VEC staff. Our experience was that the VEC made more effort to keep parties informed of new developments and answer questions than the AEC has done in recent times, or has occurred in some other states. The efforts put in by the staff working through the night to recount three Legislative Council regions were remarkable, and appropriate credit should be given.
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On behalf of the Australian Greens Victoria  
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If verbal submissions are being made in the course of the committees inquiry the Greens would appreciate the opportunity to appear.  
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