



Submission to the Inquiry into the Conduct of the 2024 House of Assembly General Election and 2024 Legislative Council elections

Tasmanian Labor welcomes the opportunity to make a submission to *Inquiry into the Conduct of the 2024 House of Assembly General Election and 2024 Legislative Council elections*.

Labor's submission will address the following broad topics:

- Electronic voting and electronic counting
- Electoral roll update
- Online management system for candidate nominations
- Refund of nomination fees
- Vote saving provisions
- Expenditure caps

Electronic Voting and Electronic Counting

Currently, all non-assisted votes cast in Tasmanian HOA elections are done so using a physical paper ballot. Additionally, the counting of votes, including preference distribution, is done completely manually by hand.

A number of states have moved to incorporate some form of electronic voting, and/or electronic counting, as part of their electoral administration. In some cases, these have been in place for over two decades.

The completely manual approach in Tasmania not only puts our state behind many others but also creates multiple points of unnecessary uncertainty in the electoral process.

The ACT Comparison

Because we share the same unique Hare Clark electoral system, and a relatively similar number of electors, comparing the approaches between Tasmania and ACT is often the most useful when making like-for-like comparisons.

The ACT first introduced electronic voting in 2001, and electronic counting in 2008. These approaches have been operating successfully for 23 and 16 years respectively.

Electronic voting is implemented in the form of computers where electors are able to cast their vote electronically. These are available at all early voting centers, and voters are given a choice of voting electronically or on paper. The vast majority choose to vote electronically.

Electronic counting is implemented in the form of electronic scanning of paper ballots. Character recognition software is used to identify preferences, and a series of audit and verification processes are used to ensure accuracy.

While electronic voting and counting may seem unnecessary additions to the election administration framework, they have proven to provide a number of substantial advantages and material improvements in a Hare Clark electoral system.

Faster Count Completion

Electronic voting provides large batches of data for early results on election night. And electronic counting provides for significantly faster counting of preferences. It took just 7 days to complete the count of the 2020 ACT election, while the 2024 Tasmanian election took double the time at 14 days to complete. This time could be stretched out even further in the future if Tasmania finds particular counts to be

knife edge (certainly not an unforeseeable scenario in Hare Clark), and therefore prudent to recount.

More information on preferences during the count

The greatest benefit of electronic counting is that it can provide previously unavailable information on the likely flow of preferences during the counting process. In a manual count, we must wait until all votes are in and counted, before moving to the distribution of preferences. This creates unnecessary delays between the election and knowing the results, and with so many possible outcomes even the most experienced election analysts struggle to predict the outcome.

The ACT's approach means that preference data is readily available. On the night of the election, electronic votes (which represents around 1/3 of votes cast) are able to be used to run what is called an "interim distribution". This takes the electronic votes, and produces an interim result which is essentially the result if only those votes were cast. This gives candidates and parties a very strong idea of how votes will flow, and allows everyone to make significantly more informed decisions on this basis.

With 7 seats per electorate, and less predictable preferences flows, having such data available on election night in Tasmania would be particularly useful. It would allow better, and earlier decision making by major parties, minor parties and independents alike.

Additionally, Elections ACT produce a daily update to the interim preference distribution, giving increasing accuracy each day and allowing reasonably accurate calculation of the likely outcome for all seats well before the 7 day it takes to complete the count.

Countback certainty and increased stability

The other great benefit of electronic counting is that it produces a digital dataset of the preference data for ballot papers. This is the electronic record of every ballot paper cast, and it is made publicly available.

It is almost certain that in every Parliament there will be at least one countback during the term. On average, there is usually more. In Tasmania, this can provide a level of uncertainty because there is often not enough available data to know with certainty who will be replace an existing MP. In some instances, not knowing this is a driving factor for MPs choosing not to retire.

Electronic counting removes this completely, by providing all the necessary data to determine, with certainty, who will be the countback. Anyone can download the

ballot paper preference data use it to determine who would be countback for any particular MP.

And this data not only provides greater stability and certainty for countbacks, but is also highly informative for election analysts and academics studying voting patterns and preferences flows.

Recommendation

Tasmanian Labor recommends that the Tasmanian electoral framework should be modernised to include both electronic voting and electronic counting.

Electoral Roll Updates

Political parties, Members of Parliament and Election Candidates are entitled to access the Electoral Roll as a feature closely interlinked with Australia's system of compulsory voting.

Currently, the Tasmanian Electoral Commission is only required to produce one edition of the roll per year for the above groupings.

This means that, when an Election is held, the version of the Roll available to candidates and parties could be out of date by almost a year.

For candidates and parties to not be able to readily access a complete and accurate Roll, at the close of Rolls prior to an election, is unacceptable in 2024 and out of line with most other jurisdictions.

Recommendation

Tasmanian Labor recommends that the Electoral Act be amended so that the Tasmanian Electoral Commission be required to provide, shortly after the close of Rolls prior to an election, an ad-hoc edition of the Roll in electronic form.

Online Portal for Candidate Nominations

The current process for candidate nominations involve submission by paper form, and payment by either bank cheques or cash. This process is antiquated, inefficient and behind that of other jurisdictions.

Recommendation

Tasmanian Labor recommends that an online portal for managing candidate nominations and payment of deposits be established. And that this portal allow for

completion of nominations by registered party officer and candidates, submission and verification tracking of nomination, and payment of deposits by card and direct debit.

Nomination Deposit Refunds

Currently, refunds of nomination deposits are set at an equivalent of 2.5% of the vote. This deposit is designed as relatively small but not insignificant deterrent to non-serious candidates. However, for party candidates, the way in which this calculation is applied unfairly punishes candidates who share their party ticket with other high-profile candidates. For example, some candidates located in the same electorate as their party's leader find reaching that 2.5% difficult because votes are concentrated in a particular candidate. This is not the intention of the deterrent.

Recommendation

Tasmanian Labor recommends that the calculation for refunding nominations for Party candidates be modified to be based on the overall party vote. For example, candidates for a party that receives 17.5% of the vote would be entitled to refund of their deposit for all 7 candidates ($2.5\% \times 7 \text{ candidates} = 17.5\%$ required total).

Inclusion of party logos on ballot papers

As part of increasing accessibility, a number of jurisdictions have introduced Party and group ticket logos on ballot papers. This simple change has been proven to increase accessibility for voters with lower literacy levels and for voters for whom English is not their first language.

Recommendation

Tasmanian Labor recommends that Party and group ticket logos be included on ballot papers to increase accessibility.

Polling place data on election night

There is an unusual practice of polling place data not being published on the TEC results website on the night of the election with other live data. This data is available, as it is accessible through the raw data feed available to media, candidates and parties on request. But this is highly inaccessible.

Recommendation

That the Tasmanian Electoral Commission be required to publish the same data available via the data feed on their publicly accessible website on the night of the election, including polling place results.

Vote Savings Provisions

While not addressed in the current version of this Bill, it is worth drawing the Committee's attention to the issue of informal voting. The recent election saw the rate of informal voting rise to its second highest level in Tasmania's history, and we now have the highest rate of informal voting of any state in the country.

1 in 16 votes cast at the last election did not count.

The need for the introduction of vote savings provisions to, to ensure the maximum number of voters are enfranchised, is now an imperative for the state. The current provisions unfairly and disproportionately disadvantage voters from lower socioeconomic, and culturally and linguistically diverse backgrounds – who are significantly more likely to cast an informal vote.

While the analysis of informal votes generally shows that the majority of these would not be 'saved' by savings provisions, the number that could be saved is significant enough to change the outcome of elected MPs in most Tasmanian elections. This is notably because of Hare Clark, and the small margins that often determine the outcome at each point in the count.

Tasmanian Labor would welcome the introduction of vote savings provisions, such as those that exist in the ACT. Were this to occur, it would be equally important to ensure that candidates and parties are not incentivised to actively encourage voters list fewer than seven preferences.

Expenditure Caps

As per our previous submission to the Inquiry into the Electoral Disclosure and Funding Amendment Bill 2024 (No. 9), Tasmanian Labor urges the consideration of the introduction of expenditure caps, now that public funding has been introduced, to prevent a significant spike in spending at the next election.