

2012 LOCAL GOVERNMENT ELECTIONS

Organisation: Bogan Shire Council
Name: Mr Ray Donald
Position: Mayor
Date Received: 7/02/2013

7 February 2013

**The Chair
Committee on Electoral Matters
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000**

Dear Sir

Submission for the Inquiry into the 2012 Local Government Elections

Bogan Shire Council requests to meet with the Committee to discuss matters relating to the conduct of the recent Local Government Elections including the following:

1. Method of election

We would like to submit the following in support of a change to the method of election, where there are 3 or more Councillors to be elected, from the proportional representation method to the optional preferential method.

Currently where there are only 2 councillors to be elected the optional preferential method is used and we strongly submit that this method should be used for all Local Government Elections regardless of the number of Councillors to be elected as we contend that this is the only method that will see the most popular candidates elected and is therefore democratically fair.

To demonstrate the shortcomings of the proportional representation method we will use the actual figures from the Bogan Shire Council election in 2012. At the election the following was the result of 1st Preference votes and the various counts when candidates were elected.

Candidate	Votes	Result	Count No
Donald	425	elected	Count 1
Ryan	411	elected	Count 1
Neill	153	elected	Count 3
Deacon	129	elected	Count 3
Dutton	101	elected	Count 5
Douglas	89	elected	Count 3
Griffiths	87	elected	Count 5
Hampstead	70	elected	Count 3
McLaughlin	38	elected	Count 10
Parker	32		
Ballard	30		
Total Votes	1565		

Note: quota to be elected 157

Under the proportional representation method 157 votes each from Donald and Ryan and all of the votes of the other seven elected candidates totalling 667 giving a total of 1st Preference $157+157+667=981$ or 62.7% were set aside as finally dealt with being those votes which in the case of Donald and Ryan got them elected and in the case of the others were part of their quota which eventually got them elected.

The concern here is that those 981 electors who were instructed that they had to vote for at least 5 candidates but they could vote for more or indeed all of the 11 did so on the assumption that their No. 2,3,4,5 and so on preference would count whereas in actual fact they only had a say in the election of one Councillor.

The next step was to distribute the surplus (268) votes from Donald. Of those 256 went to candidates who were eventually elected but not on this count so they were added to the 981 votes previously set aside and no further preferences meant anything. So we now have 1237 votes which have gone no further and will go no further that the 2nd or 3rd Preference.

To add to the confusion and further demonstrate the unfairness of this method we look at the distribution of the surplus of the 1st candidate elected. Donald received 425 1st Preferences but only required 157 (the quota) to be elected and therefore has a surplus of 268 votes to be distributed. To determine where the surplus votes go the first step is to distribute the whole 425 votes to the candidate receiving the second preference but because only a proportion of the votes are actually transferred to the candidates a transfer value is determined by dividing the number of surplus votes (268) by the total number of votes (425) which equals 0.6306. In the actual count 50 2nd Preferences went to Neill but in applying the transfer value (50×0.6306) only 32 votes are transferred and the other 18 being part of the 157 that elected Donald are set aside.

The unfairness comes in with the way in which the 32 votes are selected ie, the 50 votes are put face down on the table and the 32 votes are selected at random and then transferred to Neill. This random selection of votes is the problem because if other votes had been selected it may mean a different candidate could be elected depending on where the preferences went.

Count 3 was the distribution of the surplus votes (254) from Ryan and of those 236 went to candidates who were eventually elected and only 110 votes would move from the 3 elected on this count. So we now have $981+256+236 = (1473)$ 94.1% set aside as finally dealt with and counting only up to the 1st Preference for the majority (981), the 2nd Preference for most of the remainder and the 3rd Preference for a few votes.

I think this clearly demonstrates that the electors are being misled into thinking if they voted for the required minimum of 5 or more that they all counted. No they don't.

Under the optional preferential method the most popular candidates will be elected and I have no doubt that this is the result the electors want. Under this method if no candidate has an absolute majority (in our case 783) on counting all 1st Preferences the candidate with the lowest number of votes is excluded and the Preferences are distributed to the other candidates and this process of exclusions continues until someone is elected. After the election of the first candidate all the ballot papers are resorted as if starting the count again. However, the first step in this count is the distribution of preferences of the elected candidate and if that does not get the second person elected the process of exclusions continues until a second candidate is elected.

After the election of the second candidate all ballot papers are again re-sorted to 1st preferences as if starting the count again. This time and in the future until 9 persons are elected the first step is the distribution of preferences of the elected candidates to other continuing candidates (those who have not been elected or excluded).

A change to the Optional Preferential Method of counting is strongly recommended. Under this method all candidates are included in every stage of the counting process until either elected or excluded in a particular count. So you will find that almost every preference will count at some stage during the counting process under this method.

2. Elections run by Local Government

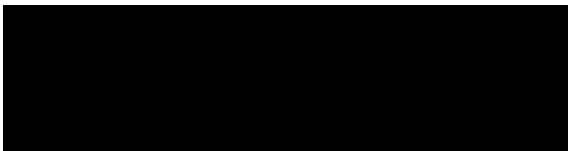
Councils now have the option to run their own elections which is indeed a welcome step forward. However before the recent elections, the NSW Electoral Commission advised Councils that if they chose to run their own elections, there would be little assistance, advice or supporting material from the Commission. We submit that the NSW Electoral Commission should be compelled to assist those Councils who wish to run their own elections to allow Councils to operate on a level playing field when deciding who conducts their elections.

3. Tendering

Currently Councils are not required to follow a competitive tendering process should they wish to engage the NSW Electoral Commission to conduct their elections and their expected fee is above \$150,000. In the interests of ensuring the best value for money, this matter should be addressed.

4. Nomination Red Tape

The New South Wales Government is keen to encourage people to take an interest in standing for Local Government Elections however the onerous red tape involved in the process such as the format and requirements of the nomination form and the content of the information sessions is off-putting to many prospective candidates.



Ray Donald
Mayor