



**NORTHERN
TERRITORY
ELECTORAL
COMMISSION**
EVERY vote counts!

**Submission to the consultation discussion paper
Electoral Reforms in the Northern Territory**

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In May 2017, the 2016 Territory Election Report was tabled in parliament. The report detailed the conduct of the election and included 24 recommendations to modernise and improve electoral administration in the Northern Territory. The discussion paper is largely based on issues raised in the election report.

It is not the intention of this submission to repeat issues raised in the report but rather raise matters that were not included. This includes commentary on having the ability to count votes cast before 6:00 pm on election day and analysis on the effect of having different vote marking systems for Legislative Assembly and local government elections using informal voting data from the 2017 NT Council elections.

Preliminary count of early votes before the close of voting

The 2016 amendments to the *Electoral Act* removed any restrictions on an elector voting before election day and allows electors to opt for 'convenience voting' at voting centres during the two weeks prior to election day.

As a result of these amendments, and the active promotion of 'convenience voting', the number of electors voting before election day has increased significantly. In 2016, a total of 36,103 early votes (36 per cent of the total ballot papers) were cast. This was an increase of 175 per cent from the 2012 LA election. However, despite this increase in early voting, 'convenience voting' by itself did not translate to increased voter turnout, as the increase in early voting was offset by a decrease in election day voting.

During the 2016 Territory election, this shift in electors opting to vote early resulted in a significant increase in the size of the counts: Casuarina 8,404; Darwin 6,300; and Palmerston 6,634. Legislation states that no ballot boxes, including those containing early votes, can be opened for counting purposes until the close of the election, i.e. 6:00 pm on election day. This caused substantial delays in the publication of results because of the time taken to prepare and count large numbers of votes cast at early voting centres. While arrangements were put in place to increase the number of counting staff, there were limitations due to space and ballot paper control procedures when undertaking these large counts. As a result, it took over two hours just to unfold the ballot papers before the counting process could commence. Indeed, counts for early voting centres are becoming larger than those for election day voting centres, with the largest election day count in the 2016 Territory election being at Nightcliff with 1,962 votes. Similar issues were faced at the 2017 NT Council elections where large counts for early voting centres meant that results were not published until after 11:00 pm.

There is a growing expectation from the media, candidates, political stakeholders and general public that election results should be known within a few hours after the close of voting. After 6:00 pm on election day there is significant media commentary and pressure on Electoral Commissions to provide result data in a timely manner, especially in marginal seats. The increase in the size of early vote counts makes it difficult to produce timely results as the counts cannot commence until after 6:00 pm.

Reviewing other electoral jurisdiction legislation, New Zealand has the ability to commence scrutiny of early votes before the close of voting on election day. However, there are stringent conditions applied to ensure the result of the votes counted are not publically known or made available until voting centres have closed, i.e. 6.00pm on election day. They use a secure room where scrutineers are allowed but cannot leave or use mobile phones or other technology to communicate with others, similar to a budget lock-up room.

The NTEC supports the consideration of a similar arrangement that allows the Commission to commence scrutinies of votes cast prior to election day. The flexibility of when to commence the counts, so that results can be made public after the close of voting, should be at the discretion of the Electoral Commissioner.

The effect of informal voting by having different voting systems

Currently there are three voting systems for elections in the NT:

- full preferential for federal elections, in force since 1918, with an absolute majority required for election
- optional preferential for NT Legislative Assembly elections, first used at the 2016 Territory election (previously full preferential)
- proportional representation (PR) for local government elections, first used at the 2012 LG general elections; a quota or proportion of votes is required for election.

The voting system at Territory elections prior to 2016 was full preferential and the decision to change to optional preferential voting (OPV) was not based on a recommendation in the 2012 election report.

An information paper that was published in December 2015 by the NTEC detailed issues for consideration if the voting system for Territory elections was changed to OPV. The 2016 Territory Election Report noted that it was not known whether the change to OPV would increase unintentional informal voting rates for other levels of government (local and federal) where voters are required to mark every box on the ballot paper.

The Commission supports a voting system that is simple and clear so that voters can make an informed decision.

Uniformity in vote marking for all levels of government allows formality advertising to be consistent; the vote marking information campaigns for full preferential and proportional representation both state to 'number every box in order of preference'. The change to OPV in 2016 removed the uniformity that existed in the NT and an information campaign was used to educate electors about the change.

An analysis of all formal ballot papers in the 2016 Territory election, under an OPV system, showed that 37.7 per cent were marked with the number one only, 8.8 per cent were partially marked with preferences and 53.5 per cent were marked with a full order of preferences.

It is noted that some political campaign advertising (e.g. how to vote cards or signage) did not provide the choice of marking one, some or all the boxes. Instead there was a mix of advocating 'Vote 1' only, mark some boxes only or mark all boxes on the ballot paper.

The 2016 Territory Election Report noted that OPV was the first change to the voting system at Territory elections and the following observations are made:

- changes to the voting system can cause voter confusion and complicate understanding of formality messages
- the level of unintentional informal voting can be affected by the number of candidates on the ballot paper
- the electorates in the NT are relatively small and OPV could result in a de-facto first past the post system with candidates winning with less than half the vote.

As envisaged by the information paper, the change to OPV reduced the informal voting rate from 3.2 per cent in 2012 to 2.0 per cent in 2016. The decrease was more notable in remote divisions with a reduction in unintentional informal voting (refer attachment A).

The unintentional informal voting rate at the 2017 NT Council elections substantially increased compared to the 2012 LG election. There were 4,694 informal ballot papers identified, with 53.8 per cent either marked one or showing partial preferences only. In the 2012 LG election there were only 1,269 informal ballots papers that fell into this category representing 13.79 per cent of informal ballots papers.

This provides some evidence that the three voting systems used at elections conducted in the NT can cause confusion amongst voters and consideration should be given to returning to a uniform vote marking system; noting that such a change will likely lead to an increase in the informal voting rate at Legislative Assembly elections (refer attachment B). However, on balance a uniform voting system amongst all three levels of government would reduce the level of unintentional informal voting and allow for consistent formality advertising.

Informality survey – 2017 NT Council elections

Council-ward	Candidates	Assumed intentional informality			Assumed unintentional informality								
		Blank	All the same	Subtotal	1st preference	Tick or cross	Tick or cross and preferences	Duplicated	Non-Sequential	Incomplete	Alpha used	Other	Subtotal
Alice Springs - Councillor	19	21.7%	2.8%	24.5%	2.5%	0.6%	0.4%	45.9%	6.2%	18.1%	0.4%	1.3%	75.5%
Barkly - Alpururulam	2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	100.0%
Barkly - Kuwarrangu	3	0.0%	40.0%	40.0%	20.0%	20.0%	0.0%	0.0%	20.0%	0.0%	0.0%	0.0%	60.0%
Barkly - Patta	12	9.3%	0.0%	9.3%	4.2%	0.8%	0.0%	35.6%	20.3%	28.0%	0.8%	0.8%	90.7%
Belyuen LGA	9	0.0%	0.0%	0.0%	0.0%	0.0%	20.0%	50.0%	10.0%	10.0%	0.0%	10.0%	100.0%
Central Desert - Anmatjere	8	0.0%	0.0%	0.0%	12.3%	8.2%	0.0%	24.7%	11.0%	41.1%	0.0%	2.7%	100.0%
Central Desert - Northern Tanami	3	0.0%	0.0%	0.0%	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Central Desert - Southern Tanami	8	6.7%	6.7%	13.3%	0.0%	0.0%	0.0%	33.3%	6.7%	46.7%	0.0%	0.0%	86.7%
Coomalie - Adelaide River	3	50.0%	33.3%	83.3%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	16.7%
Coomalie - Coomalie Rural	3	40.0%	60.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Darwin - Lord Mayor	15	38.6%	6.7%	45.4%	5.3%	1.3%	0.2%	24.7%	7.3%	13.9%	0.4%	1.6%	54.6%
Darwin - Chan	7	53.8%	12.8%	66.7%	4.0%	2.9%	0.4%	9.7%	6.6%	6.6%	0.7%	2.4%	33.3%
Darwin - Lyons	16	41.1%	6.6%	47.7%	4.4%	0.4%	0.1%	31.1%	3.1%	11.4%	0.4%	1.4%	52.3%
Darwin - Richardson	8	52.6%	10.0%	62.5%	4.9%	1.8%	0.3%	12.3%	4.7%	9.5%	1.8%	2.3%	37.5%
Darwin - Waters	5	58.6%	19.7%	78.3%	5.0%	2.0%	0.2%	4.6%	3.3%	4.3%	1.7%	0.7%	21.7%
East Arnhem - Anindilyakwa	3	0.0%	0.0%	0.0%	50.0%	11.1%	0.0%	0.0%	5.6%	27.8%	0.0%	5.6%	100.0%
East Arnhem - Birr Ravarrang	4	0.0%	6.7%	6.7%	40.0%	6.7%	0.0%	0.0%	6.7%	33.3%	0.0%	6.7%	93.3%
East Arnhem - Gumurr Miwatj	4	5.0%	15.0%	20.0%	35.0%	0.0%	0.0%	20.0%	10.0%	10.0%	0.0%	5.0%	80.0%
East Arnhem - Gumurr Miyarka	8	0.0%	2.3%	2.3%	2.3%	6.8%	0.0%	34.1%	13.6%	31.8%	0.0%	9.1%	97.7%
Katherine - Alderman	12	30.8%	7.3%	38.1%	2.0%	0.3%	0.0%	32.1%	7.9%	16.2%	0.7%	2.6%	61.9%
Litchfield - East	2	70.5%	18.9%	89.3%	0.0%	4.9%	0.0%	0.0%	4.9%	0.8%	0.0%	0.0%	10.7%
Litchfield - North	2	70.0%	26.9%	96.9%	0.0%	0.0%	0.0%	0.0%	1.5%	0.0%	1.5%	0.0%	3.1%
MacDonnell - Luritja Pintubi	5	6.7%	6.7%	13.3%	0.0%	13.3%	0.0%	6.7%	20.0%	46.7%	0.0%	0.0%	86.7%
MacDonnell - Rodinga	7	30.8%	3.8%	34.6%	7.7%	0.0%	0.0%	15.4%	23.1%	19.2%	0.0%	0.0%	65.4%
Roper Gulf - Never Never	4	22.2%	11.1%	33.3%	22.2%	22.2%	0.0%	11.1%	11.1%	0.0%	0.0%	0.0%	66.7%
Roper Gulf - Numbulwar Numburindi	4	0.0%	7.7%	7.7%	30.8%	0.0%	0.0%	0.0%	15.4%	30.8%	0.0%	15.4%	92.3%
Roper Gulf - Nyirranggulong	9	0.0%	7.7%	7.7%	3.8%	3.8%	0.0%	26.9%	11.5%	42.3%	0.0%	3.8%	92.3%
Roper Gulf - South West Gulf	4	0.0%	8.3%	8.3%	25.0%	8.3%	0.0%	16.7%	33.3%	8.3%	0.0%	0.0%	91.7%
Tiwi Islands - Bathurst Island	14	1.6%	1.6%	3.3%	1.6%	0.0%	0.0%	50.8%	9.8%	34.4%	0.0%	0.0%	96.7%
Tiwi Islands - Pirlangimpi	6	0.0%	33.3%	33.3%	0.0%	0.0%	0.0%	33.3%	0.0%	16.7%	0.0%	16.7%	66.7%
Victoria Daly - Pine Creek	3	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%
Victoria Daly - Timber Creek	3	33.3%	33.3%	66.7%	16.7%	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	33.3%
Victoria Daly - Walangeri	2	50.0%	0.0%	50.0%	0.0%	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	50.0%
Wagait - Councillor	8	37.5%	0.0%	37.5%	0.0%	0.0%	0.0%	50.0%	0.0%	12.5%	0.0%	0.0%	62.5%
West Arnhem - Barrah	4	0.0%	20.0%	20.0%	0.0%	40.0%	0.0%	20.0%	0.0%	0.0%	0.0%	20.0%	80.0%
West Arnhem - Kakadu	5	22.2%	22.2%	44.4%	0.0%	0.0%	0.0%	11.1%	11.1%	22.2%	0.0%	11.1%	55.6%
West Arnhem - Maningrida	6	5.3%	10.5%	15.8%	5.3%	5.3%	5.3%	10.5%	5.3%	52.6%	0.0%	0.0%	84.2%
West Daly - Thamarurr/Pindi Pindi	7	1.8%	3.5%	5.3%	19.3%	3.5%	0.0%	8.8%	33.3%	26.3%	0.0%	3.5%	94.7%
Total	247	38.3%	7.9%	46.2%	4.8%	1.5%	0.2%	24.8%	6.6%	13.5%	0.6%	1.7%	53.8%

Attachment B

Informality survey results – 2016 Territory election

TOTAL	Assumed intentional informality					Assumed unintentional informality					
	No of Candidates	Blank	Scribble	All the same	Other	Sub-Total	No first preference	More than one 1st preference	Other	SubTotal	Total
Division	115	964	342	275	27	1608	123	258	17	398	2006
%		48.1%	17.0%	13.7%	1.3%	80.2%	6.1%	12.9%	0.8%	19.8%	100.0%