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Community Development and Justice Standing Committee
Parliament of Western Australia
Parliament House
PERTH WA 6000
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Re: Inquiry into the Administration and Management of the 2017 State General Election

I wish to thank the committee for the opportunity to contribute to this inquiry. The inquiry's timing is fortuitous since I have recently completed interviews with several party directors and candidates for the WA election, successful and unsuccessful, as part of a project funded by the Electoral Research Regulation Network (ERRN). This network is itself funded by the New South Wales Electoral Commission, the Victoria Electoral Commission, and Melbourne University's Law School.

My submission focuses on the following terms of reference:

- Ballot security, including paper ballots and electronic ballots;
- The participation of communities with traditionally low levels of enrolment or turn out, and/or high levels of informality;
- Remote polling services; and
- The operation of polling places, including early voting centres, campaign advertising, and the distribution of campaign material.

Lack of polling places prior to election day

During the WA state election there was an explosion in the number of electors who chose to vote early. This should not have come as a surprise; pre-poll numbers have been increasing rapidly in recent elections across Australia, especially in the Federal election in 2016. Within WA, the increase was further facilitated by legislative change removing the requirements for voters to justify their decision to vote early.

Whilst the problem does not appear to be widespread, there was feedback from both party directors as well as candidates that there were not enough pre-polling locations, and that some of these locations were hard to find. One of the party directors complained about a lack of polling booths in the Western suburbs in particular. This meant that those locations which were more easily accessible, such as the Morley markets, were over-subscribed.

There were long queues and slow turnarounds at the more popular booths and ideally there would have been more WAEC staff on hand given the number of people voting at that time.

Recommendation: that the WAEC open more booths during the pre-polling period.

“Joint booths” – where more than one electorate is voting

Under the WA Electoral Act there is an automatic redistribution following every general election. This means that at the next election there are a significant number of voters who reside in a different election to the electorate they voted in previously. Whilst some electors are politically aware, others would be less so. It is reasonable to expect that some voters are unsure about which electorate they are in, and when they are voting at a booth which is serving more than one electorate, which ballot they should receive. WAEC staff are generally very helpful in assisting such voters. There were a small number of complaints though, from voters who did not feel that the advice they received was clear, who queried whether they were given the correct ballots. Whilst there is no evidence to suggest they actually were, it is worth this issue remaining on the radar of the Commission

Absentee ballots

The issue of absentee ballots is related to the previous issue regarding electoral redistributions. Because electors can be unaware of revised electoral boundaries, they may attend a booth which is outside the boundaries of their electorate. During every election there is a need for absentee ballots. In some areas, where the impact of a redistribution is more significant, more absentee ballots than normal may be required. There was feedback that a small number of polling booths ran out of absentee ballots.

Recommendation: that the number of absentee ballots supplied to polling places be increased, particularly in the Perth Metropolitan area.

Remote voting

During my conversation with party directors, there were concerns raised about the amount of notice given by the WAEC when visiting remote communities. It was unclear how much this actually affected voter turnout, or whether the comments were instead related to the impact on party campaigning. Party officials admitted that their complaint was a perennial one; they always want more notice in order to plan effectively.

New enrolment procedures

WA's adoption of the Commonwealth's procedures for direct electoral enrolment should be deemed a success. A record 1,593,222 electors were enrolled to vote, which amounted to an increase of 12.8% since the 2013 election. Normally the growth rate in enrolment is

around 6%. The decision to adopt the Commonwealth method added around 140,000 people to the state electoral roll. Broadly speaking we should be ensuring that as many Western Australians as possible vote on who their government will be. This reform better facilitated this. Whilst there is always more work to be done on reaching potential voters who aren't enrolled, this should be seen as a positive development. One of the party directors complained that new electors were not sent a letter from the WAEC advising them of their enrolment, which may have contributed to the confusion outlined above.

Electronic voting

Amendments to the Electoral Act in 2016 permitted electronic voting for the first time. The Act permitted electronic voting in very specific instances. Consequently only a small number of people voted electronically. The people I interviewed had little awareness of electronic voting. Many of the candidates were not aware that it existed in WA; even party directors knew little about it. For those who were aware, they did not receive any information indicating any concerns. It would appear that the process of importing votes which were cast electronically into the overall count went smoothly. Overall the first iteration of the practice should be regarded as a success. My one recommendation would be that WAEC communicate more with candidates to make them aware that the practice exists. Even if electronic voting is an option for just a small number of West Australians, candidates should be aware of this so that they can encourage eligible voters to take advantage of it. It may be that the WAEC has communicated with political parties and expected them to pass on relevant information.

Recommendation: that additional steps be taken to make candidates aware of electronic voting in WA

Postal voting

As part of the ERRN research project, I conducted observations of polling booths and spoke to WAEC officials. Some of these officials were regular employees, whilst others were employed on a short term basis for the voting period. I received feedback in the last few days of the campaign, on polling day, and during post-polling day counting from WAEC officials regarding postal voting. Officials regarded the postal voting process as the single largest cause of complaints made by voters. Most of these complaints revolved around voters not receiving postal ballots when they believed they had applied for them. For WAEC officials, this is some source of frustration since this is the only part of the voting process which they don't completely control. The vast majority of voters apply for postal votes by returning postal vote application forms which are mailed to them by political parties. Political parties then pass these applications on to the WAEC. The WAEC is blamed by voters for not sending them postal votes and when they check their records, they find they have never received an application. They are frustrated because they are blamed for a problem which is not of their making.

Recommendation: the Committee consider amendments to the Electoral Act to ensure all postal vote applications are sent directly to the WAEC.

Miscellaneous matters

There were a number of other matters which were communicated to me. I have no way of verifying their accuracy but I will list them below for the attention of this committee, so that they can be appropriately investigated:

- Parties complained about the interpretation of the “rules” by WAEC officials being inconsistent. They intimated that they were unhappy about this at every election, state and federal
- The printed colour on one of the Upper House region ballot papers didn’t correlate to the original colour the WAEC said it would be. This meant that when the parties printed how to vote cards for that region, they didn’t marry up properly with the actual ballots
- The way the ballot was folded by the WAEC inadvertently advantaged certain parties over others (the South Metro legislative council paper was cited as an example here, and there was also a complaint regarding a Legislative Assembly paper)

On the whole, I wish to reiterate that all of the concerns listed above were not of sufficient import as to undermine the electoral process in a significant way. They are communicated in a constructive manner as a means of making the electoral process more efficient and effective.

Yours sincerely

Dr Martin Drum