The Impact of Optional Preferential Voting on the 2001 Queensland State Election

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Abstract

During the 2001 Queensland state election, the Australian Labor Party's (ALP) 'Just Vote 1' campaign message sought to limit preference exchange among conservative parties. This paper analyses the impact of this tactic that produced a 53.6 per cent increase in the exhausted vote over the last election. The size of the landslide to Labor made this tactic irrelevant but it affected the outcome in five seats and could have been decisive in a closer election. The concern is raised that the optional preferential system produces a less representative and less democratic outcome than the compulsory preferential system.

Introduction

Preferential voting (sometimes called 'instant run-off or 'second choice' voting in the United States, 'supplementary' voting in the United Kingdom or 'alternative' voting internationally), allows electors to record their support for candidates in rank order (1,2,3 etc.). To win, a candidate must secure an absolute majority (50 per cent plus one) of the vote. Where no candidate has a majority of the primary vote, then the candidate with least votes is eliminated and their second preferences distributed and so on until one candidate has an absolute majority.

The preferential system addresses the problem of 'split voting', or what Charles Dodgson called 'cyclical majorities' (Black 1958: 227). The problem is that first-past-the-post elections are decided on voters' first preferences so that where there are three or more candidates, the candidate with the most votes may not be preferred by the majority of electors. Preferential voting ensures that the candidate preferred by an absolute majority of the voters wins, eliminating the possibility of winners with only minority support. It is an alternative to the run-off ballot used in France,

where if no candidate has an absolute majority in the first round of voting, then a subsequent election is held between the two candidates who won the most votes.

Preferential voting has been a feature of Australian politics since the 'contingent' vote was introduced in Queensland in 1892 (ECQ 2001: A17; Reilly 1997: 3; Wright 1980: 58). Under the contingent system if no candidate has a majority of primary votes, the preferences from all other candidates are distributed to the two candidates with the greatest vote (Reilly 1997: 3). Full preferential voting was introduced in Western Australia in 1907 and Victoria in 1911. In 1918 preferential voting was introduced in federal elections for the House of Representatives, where it is still used. In Queensland, contingent voting was discarded in 1942 in favour of first-past-the-post voting and then full preferential voting was introduced in 1962 (ECQ 2001: A17). Now all State lower houses utilise preferential voting except Tasmania. The allocation of preferences is also available in the single, transferable vote system of proportional representation used in Australian Senate elections, though the vast majority of electors choose to make just one mark 'above the line' to vote for a party ticket and that party's preferences.

Preferential voting means that voters can support minor parties and independent candidates without 'wasting' their vote, knowing that their preferences may be used to decide the winner. But it allows parties to 'exchange preferences' which has historically promoted a centrist, two-party system. The compulsory preferential voting system has been criticised because voters are forced to express a preference for candidates they abhor or know nothing about which has led to the adoption of optional preferential voting in New South Wales in 1981 and Queensland in 1992 (Reilly 1997: 6). For more on the case made for optional preferential voting in New South Wales see Adams (1979) and in Queensland see the Electoral and Administrative Review Commission (EARC) report (1990: 50-59).

Queensland 2001

Pauline Hanson's One Nation Party emerged as a political force in the 1998 Queensland election when it garnered 22.68 per cent of the primary vote and 11 seats in the 89-seat Legislative Assembly. One Nation splintered the conservative vote and many of Hanson's supporters made use of Queensland's optional preferential system to let their vote exhaust rather than go to any other party. The ALP formed a minority government with the support of an independent.

After that election, Liberal Santo Santoro advocated a return to compulsory preferential voting, arguing that the optional preferential system had 'by default brought Labor to power' because many One Nation voters had chosen not to allocate their second preferences which, Santoro believed, would have favoured the Coalition (Wanna 1999: 572).

Within the ALP there was also a realisation that if first past the post voting had applied, Labor would have led the way in 55 seats and produced a landslide. A determination arose in the ALP to utilise this phenomenon and the 'Just Vote 1' strategy and slogan was trialled in by-elections in Mulgrave in 1998 and Bundamba

and Woodridge in 2000. This advice to voters to only give a first preference was particularly effective in the Woodridge by-election where it deadened the flow of minor candidate preferences to a popular local independent who was challenging the ALP in its once-safe stronghold.

In early 2001, Queensland's ALP government was in dire straits. The Shepherdson inquiry into false electoral enrolments had led to the resignation of the deputy Premier and two backbenchers with ministerial prospects. The government no longer had a majority on the floor of parliament so, to avoid an embarrassing defeat, an election had to be called before parliament sat. In the event, Premier Peter Beattie came out with an action plan to end 'rotting' in the ALP thus turning the issue to his advantage. The impact of One Nation produced dissension between and within the conservative parties and the ALP heightened the effect of this dissension by unleashing its 'Just Vote 1' strategy. The result was a landslide to the ALP which won 48.93 per cent of the primary vote and 66 seats compared to 12 seats to the Nationals, three each to the Liberals and One Nation and five to independents (see Table 1).

Measuring the Just Vote 1 Effect

Labor's 'Just Vote 1' slogan was already part of Premier Beattie's mantra at the start of the campaign (Franklin 2001: 8) and it was reinforced by a skillfully constructed television advertisement. The visual element of the advertisement is a mock ballot paper with, instead of names, the phrases 'My Party', 'Their Party' and 'Some Other Party'. As two male voices talk about voting options, numbers are added to, and then taken away from the ballot paper. Finally the voices decide that they could just vote 1 for Labor. It is only in the last seconds that it becomes clear that it is an ALP advertisement. While technically only advising Labor supporters on what to do with their preferences, the advertisement was equally persuasive to conservative and minor party supporters. In the final week of the campaign, the ALP spent 40 per cent of its TV budget airing the 'Just Vote 1' advertisement (anonymous campaign source).

The effect of the 'Just Vote 1' strategy was that there was a 51.99 per cent exhaustion factor in preferences from candidates running third or worse (i.e. all those candidates whose preferences were distributed). In raw terms the total exhausted vote rose from 135,427 or seven per cent of the formal vote in 1998 to 207,963 or 10.1 per cent in 2001. Thus the exhausted vote increased by 53.6 per cent from 1998 to 2001, even though there were ten seats with only two candidates and thus no exhausted votes in 2001 while in 1998 all seats were contested by at least three candidates.

The seat-by-seat effect of the 'Just Vote 1' strategy is analysed in Table 2 that lists the thirty most marginal seats with three or more candidates and calculates each seat's exhaustion rate. The actual preference flow has also been calculated and then applied to the exhausted vote. This is, of course, a large assumption because there is no clear evidence that the exhausted votes would flow in the same

Table 1: 2001 Queensland electorates by party and two-party preferred vote

Seat	Win	2pp	2nd				
Bundamba	ALP	80.90	LIB	Townsville	ALP	59.33	LIB
Nudgee	ALP	75.13	LIB	MountOmman	ALP	58.74	IND
BrisbaneCent	ALP	74.96	LIB	Mansfield	ALP	58.62	LIB
SouthBrisbane	ALP	74.93	LIB	HerveyBay	ALP	57.63	ONP
Sandgate	ALP	74.47	LIB	Gaven	ALP	57.60	NPA
Lytton	ALP	74.40	LIB	Ipswich West	ALP	57.30	ONP
Rockhampton	ALP	74.18	NPA	BarronRiver	ALP	57.26	IND
Bulimba	ALP	73.22	LIB	Redlands	ALP	56.86	NPA
Cook	ALP	72.86	ONP	Mudgeeraba	ALP	56.77	LIB
Kurwongbah	ALP	72.70	LIB	Burdekin	ALP	55.13	NPA
Algester	ALP	72.63	LIB	Aspley	ALP	54.69	LIB
Stafford	ALP	72.39	LIB	Thuringowa	ALP	53.56	IND
Logan	ALP	72.28	NPA	Indooroopilly	ALP	52.88	LIB
Yeerongpilly	ALP	72.18	LIB	Kawana	ALP	52.62	LIB
Inala	ALP	71.45	IND	Broadwater	ALP	52.45	NPA
Kallangur	ALP	71.37	LIB	ChartersTower	ALP	52.17	NPA
Murrumba .	ALP	71.12	LIB	Clayfield	ALP	51.98	LIB
Woodridge	ALP	71.08	ONP	ToowoombaN	ALP	51.87	NPA
FernyGrove	ALP	70.54	LIB	Burleigh	ALP	51.78	NPA
Waterford	ALP	68.01	ONP	Burnett	ALP	51.70	NPA
Redcliffe	ALP	67.61	LIB	Noosa	ALP	50.90	LIB
Everton	ALP	67.46	LIB				
Fitzroy	ALP	67.18	NPA	Warrego	NPA	50.30	IND
Ipswich	ALP	66.76	ONP	Maryborough	IND	50.50	ALP
Cleveland	ALP	66.66	LIB	Maroochydore	NPA	50.79	ALP
Mountlsa	ALP	66.23	ONP	Moggill	LIB	50.88	ALP
MountCoot	ALP	66.12	LIB	Caloundra	LIB	50.96	ALP
Pumicestone	ALP	66.10	LIB	DarlingDowns	IND	51.13	NPA
Chatsworth	ALP	65.15	LIB	Keppell	NPA	51.46	ALP
Ashgrove	ALP	65.03	LIB	Beaudesert	NPA	51.99	ALP
Bundaberg	ALP	64.90	NPA	Callide	NPA	52.32	ONP
Cairns	ALP	64.82	NPA	Hinchinbrook	NPA	52.77	ONP
Capalaba	ALP	64.62	IND	Gympie	ONP	53.26	ALP
Currumbin	ALP	64.55	LIB	Gladstone	IND	53.50	ALP
MountGravatt	ALP	64.17	LIB	Mirani	NPA	53.80	ALP
Greenslopes	ALP	64.09	LIB	Robina	LIB	54.03	ALP
Mackay	ALP	63.52	NPA	SurfersParadis	NPA	55.29	ALP
Stretton	ALP	62.66	LIB	Lockyer	ONP	57.30	ALP
Albert	ALP	62.65	ONP	ToowoombaS	NPA	57.94	ALP
Mundingburra	ALP	61.38	LIB	Cunningham	NPA	58.63	ALP
Mulgrave	ALP	61.29	ONP	Gregory	NPA	59.30	ALP
Southport	ALP	60.84	NPA	Tablelands	ONP	63.81	ALP
Springwood	ALP	60.37	NPA	SouthernDow	NPA	66.77	ALP
GlassHouse	ALP	59.58	NPA	Nanango	IND	67.07	ALP
Whitsunday	ALP	59.58	NPA	Nicklin	IND	73.43	ONP

proportions as those that did not exhaust but in the absence of other data, it is the best assumption that can be made.

The results indicate that if exhausted preferences had flowed at the rate the non-exhausted preferences actually did flow, then five seats would have changed hands. Warrego would have gone from the Nationals to an independent, Burleigh, Charters Towers and Burdekin from Labor to the Nationals and Thuringowa from Labor to an independent. So the party seat totals would have been: Labor 62 (down four), Nationals 14 (up a net two), Liberals and One Nation steady on three seats each and the independents with seven (up two).

Table 2: Marginal electorates with exhaustion rate and actual preference flow

* switch seats

Electorate	Winner	2pp%	2nd party	2pp%	Exhausted	All3rd+	Ex rate	Actual pref flow
Warrego	NPA	50.30	IND	49.70	4,116	7,976	51.6	1:2.2*
Maryborough	IND	50.50	ALP	49.50	2,852	5,881	48.5	6.87:1
Maroochydore	NPA	50.79	ALP	49.21	2,770	4,530	61.1	2.17:1
Moggill	LIB	50.88	ALP	49.12	2,052	5,184	39.6	1:1.0444
Noosa	ALP	50.90	LIB	49.10	2,233	4,543	49.2	1:1.01
Caloundra	LIB	50.96	ALP	49.04	2,972	5,985	49.6	1:1.097
Darling Downs	IND	51.13	NPA	48.87	3,796	4,749	79.9	1.569:1
Keppell	NPA	51.46	ALP	48.54	1,778	3,030	58.7	2.693:1
Burleigh	ALP	51.78	NPA	48.22	2,555	4,385	58.3	1:1.966*
Toowoomba N	ALP	51.87	NPA	48.13	1,907	3,590	53.1	1:1.302
Clayfield	ALP	51.98	LIB	48.02	1,296	2,810	46.1	1:1.008
Beaudesert	NPA	51.99	ALP	48.01	5,093	8,846	57.6	2.197:1
Charters Towers	ALP	52.17	NPA	47.83	1,706	3,745	45.6	1:2.622*
Callide	NPA	52.32	ONP	47.68	4,320	5,694	75.9	1:1.060
Kawana	ALP	52.62	LIB	47.38	2,166	4,708	46.0	1.142:1
Hinchinbrook	NPA	52.77	ONP	47.23	6,713	9,117	73.6	1.238:1
Indooroopilly	ALP	52.88	LIB	47.12	2,052	5,605	36.6	1.659:1
Gympie	ONP	53.26	ALP	46.74	4,723	10,469	45.1	3.776:1
Gladstone	IND	53.50	ALP	46.50	474	1,021	46.4	3.928:1
Thuringowa	ALP	53.56	IND	46.44	3,629	8,052	45.1	1:3.021*
Mirani	NPA	53.80	ALP	46.20	4,564	7,004	65.2	2.271:1
Burdekin	ALP	55.13	NPA	44.87	5,185	8,619	60.2	1:2.255*
Surfers Paradise	NPA	55.29	ALP	44.71	1,498	2899	51.7	1:1.731
Mudgeeraba	ALP	56.77	LIB	43.23	4,037	6,359	63.5	1.096:1
Redlands	ALP	56.86	NPA	43.14	2,023	4,941	40.9	1:3.187
Barron River	ALP	57.26	IND	42.74	3,321	8,387	39.6	1:3.059
Ipswich West	ALP	57.30	ONP	42.70	3,131	6,685	46.8	1:3.052
Lockyer	ONP	57.30	ALP	42.70	5,699	10,304	55.3	2.262:1
Gaven	ALP	57.60	NPA	42.40	2,756	4,318	63.8	1.069:1
Hervey Bay	ALP	57.63	ONP	42.37	4,403	8,831	49.9	1:4.197
All Queensland	ALP	54.7	LIB/NPA	45.3	207,963	399,983	51.99	

It is interesting to note that if first-past-the-post-voting had been in force and preferences not considered at all, then Labor would have picked up five extra seats: Beaudesert, Cunningham and Maroochydore from the Nationals, Gympie from One Nation and Maryborough from the independent, John Kingston. Table 3 compares the seats won by each party under the optional preferential system with the number that would have been won under the compulsory preferential, first-past-the-post and strict proportional representation systems.

Table 3: Comparison of seats outcome by voting system

Party	% First Pref Votes	Optional Preferential	Compulsory Preferential	First-past- the-post	Proportional Represent*
ALP	48.93	66	62	71	44
Liberal	14.32	3	3	3	13
National	14.16	12	14	9	53
One Nation	8.69	3	3	2	8
Greens	2.51	0	0	0	2
CCAQ**	2.39	0	0	0	2
Independent	8.61	5	7	4	8

*Rounded to nearest whole number thus adds to 90

**City Country Alliance Queensland

Conclusion

While in the end the 'Just Vote 1' strategy was only of minor consequence to the election outcome, it is clear that if the election had been a cliff-hanger then the strategy would have been of much more consequence. The strategic advocacy of optional preferential voting by political parties raises some important questions about the representativeness and therefore the legitimacy of governments elected with what may be less than majority support.

Of course the issue of representation is problematic in all parliamentary systems based on single member constituencies. As Table 3 shows, single member systems are not good at reflecting proportional support for parties across the whole electorate, particularly in a landslide situation. A further problem has become evident as party campaigns become more proficient at persuading the swinging voters in marginal seats to support them. Effective marginal seats campaigning can return a government

majority, even though a majority of voters, many 'locked away' in safe seats, might oppose the government. Thus in Queensland in July 1995, the Labor government was returned with 46.7 per cent of the two party preferred vote (Green 1995: 13).

The continued strategic use of optional preferential voting is another problem for representation. In recommending the introduction of optional preferential voting in Queensland, EARC (1990: 59) said that '[e]ncouraging voters to express preferences is ultimately a matter for candidates and parties, not the electoral system.' The question must now be raised as to whether parties encouraging voters not to express preferences in fact defeats the purpose of preferential voting: to ensure that governments are representative of the majority. Reilly (1997: 6) claims that previous experiments with optional preferential voting in Australian states and Canadian provinces have been 'abandoned' precisely because 'voters used their vote to "plump" for one candidate rather than expressing preferences, thus effectively turning the election into a first-past-the-post contest.'

It is interesting to note the opinion of High Court Justices Toohey and Gaudron in *Langer v Commonwealth of Australia* (1996 134 ALR 400). The case arose when Albert Langer advocated a method of optional preferential voting in federal elections by making a valid primary vote and then writing '2' against all the other candidates and thus forcing their vote to exhaust. The Commonwealth went to great lengths to prevent the advocacy of such a vote and in finding against Langer, Toohey and Gaudron claimed that full preferential voting 'was a more democratic method' (Eraser 1996: 86) than the optional preferential method advocated by Langer (or, one is left to assume, the methods in force in New South Wales and Queensland).

There is a concern that optional preferential voting might weaken the agency link between constituent and politician and make it harder for the former to collectively sanction the latter (Mitchell 2000). In fact in the 2001 Queensland state election, 29 successful candidates were returned with a majority of the unexhausted vote but less than an absolute majority of the formal vote. This is hardly surprising given the high rate of exhausted votes but it does undermine the claim of almost a third of Queensland parliamentarians to actually represent their constituents.

The question remains: is optional preferential voting good for democracy? There appears to be a growing international appreciation that preferential voting 'fosters' democracy (Horowitz 1990) so one must wonder whether anything that draws our electoral system back towards first-past-the-post voting is diluting the force of majority rule and democratic legitimacy.

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