

Local Government Reform in Western Australia 169

Disadvantages

- In contrast to postal elections, there is no requirement for a candidate profile to be provided to each elector. Electors may not be aware of the candidate's policies and beliefs. In addition, candidates in an in-person election do not get the 'free' election advertising.
- In contrast to postal elections, electors are not provided with a voter package. Elector awareness that an election is to be held is not enhanced.
- Lower voter turnout in in-person elections.

Conclusion

Having considered these matters, the Board recommends that local governments retain the right to choose as to whether elections are to be held using the postal or in-person method.

RECOMMENDATION

2.4 That the current provisions for the option of postal or in-person elections be retained.

15.4 VOTING SYSTEM**Terms of reference**

The Board's terms of reference for this review require it to address:

- **Voting system**
Recommendations should address whether the current system of 'first past the post' voting should be maintained, or whether preferential or proportional representation should be introduced

Relationship to other terms of reference

Decisions made on this matter will impact upon the following term of reference:

- **Frequency of ordinary elections**
Recommendations should address whether the current four-year term is appropriate and, if not, what changes should be made, or whether an all-in/all-out system should be adopted.

Current situation

First past the post (FPP) is the current method of voting in local government elections in WA. The voting system for local government elections was changed from the preferential system (PV) to FPP when the Act was introduced. Provisions to introduce the proportional representation system (PR), which is used in the WA Legislative Council, was under consideration during the drafting of the Act, however the Bill presented to Parliament contained provisions for FPP reflecting the preference of the Government of the day.

An explanation of the PV and PR systems is provided below. It should be noted that both are in the 'preferential' system of voting as they require a voter to list his or her preferences on the ballot paper.

Preferential Voting

The preferential voting method allows voters to list the order in which they would prefer candidates to be their elected representatives. This method is used for the both the State and Federal lower house elections.

Full preferential voting requires an elector to show a preference for all candidates. Optional preferential voting requires voters to place a first preference and then allows a voter to determine the number of other candidates to whom preferences are given. In some jurisdictions, electors are required to mark a minimum number of preferences.

In counting the votes, those candidates with over 50% of the "first preference" vote will be automatically elected. Should a vacant position have no candidate achieving 50% of the vote, the votes for the lowest scoring candidate are re-examined and those electors' votes are redistributed at full value to the candidate each voter placed second in their choice. Votes are tallied again, and if a candidate gains more than 50% he or she is elected.

If there is still a position without a candidate polling over 50%, the process is repeated individually for all of the lower-scoring candidates in order of their finish until the number of candidates remaining equals the number of positions vacant.

Proportional Representation

Proportional representation is the term which describes a group of electoral systems which is best used where a number of candidates are to be elected in a ward (multi-member electorates). Under PR, candidates are elected in proportion to their support in the electorate. PR is used in the WA Legislative Council and the Federal Senate.

The PR system in use in Australia is the single transferable vote (STV) method. Under STV, voters are required to list their preference of candidates. The STV is based on the principle that the elector has a first choice of representative, but if that preferred candidate has either so many votes that the individual's vote is not needed or has the least chance of being elected, then his or her vote is transferred, pro-rata, to a second or subsequent choice. The aim of the system is to give the voter the widest choice possible between candidates whilst eliminating, as far as possible, wasted votes (i.e. all votes which do not help to elect a candidate).

Each candidate must receive a proportion of the formal votes (known as the quota) in order to be elected. The quota is calculated using the following formula:

$$\frac{(\text{No of formal votes}) + 1}{(\text{No of vacancies} + 1)}$$

For example, in a ward with 2 vacancies and where 18,000 electors vote, the quota is:

$$\frac{18,000 + 1}{3} = 6,001$$

Votes are counted according to the first preferences and any candidates who have achieved the quota are elected. To decide which of the remaining candidates are elected the votes are transferred from candidates who have more than the necessary number to achieve the quota and from the candidate with the least number of votes. This means that where the first preferences of the voters were not able to be used to elect a candidate, their second preferences come into play. This process of transferring votes continues until the required numbers of candidates have attained enough votes to be elected.

Table 33 Voting Systems in Other States

| New South Wales | Victoria | Queensland | South Australia | Tasmania |
|---|--|--|------------------------------|---|
| Optional. Preferential if the number to be elected is 1 or 2. Proportional representation if the number to be elected is 3 or more. | Preferential for single member wards. Proportional for multi-member wards and unsubdivided Councils. | Optional. Preferential for a local government area divided into single-member divisions. First-past-the-post voting in any other case. | Proportional representation. | Proportional representation system directly modelled on the Hare-Clark system |

Feedback from submissions

Feedback from submissions is provided in the following table.

Table 34 Feedback from Submissions re Method for Counting Votes

| First Past the Post | Preferential/ Proportional | | Total |
|-------------------------------------|---------------------------------------|----|--------------|
| Local governments | 58 | 11 | 69 |
| Councillor/CEO personal submissions | 2 | 9 | 11 |
| Individuals/resident groups | 12 | 14 | 26 |
| Total | 72 | 34 | 106 |

Comments in support of retaining FPP included the following:

- Quick to count. Preferential voting is time consuming to count.
- Easily understood.
- Removes politics out of campaigning. Preferential will encourage alliances formed for the distribution of preferences and party politics into local government.
- Preferential voting allows election rigging through alliances or 'dummy' candidates.
- In a preferential system, the person that receives the highest number of first preference votes does not necessarily get elected.

Comments in support of replacing FPP included the following:

- Preferential voting is more democratic and removes an area of confusion.
- Preferential voting ensures that the most popular candidates are elected who best reflect the will of the voters.
- Preferential system should be introduced. In FPP elections, candidates work together to get votes for each other. Preferential would make it more difficult for this practice to take place.
- FPP does not adequately reflect the wishes of electors when there are three candidates or more.
- FPP is unsuitable when there is more than one vacancy.
- Allows for a greater representation from a range of interest groups and prevents domination of elections by mainstream party politics.

Discussion

In assessing this term of reference, the following criteria are regarded as relevant considerations:

- Do the candidates that are elected reflect the preferences of electors.
- Cost of the system to local government.
- Consistency of the system with that used for WA and Federal Parliamentary elections.
- Ease of understanding.

Representation of elector's preferences

In any preferential system, the ability for an elector to rank their preferences of candidates ensures that an elector's vote will contribute to the determination of which candidates are successful at an election, even if their first preferences are not elected. In a FPP system, votes made for losing candidates are 'wasted'. The minimisation of wasted votes is an important principle in ensuring that the preferences of the whole community are represented and not just those that vote for the winning candidates. Some examples, using the PV system of counting, will illustrate the benefits of this system.

Consider an election with 100 electors, one vacancy and three candidates. Candidate A receives 35 votes, B receives 33 and C receives 32. In the FPP system, Candidate A would be elected with only 35% of the votes. This demonstrates that a candidate receiving less than 50% of the votes can be elected. In addition, it would be unclear as to whether this person is popular with a minority of electors, or whether he or she is the most preferred candidate of a majority of electors.

The same scenario is possible in any situation where there are two or more vacancies and more candidates than vacancies. Obviously, the greater the number of candidates, the lower the share of votes required to be elected. Local Government Advisory Board April 2006 Local Government Reform in Western Australia 173

The above scenarios suggest that in a FPP system, it is not necessary for candidates to have policies that are supported by a wide range of the electorate and it may be easier for single issue candidates to be elected under a FPP system. It may be considered undesirable for local government elected members to be elected on the basis of a single issue or a narrow range of policies, given the requirement for elected members to represent the interests of all electors, ratepayers and residents.

A further unfortunate outcome with the FPP system arises where a person is a candidate in both a councillor election and a Mayoral/Presidential election. In the case where the candidate is successful in the Mayoral/Presidential election, any votes that that person receives in the councillor election are not counted and the votes of these electors do not contribute toward the councillor election result. In a preferential system, this scenario does not eventuate.

A factor that can possibly distort the reflection of the views of the community at elections is the prevalence of ticket voting. A number of submissions to the Board that supported FPP were of the view that it was considered less vulnerable to ticket voting. That is, scenarios where candidates indicate which of the other candidates electors should receive their preferences.

Submissions on this matter did not provide any evidence to suggest whether the FPP or a preferential system is any more vulnerable to candidate preference exchanges. It is clear that even in a FPP system, candidates provide suggestions on which candidates, apart from themselves, that an elector should vote for.

It should also be noted that the success of this practice depends on electors following the instructions of candidates. Research undertaken to determine how many voters use the 'how to vote' cards of candidates at Federal elections indicates that around 50% of voters choose their own ranking of candidates, rather than be guided by the order on the how to vote cards (Farrell and

McAllister 2006: 136). As such, it is considered that the prevalence of candidates exchanging preferences is no greater in a preferential voting system.

Based on the above discussion it is considered that this criteria supports the introduction of a preferential voting system. It is also relevant to point out that this conclusion is reinforced by the fact that most analyses of electoral systems suggest that a FPP system is only appropriate for a one vacancy election where there are only two candidates.

For instance, the Scottish Parliament recently amended the local government legislation to replace the FPP system with a PR system for local governments in Scotland. In the policy development process leading up to this amendment an Inquiry was held to assess the appropriateness of the FPP system and provide recommendations for change.

This report of the Inquiry (Scottish Executive 2000) included criteria for determining which electoral system was most appropriate. For the purposes of the Board's Inquiry, the 'proportionality' criterion is of relevance. Essentially, this criterion focuses on the desirability for the candidates elected by an electorate to be in proportion to the support that candidates have in the community. The Scottish report states:

“the basic objection the present [FPP] system is that, within a ward, votes cast for losing candidates are wasted”.

Cost of the system for local government

The time and therefore cost of counting the votes in a preferential system would be greater than in a FPP system. Computer counting of votes, as used by the WAEC, can assist with the process of counting votes, however, it is acknowledged that local governments that conduct their own elections may find that the time required to conduct a manual count increases considerably.

The WAEC has indicated that an increase of 16 cents per elector is likely. The actual dollar impact will be dependent on how many votes are cast in an election. For example, at the present level of voter turnout, the additional cost to the City of Stirling would be around \$6,500.

It should also be recognised that the use of a preferential system provides the potential for vacancies that may arise to be filled using a countback method. That is, the candidate that received the next highest amount of votes in the most recent election could be asked to fill a vacant position that may arise. This would potentially reduce the need for extraordinary elections to be held and the costs that are associated with holding the election.

In addition, to reduce the need for extraordinary elections, the Act has recently been amended so that in cases where a local government has no wards a

vacancy on a council can remain unfilled where the number of offices filled remains equal to or greater than 80%. In such circumstances, it is considered that all electors are still represented and positions can remain vacant.

Comparison with State and Federal system

Members of the WA lower house are voted in using the PV system, and upper house members using the PR system. The same situation applies to the upper and lower houses of Federal Parliament.

Ease of understanding

Given that preferential systems are in use by State and Federal Governments, voters would not find it difficult to move to the same system for local government elections. While it is acknowledged that the proportional representation system is difficult to explain easily, voters only need know that they are required to lodge preferences for each candidate on the ballot paper.

Conclusion

Following consideration of this matter the Board decided that it did not support a change in the voting system. The Board recommends that the FPP system of voting should remain. This is based on the following reasons:

- An FPP election is easily understood by electors.
- An FPP election can be counted more quickly; preferential voting is time consuming to count.
- An FPP election removes or minimises the 'politics' in election campaigns; preferential voting encourages alliances to be formed for the distribution of preferences, and facilitates increased party politics in local government elections.
- An FPP election removes or minimises the potential for 'dummy' candidates; under preferential voting the election process can be manipulated through the use of alliances or 'dummy' candidates.

RECOMMENDATION

2.5 That the current provisions for the 'first past the post' system of voting be retained.

15.5 ELECTION OF MAYOR OR PRESIDENT

Terms of reference

The Board's terms of reference for this review require it to address:

- **Election of Mayor or President**
Recommendations should address whether the current discretionary system of election of the Mayor or President should remain, or whether one uniform system be adopted.

Current situation

The ability for the Mayor to be elected by the electors has been an option for local governments since at least the introduction of the Municipal Corporations Act 1906. The Local Government Act 1960 included provisions whereby the mode of election of the Mayor in a City or Town would be by the electors, while a Shire President would be elected by the council. However, in the situation where a Shire became a Town or City, there was no automatic change in the mode of election. For instance, when Stirling became a City, it did not change the mode of election of its Mayor, such that the council still continues to elect its Mayor.

At present the Act provides for the Mayor or President to be elected using two methods. Election can either be by the electors choosing from amongst candidates that nominate for the position or by councillors electing one of their fellow councillors. The term for directly elected Mayors or Presidents is four years whereas those elected by council serve a two year term. Currently in WA there are 27 local governments where electors elect the Mayor or President.

Local Government Advisory Board April 2006

Voting Systems

There are a number of different voting systems. The three (3) most common systems are:

- Proportional Representation
- Exhaustive Preferential Voting
- First Past The Post

The following outlines these systems:

Proportional Representation

There are a number of types of Proportional Representation voting systems. The Local Government Amendment Bill 2006 proposes that the system will be based on the proportional system applying for elections of the Western Australian Legislative Council.

The Legislative Council is elected by Proportional Representation using the Single Transferable Vote (STV) systems.

Single Transferable Vote (STV)

Under STV electoral systems, each elector's vote can be transferred between candidates in the order of the elector's preferences.

How is a candidate elected?

A candidate is elected when his or her total number of votes equals or exceeds the quota. In some circumstances, a candidate can be elected with less than a quota (see How votes are counted to elect candidates).

What is the quota?

The quota is the number of votes a candidate needs to be certain of election. The quota is calculated using the formula:

(total number of formal votes) divided by (the number of candidates to be elected +1) plus 1, and disregarding any remainder or fraction

For example, if there were a total of 10 000 formal votes and 4 candidates to be elected, the quota would be:

Quota: $((10\ 000) \text{ divided by } (4 + 1)) + 1 = 2001$

The quota used for all STV systems in Australia is called the 'Droop' formula first published in 1868 by mathematician and lawyer, Henry R Droop.

How votes are counted to elect candidates

The first step is to identify all formal ballot papers and distribute them to candidates according to each ballot paper's first preference. All informal ballot papers are set aside. The quota is calculated from the total formal vote.

If any candidate receives exactly a quota of votes, he or she is elected and his or her ballot papers are set aside.

If any candidate receives more votes than the quota, he or she is elected, and the excess (or surplus) votes are passed on to continuing candidates according to voters' preferences. (See "Distributing a surplus" below for more detail on this process.) Following the distribution of each surplus, any candidate who has reached the quota is elected and any resulting surplus again passed on.

If more than one candidate is elected at the same stage (or 'count') in the scrutiny, each surplus is distributed as a separate count. The candidate with the largest surplus is dealt with first, the candidate with the second largest surplus is dealt with second, and so on.

Once all surplus votes have been distributed, the candidate with the fewest votes is excluded and all of his or her votes passed on to continuing candidates according to the voters' preferences. (See "Exclusion of a candidate" below for more detail). Further candidates are excluded in the same manner until another candidate reaches the quota.

The process of distributing surplus votes and excluding the candidate with the fewest votes continues until the required number of candidates is elected. In some cases the final candidate(s) may be elected without reaching the quota where all other candidates have been either elected or excluded.

Distributing a surplus

All of the elected candidate's ballot papers are distributed to pass on the surplus votes.

The transfer value is calculated as follows:

$$\text{Transfer Value} = \frac{\text{Number of surplus votes}}{\text{Total Number of votes received}}$$

Exclusion of a candidate

When a candidate is excluded, all ballot papers received by the excluded candidate are transferred to continuing candidates at the transfer value at which they were received.

Do candidates always need a quota to get elected?

Where the contest for the last seat in an election is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected. Most systems elect the highest candidate without distributing the votes of the losing candidate. In the ACT, the votes of the last excluded candidate are distributed, and as a result the last elected candidate usually achieves a quota as well.

The final remaining continuing candidate(s) in a scrutiny can also be elected without a quota where significant numbers of votes become 'exhausted' during the scrutiny. A vote is exhausted if it does not have a preference marked next to any of the continuing candidates. This cannot occur in full preferential systems as they treat any ballot paper on which the voter has made a mistake as informal, hence exhausted votes are not possible.

Exhaustive Preferential Voting

Preferential Voting Systems are majority systems where candidates must receive an absolute majority, 50% plus 1 of the total formal votes cast to be elected.

Voters can indicate an order of preferences for candidates on the ballot paper, ie who they want as their 1st choice, 2nd choice and so on until all but the last preference has been recorded.

Voting System

1. Where the election is for one (1) representative from two (2) candidates, the candidate with the greatest number of "1" votes is declared elected.
2. Where the election is for one (1) representative from more than two (2) candidates, if a candidate receives an absolute majority then, that candidate is elected. If no candidate receives an absolute majority then the candidate with the least number of "1" votes in his favour is declared a defeated candidate. The votes of the defeated candidate with the "2" preference against continuing candidates are distributed to those

- continuing candidates. Once a continuing candidate achieves an absolute majority that candidate is declared elected.
3. Where the election is for two (2) or more candidates the process is as outlined at point 2 to elect the first representative. Election of the second representative requires the votes of the elected candidate to be returned to the count and the votes indicating the number "2" preference to be distributed to the continuing candidates. If no candidate has an absolute majority at that stage, the candidate with the least number of votes is declared defeated and the votes of the defeated candidates in accordance with the next preference. The first continuing candidate to obtain an absolute majority from this process is declared elected to fill the next vacancy and so on.

First Past the Post Voting System

Electors record their vote by marking a tick against the name of their chosen candidate appearing on the ballot paper. There are no preferences.

In Multiple vacancy elections the elector marks up to the number of vacancies. If there is an election for 3 positions then the elector ticks up to 3 boxes. It is allowable for the elector to vote for only 1 or 2 candidates.

Vote Counting

In single vacancy elections the candidate with the greatest number of votes is declared elected.

In multiple vacancy elections, vacancies are filled by the candidates having the highest number of votes, next highest and so on until all vacancies are filled.

ATTACHMENT 2