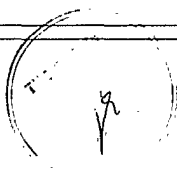


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*Murray Evans*

Conduct of the 1990 Federal Election Part II  
and  
Preparations for the Next Federal Election

INTERIM REPORT

Counting the Vote  
on  
Election Night

Joint Standing Committee on Electoral Matters  
Parliament of the Commonwealth of Australia

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

JOINT STANDING COMMITTEE ON  
ELECTORAL MATTERS

CONDUCT OF THE 1990 FEDERAL ELECTION PART II  
and  
PREPARATIONS FOR THE NEXT FEDERAL ELECTION

INTERIM REPORT

COUNTING THE VOTE ON ELECTION NIGHT



NOVEMBER 1992

CANBERRA

# JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

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## **TERMS OF REFERENCE**

### **INQUIRY INTO THE CONDUCT OF THE 1990 FEDERAL ELECTION, PART II and PREPARATIONS FOR THE NEXT FEDERAL ELECTION**

**To inquire into and report on:**

- (i) the progress the Australian Electoral Commission has made in rectifying the deficiencies in the conduct of the 1990 federal election which were identified in the Joint Standing Committee on Electoral Matters' report '1990 Federal Election' and any longer term issues relevant to the election which have emerged since the inquiry, and
- (ii) the preparedness of the Australian Electoral Commission to conduct the next federal election.

## FOREWORD

In the course of its current inquiry, the Conduct of the 1990 Election Part II, and Preparations for the Next Federal Election, the Committee has taken detailed evidence on the Australian Electoral Commission's plans for counting the vote on election night, and for transmitting the results to the National Tally Room. The Commission's plans are, in part, a response to recommendations in the Committee's report on the Conduct of the 1990 Election, aimed at knowing the result of the count on election night.

In a departure from previous practice, the AEC plans to conduct a provisional distribution of preferences on a two-candidate preferred basis. This is an improvement on the notional distribution – based on a computer projection – which was used in previous elections. An amendment to section 274(4) of *Commonwealth Electoral Act 1918* will be required to implement the changes, and this is included in A Bill for an Act to amend the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*, which was introduced in the Senate on 15 October 1992. The legislation is expected to pass through all stages before the Christmas break.

It is the Committee's view that an interim report dealing with the issue of counting the vote and transmitting the result, will be of interest to Members and Senators at this time. The Committee wishes to thank the Australian Electoral Commission officers responsible for advising on and implementing electoral operations, for their assistance in explaining the technical aspects of the election night system, and for their willingness to amend their planned procedures to take account of the concerns of Committee members. The result is a set of procedures which are not only a marked improvement on the AEC's original plans, but provide a much better chance of knowing the result on election night than the Committee's recommendations in the 1990 election report would have produced.

Mr Arch Bevis, MP  
*Chairperson*  
Parliament House, Canberra  
November 1992

## CHAPTER 1: BACKGROUND INFORMATION

*In its report on the conduct of the 1990 election the JSCEM was critical of the time taken to count the votes and produce a result for the House of Representatives election. The Committee canvassed methods of conducting a notional distribution of preferences on a two-candidate preferred basis, in order to obtain a more accurate assessment of the outcome of the election (i.e. who is likely to form the Government) on polling night. The Committee recommended that a new step be added to the House of Representatives scrutiny to guarantee that scrutineers would be able to readily observe the preferences. The Australian Electoral Commission's submission to the current inquiry rejected the 'scrutineers' option, in favour of polling officials' conducting an actual distribution of the preferences of minor candidates on a two-candidate preferred basis. The AEC is confident that this strategy will achieve the outcome desired by the Committee – a quicker result on polling night. Legislation was introduced into the Senate on 15 October 1992 to amend the Commonwealth Electoral Act 1918 to allow the necessary changes to the counting procedures. The AEC's original proposal involved creating a 'nexus' between the primary count and an provisional distribution of preferences on a two-candidate preferred basis, so that there would be only one transmission of House of Representatives results from each polling place to TENIS, The Election Night Information System, via the Divisional offices. In a later submission the AEC amended this to provide for continuous transmission from the Divisional offices, of House of Representatives first preference results on a booth by booth basis, followed by the transmission of two-candidate preferred results in three or more batches for each Division. The batches of results will identify the booths included in the result.*

*The Committee welcomes the procedures now proposed by the AEC in its submission of 12 November, which the AEC considers workable and satisfactory, and recommends them to the Parliament.*

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### 1.1 The Problem

1.1.1 Before the 1990 Federal election it was clear that the House of Representatives result would be close, with minor parties and independent candidates likely to get up to 20 per cent or more of the vote. The Australian Labor Party suggested to the Australian Electoral Commission that counting procedures should be modified to allow party scrutineers to monitor closely the flow of preferences.<sup>1</sup> The AEC was unable to implement the suggestion because in its view, insufficient time was available before polling day to deal

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<sup>1</sup> Report of the 1990 Federal Election, p 43.

with the training, staffing, procedural and legislative implications of the suggestion.<sup>2</sup>

1.1.2 The 1990 Federal election was held on Saturday 24 March. The result of the election for the House of Representatives was finalised on Thursday 29 March. In its report on the 1990 election the JSCEM identified the delay in knowing the outcome of the election (i.e. which party would form the Government) as a problem to be solved before the next election. The Committee made three recommendations on the subject. These concerned the need for a notional distribution of preferences in counting the House of Representatives vote, systems for recording, processing, transmitting and publicly displaying that vote and the need to improve the counting of the Senate vote to maximise the percentage known on polling night.

## 1.2 Possible solutions

1.2.1 In its report the Committee canvassed in some detail, strategies for taking account of the flow of preferences from minor candidates, which would assist in achieving a faster House of Representatives result on polling night. There was general agreement that a notional distribution of preferences is desirable. Discussion then focussed on whether the notional distribution of preferences on a two-candidate preferred basis should be conducted and observed by polling officials or facilitated by polling officials and observed by scrutineers. In addition the Committee considered whether a notional distribution should be conducted in all polling places, or only in those Divisions which were expecting close contests.

1.2.2 The Committee closely studied three options. The first involved adding a step to the scrutiny so that party scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place, the second was for AEC staff to conduct a distribution in order to

calculate a 'two-candidate preferred 'vote' in each polling place (a variation on option two restricting it to 'marginal' Divisions was rejected in favour of consistency), and the third option was to slow the House of Representatives first preference count to enable party scrutineers to report on minor party preferences in each polling place. Option 3 was rejected by the Committee because it slowed the counting of first preferences.<sup>3</sup>

## 1.3 The Committee's Preferred Option

1.3.1 Having considered all the evidence the Committee supported the first option and recommended that

*the Commonwealth Electoral Act 1918 be amended to add a new step to the House of Representatives scrutiny process to guarantee that scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place on election night.<sup>4</sup>*

1.3.2 In arriving at this conclusion the Committee took into account recent experiences (formal and informal) in Western Australia and South Australia, and the fact that the Public Sector Union was concerned about the added responsibilities for AEC staff if they were required to provisionally distribute the preferences of minor candidates. An additional reason for promoting the first option was that it would not unduly interfere with the commencement of the Senate count.

## 1.4 The AEC's Response

1.4.1 The Electoral Commission has responded to the Committee's recommendation in three submissions (reproduced in Appendix 5), during two public hearings and in informal discussions with the Committee. The AEC's plans for counting the vote and transmitting the result on election night have

<sup>2</sup> *ibid.*, p 44.

<sup>3</sup> *ibid.*, p 45.  
<sup>4</sup> *ibid.*, p 46.



been progressively modified during this process of submissions and hearings. Concerns expressed by Committee members have been listened too, and amended procedures have been suggested by the AEC.

## CHAPTER TWO: THE AEC'S PLANS FOR ELECTION NIGHT

### 2.1 The Amended Procedures

2.1.1 The third AEC submission (dated 12 November 1992) covers the most recent plans for counting the vote and transmitting the result. The main points of this most recent plan are:

- (i) after the close of nominations the AEC will identify two candidates in each Division to whom preferences will be distributed provisionally on polling night – the identity of the two candidates will be kept confidential until the close of polling
- (ii) polling officials will count the primary vote and transmit it immediately to the relevant Divisional office from where it will be transmitted immediately to the National Tally Room (NTR) – the television networks will receive the results in regular batched updates with associated polling place data
- (iii) polling officials will conduct the provisional two-candidate preferred distribution and transmit the results to the Divisional Office "generally ... as soon as possible" from where they will be transmitted to the NTR in three batches generally after receipt of about 10%, about 40% and the final count. The two-candidate preferred result will be displayed on the NTR screens using matched polling place analysis
- (iv) the Senate count will commence at the same time as the two-candidate preferred distribution and results will be

transmitted to the Divisional Office and thence to the NTR for each polling place as they are received

- (v) polling staff will be instructed to allow monitoring by scrutineers at each stage.<sup>5</sup>

2.1.2 The above scheme differs in from the AEC's original plans for election night, especially in relation to the Election Night Information System (TENIS). As much of the original plan had already been implemented, the above procedures will require about two to three weeks of programming followed by associated testing. Some amendment to manuals will be required.

## 2.2 Reasons for Changing the Procedures

2.2.1 The original submission from the AEC outlined a proposal for counting the vote and transmitting the result which differed materially from that outlined above. The Committee considers that although those procedures are now academic, some attention should be given to the differences between the former and current plans. The Bill currently before the Parliament contains very little detail about the procedures to be followed. It is therefore important to explore the procedures, including their evolution, so that Members and Senators are fully aware of the possibilities allowable under the amended legislation.

## 2.3 Changes affecting the identification of the two candidates

2.3.1 The Committee has serious concerns about the AEC's original plans for identifying the two candidates who were to receive the provisional distribution of preferences on polling night. There were two aspects of the concern: the possibility of the AEC getting it wrong and jeopardising an early

result on election night and the effect on the electoral system of two candidates appearing to be the "two most likely" in the judgment of the AEC.

2.3.2 When the AEC selected two candidates for its computer program at the last election, according to the ABC's election analyst, Mr Antony Green, the wrong two candidates were selected in nine electorates.<sup>6</sup> The AEC had intended distributing preferences on the basis of the results in the previous election, without any allowance for particular circumstances in the next election. Mr Phillip Green from the AEC described the procedure as originally planned:

We will look at which two parties topped the poll at the 1990 election on the basis of the redistributed boundaries. If a Liberal candidate and Labor candidate topped the poll in a particular Division, at this next election we would intend to throw preferences to the Liberal candidate and the Labor candidate.<sup>7</sup>

and

We are following what I think is a fairly reliable statistical trend election from election and that is that the two parties that top the poll in any particular seat will be the most likely parties to top the poll at the next election.... But we are intending to educate the media in particular on what it is that we are doing and why we are doing it and point out all the possible things that may indicate that in fact we have chosen the wrong two candidates.<sup>8</sup>

### 2.3.3 As Mr Antony Green noted

If you throw the results at the wrong candidates, you may call the wrong result.<sup>9</sup>

2.3.4 In the Committee's view the AEC should take into account all relevant objective data to maximise the chances of identifying the correct candidates for the purposes of the two-candidate preferred distribution.

<sup>6</sup> Evidence, p 13. The nine electorates were Calare, Cunningham, Hunter, Newcastle, Fairfax, Fisher, Herbert, Leichhardt and Rankin.

<sup>7</sup> Evidence, p 28.

<sup>8</sup> Evidence, p 29.

<sup>9</sup> Evidence, p 24.

<sup>5</sup> Evidence pp S171-2

2.3.5 The fact that choosing two candidates purely on the results of the last election might result in preferences provisionally distributed to the wrong two candidates for the next election, was by no means the main concern of the Committee. At the time of the first public hearing some members expressed grave reservations about the AEC selecting the "two most likely" candidates in each seat, and publishing the information. The choice of the two candidates to receive the distributed preferences could be seen to imply the AEC's *imprimatur* for these candidates – which would be inconsistent with the AEC's impartiality.

2.3.6 The AEC has responded to these reservations by agreeing to adopt procedures which would keep confidential the identity of the two candidates to receive preferences in the polling night count. It follows from this that selection of the two candidates cannot be automatically and absolutely based on the previous election, although this will be the usual basis of the decision.<sup>10</sup> A sealed envelope containing the names of the two candidates, will be made available to the Officer in Charge of the Polling Booth, to be opened after the close of votes and in view of the scrutineers.<sup>11</sup>

2.3.7 It will be necessary to make the information available to representatives of the media who are producing computer programs for the election night broadcast. This would be on a confidential basis.<sup>12</sup> In both the 1987 and 1990 elections, information on candidates to receive distributed preferences for a notional distribution was provided to computer programmers from the media on a confidential basis apparently without problems.<sup>13</sup>

2.3.8 This change from the procedures initially planned by the AEC, removes some of the objections expressed by the Committee.

<sup>10</sup> Evidence, p S171.

<sup>11</sup> Evidence p S171

<sup>12</sup> Evidence p S171

<sup>13</sup> Evidence, p 114

## 2.4 Changes Affecting the Transmission of the Result

2.4.1 The AEC had intended creating a 'nexus' – a link between the transmission of the first preferences and the two-candidate preferred votes:

When each polling place has completed its counting of preferences, its first preference and TCP [two candidate preferred] result will be phoned to the relevant Divisional Office, where the results would be entered direct into TENIS, in the one transaction.<sup>14</sup>

2.4.2 The AEC estimated that 15 to 30 minutes, depending on the size of the polling place, would have been added to the time taken to transmit the first preference result if no second and later preferences were distributed.<sup>15</sup> On the other hand the computerisation of Divisional offices since the last election will offset at least part of the delay which would otherwise have been caused by the new counting procedures. Whereas in past elections the Divisional offices have accumulated the results of several polling booths, reconciled them and then passed the information to head offices in the States, results will now be keyed as they are received in the Divisional offices directly to the National Tally Room.

2.4.3 There seemed to be no good reason for holding the primary result until the completion of the two-candidate preferred distribution. It seemed that the procedures were devised to serve the computer program rather than the candidates and the public, who have a legitimate interest in knowing the results of the primary vote count at the earliest opportunity.

2.4.4 In its original submission the AEC provided seven arguments for its decision to link the transmission of the first preferences and the two-candidate preferred votes (the nexus).<sup>16</sup> While various arguments were advanced the nub of the matter was disclosed in the fourth point:

<sup>14</sup> *Ibid.*

<sup>15</sup> Evidence, pp 8-9.

<sup>16</sup> Evidence, p S48.

For the next election, each polling place's figures will be entered separately into TENIS. The system has been designed to cater for two data entries for each polling place, one for the House of Representatives and one for the Senate. With roughly 8500 polling places, this process will entail 17000 computer transactions from 147 locations over a five hour period. Breaking the nexus and having a separate transaction for each polling place for preference figures would require an additional 8500 phone calls from OICs and 8500 computer transactions, which would involve the need for the AEC to purchase additional computer capacity.<sup>17</sup>

2.4.5 The AEC elaborated on this matter explaining that the communications network between the Divisional offices and the AEC's Central Office in Canberra, would not be able to cope with the transmission of three instead of two sets of data from each of the Divisional offices.<sup>18</sup> The AEC has now agreed to a compromise in which the second set of data (the two-candidate preferred result) can be transmitted in three computer transactions instead of 8500. The Committee considers this to be an acceptable compromise.

## 2.5 Changes Affecting Access by Scrutineers

2.5.1 Another aspect of the proposed procedures which concerned the Committee was the possibility of limiting scrutineer monitoring of the count. The Committee's recommendation in the Report of the Conduct of the 1990 Election had been to add a step to the House of Representatives count to allow formal access for scrutineers. In describing how the count was to be streamlined in its original proposal, the AEC implied that access to the count by party scrutineers would be less than that enjoyed in previous elections.<sup>19</sup> Such a situation would be quite unacceptable, and the procedures now proposed by the AEC have the merit of recognising the rights of scrutineers.

2.5.2 The AEC has not yet come to any agreement on scrutineering with the major political parties, but is willing to discuss the matter.<sup>20</sup> Political parties will be able to enter the discussions on the basis of the AEC's latest submission which recognises that full and reasonable access by scrutineers is a right, not a favour bestowed by some polling staff but not others.<sup>21</sup>

<sup>17</sup> Evidence, p S48

<sup>18</sup> Evidence, p 140

<sup>19</sup> Evidence, p S49. There was some ambiguity regarding the role of scrutineers in the procedures outlined. Mr P Green explained that the estimate of an additional 15 to 30 minutes in transmitting the results did not take into consideration slowing the count to accommodate scrutineers. Evidence, p 87.

<sup>20</sup> Evidence, p 85.

<sup>21</sup> Evidence p S171

## CHAPTER THREE: THE GOVERNMENT'S PLANS FOR ELECTION NIGHT

### 3.1 The Legislative Amendment

3.1.1 The Government has not yet responded to the Committee's 1990 Report, but its response to the recommendation regarding the House of Representatives scrutiny is provided by way of a Bill to give effect to the AEC's preferred approach. Enabling legislation was introduced into the Senate on 15 October 1992. Section 22 of the Bill for an Act to amend the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* allows for the scrutiny of preferences at the discretion of the Australian Electoral Officer for the relevant State or Territory:

22. Section 274 of the Principal Act is amended by inserting after subsection (2) of the following subsection:

'(2A) Each Assistant Returning Officer must, if the Australian Electoral Officer for the State or Territory that includes the relevant Division so directs in writing, also:

- (a) conduct a scrutiny of such preferences (other than first preferences), on such of the ballot-papers, as are required by the direction; and
- (b) transmit to the Divisional Returning Officer any information required by the direction;

in the manner specified in the direction'.

3.1.2 The following comments on the amendment were made by the Minister for Administrative Services, the Hon Nick Bolkus, in his second reading speech (tabled on the Minister's behalf by Senator Tate):

In its report on the 1990 Federal election, the Joint Standing Committee on Electoral Matters recommended that scrutineers be permitted to examine a "two-candidate preferred vote" in order to ascertain the likely outcome of the election on polling night. For various reasons relating to the integrity and efficiency of the scrutiny process and to facilitate equal access by all

observers on election night, the Electoral Commission concluded, and the government agrees, that it is more appropriate for Electoral Commission officers rather than scrutineers to conduct an indicative distribution of second and later preference votes for the House of Representatives on election night. This will provide the public on that night with an early indication of the two-candidate preferred result in most electorates. This legislation will provide a mechanism for the Australian Electoral Commission to conduct such an indicative distribution of preferences.<sup>22</sup>

3.1.3 The proposed legislation does not provide details of implementation. The Explanatory Memorandum reference to Clause 22 of the Bill notes:

This clause amends subsection 274(4) of the Principal Act to provide that an Australian Electoral Officer for the State or Territory may direct an indicative distribution of second and later preference votes at a House of Representative election on polling night.<sup>23</sup>

3.1.4 In response to questioning the Electoral Commissioner stressed that the clause in the Bill is permissive rather than mandatory and that it had been deliberately worded in a way which was not prescriptive regarding how things are to be done.<sup>24</sup>

<sup>22</sup> Senate Hansard, 15 October 1992, p 1904.

<sup>23</sup> Electoral and Referendum Amendment Bill 1992, Explanatory Memorandum, p 8.

<sup>24</sup> Evidence, p 97.

## CHAPTER FOUR

### SIGNIFICANT ISSUES FOR ELECTION NIGHT

#### 4.1 Significant Issues

4.1.1 The fundamental duty of the AEC is to provide an accurate and early result. While all aspects of counting the vote and transmitting the result are important, several aspects arose during this part of the inquiry which, in the Committee's view, require some comment. One such aspect is the decision by the AEC to conduct the provisional distribution of preferences itself rather than deal with the problem of getting an earlier result by merely providing better access to scrutineers. Other aspects include the importance of the speed of transmitting the results, the rights of scrutineers and the interests of the media.

#### 4.2 The Provisional Distribution of Preferences

4.2.1 In its 1990 report the Committee considered the option of having AEC polling staff conduct a provisional distribution of preferences, and rejected it in favour of the simpler option of enhanced scrutiny of the preferences. Despite this, the Committee accepts that the proposal for the AEC to conduct the distribution has merit, although in many respects the proposal was an overreaction to a reasonably simple requirement to provide more certain access for scrutineers.<sup>25</sup> The proposal for the AEC to conduct the two-candidate preferred distribution recognises that it is the AEC's role to provide a result as quickly as possible and that a provisional distribution on a two-candidate preferred basis will contribute to this.

4.2.2 The most recent proposal provides benefits to independent candidates and small parties who do not always have practised scrutineers. As the Electoral Commissioner put it:

We think it gives more accurate results and that it gives the results evenly to all interested parties.<sup>26</sup>

#### 4.3 The Speed of Transmitting the Result on Election Night

4.3.1 It is, of course, highly desirable that the public and candidates know the result of the count as it becomes available. The result of the first preference count is a significant step in finalising the result, and it should be transmitted to the National Tally Room without delay. In discussing the time involved in its original and amended proposals the AEC stated

In comparing the AEC's original proposed scheme and the above scheme, there are some differences in timing on election night. Under the above scheme, first preference results will arrive (we estimate) on average 15 to 30 minutes earlier than under the AEC's scheme. ... The timing for input of Senate results should be much the same under either option.<sup>27</sup>

4.3.2 The Committee was concerned that the suggested delay of 15 to 30 minutes might prove to be an underestimation. The Committee saw no reason for withholding the primary vote result until completion of the provisional two-candidate preferred distribution, and asked the AEC if it would be possible to transit these results separately. The AEC has now agreed to do this.

#### 4.4 The Rights of Scrutineers

4.4.1 The original recommendation from the Committee regarding the election night count was aimed at having polling staff recognise that scrutineers play an essential part in the openness and fairness of our electoral system. They are not intruders standing in the way of polling staff and their election night duties. This is not to suggest that all polling staff are unhelpful or obstructionist towards scrutineers, but several members relayed instances of

<sup>25</sup> Evidence, p 57.

<sup>26</sup> Evidence, p 111.  
<sup>27</sup> Evidence, p 8173.

less than courteous assistance or of insufficient understanding of the role of the scrutineer. On the other hand, scrutineers must be mindful of the need for an early result and must not unreasonably cause delays.

4.4.2 While the Committee recognises that the option of having polling staff conduct the provisional distribution of preferences achieves the aim of getting a faster result of the House of Representatives election, there is some concern that this option did not adequately address the rights of scrutineers. The Committee notes that the AEC has now agreed to instruct polling staff to provide access to scrutineers.<sup>28</sup> The Committee will be interested to see the text of these instructions and will closely monitor their implementation during the next election.

#### 4.5 The Interests of the Media

4.5.1 The interests of the media were expressed at length in the first public hearing of this inquiry, held before the AEC had abandoned its proposal to create a nexus between the primary and two-candidate preferred count for the House of Representatives. The Committee recognised the expertise of the media representatives but was aware that the media has its own agenda for its election night coverage. Election night is one of the more significant occasions in the media calendar. A later but more accurate result delivered by the AEC would diminish the role for psephologists and political gurus and detract from the drama of the election night broadcast.

4.5.2 Mr Antony Green from the ABC painted a gloomy picture of the proposal:

My concern, particularly with this election, is that the Electoral Office is talking about an entirely new set of procedures for counting the vote and then an entirely new set of procedures for getting the vote in.

When one considers that there are 8,000 polling places around the country, at the end of the day an enormous number of staff have to count the votes and then do this new set of voting procedures which they have never done before. They have to learn how to do that... It then comes to the Divisional Returning Office where there is another new set of procedures which have not been used before. If you want all these procedures to work in order to get the result by 8 pm, and you are prepared to spend the money to have the people stay on to do the count, then you may know the result as long as it is not a close election. In a close election like last time, you are still going to be waiting a long time to get the result.<sup>29</sup>

4.5.3 Mr Ian Cook, the Nine Network's Director of News, expressed the general attitude of the media to the AEC's proposed procedures:

Even if on the night nothing goes wrong, we still see potential for a slowing down in the system. Our submission is not intended to detract in any way from the AEC's right to count the preferences if it wants to, but we simply do not see the reason for delaying the primary information until the preferential information is available.<sup>30</sup>

4.5.4 Mr Cook summed up the importance of furnishing the media with results in the shortest possible time:

As in all coverage of news, speed and accuracy are of the essence. In past elections, the AEC has provided information to us on the basis of the primary vote. This obviously is the quickest and fastest thing to do. Like the ABC, we have taken this information and then gone from there to develop that. While we can understand the AEC's ability to count preference votes on the night, it is of great concern to us that in so doing it may slow down a system in which there are already so many opportunities for things to go wrong.<sup>31</sup>

<sup>28</sup> Evidence, p 172.

<sup>29</sup> Evidence, p 34.  
<sup>30</sup> Evidence, p 7.  
<sup>31</sup> Evidence, p 7.

4.5.5 Mr Manning drew to the Committee's attention the importance of a constant flow of information for the television coverage:

One important point clearly in television scheduling is that there will be a constant stream of votes coming in through the night ... We have long ago left the kind of television coverage where a camera is pointed at the tally-board. It is now completely computerised, completely graphics oriented, and it depends crucially on the constant input of data into the whole system. Clearly, just as much as any instincts of the Australian Electoral Commission, we too are interested in the way results are coming in.<sup>32</sup>

4.5.6 Mr Cook's summation of the new system demonstrates the potential for serious problems for the networks:

Our major concern is ... that even if it did work, there would still be delays. If it does not work, then there will be longer and worse delays. In the words of Peter Manning, we simply ask that we be given some kind of a parachute. It seems to us that Federal election night is far too big an occasion on which to conduct an experiment for an untried system. We would ask that, if this experiment is to be conducted, it be done with the fail-safe mechanism of a backup. By that we mean, give us the raw primary figures as well as the other system, as was suggested earlier...<sup>33</sup>

4.5.7 It was not surprising that the main opposition to the AEC's first proposal came from the media, who objected to any delay in the transmission of primary vote results, and who were somewhat cynical about the AEC's estimation of the length of the delay. The Committee itself shared concerns regarding the estimated timing. The proposal to create the "nexus" has now been dropped.

## 4.6 The Media and the Election

4.6.1 Given the strong objections expressed by media representatives to the impact of the AEC's original plans for transmitting election results, it is pertinent to consider what weight the Committee should give to these concerns. There is no doubt that the primary responsibility for both counting the votes and transmitting the results lies squarely with the AEC. However, the Committee acknowledges the legitimate role of the media in informing the public of the results, and where practical the media's access to information on election night should be facilitated.

4.6.2 Mr Peter Manning, the Controller of ABC TV News and Current Affairs described the importance of the election night television coverage to the ABC in terms of its overall commitment to covering Federal politics, the resources devoted to the coverage and the huge audience reaction. Mr Manning noted that

On the night of the last election in 1990 we gained a very large increase in our audience. It has been a commitment ever since that election night coverage for ABC television will be a major event.<sup>34</sup>

4.6.3 The Government has recognised the valuable role of the media in reporting results in its response to the Committee's report of the 1987 Federal election:

The Government believes that the media perform a valuable public service in broadcasting election night results on polling night, in effect serving as part of the overall operation and the democratic process by conveying the election results to the nation.<sup>35</sup>

<sup>34</sup> Evidence, p 4.

<sup>35</sup> Joint Standing Committee on Electoral Matters, Report Number 3. The Committee had recommended charging the media for the use of Tally Room facilities. This excerpt provides the Government's reason for rejecting the recommendation.

<sup>32</sup> Evidence, p 5.  
<sup>33</sup> Evidence, p 79.



## CHAPTER FIVE: CONCLUSIONS

### 5.1 The AEC's Amended Procedures

5.1.1 The AEC's most recent proposal for its election night procedures (see submission 26 in Appendix 5) provides a process for a timely and accurate count of House of Representatives first preference and two-candidate preferred vote. The AEC has informed the Committee that timing for input of Senate results should be similar under the latest proposal and the earlier plan.<sup>36</sup>

5.1.2 As the legislation to permit the implementation of the procedures is so broad the Committee has decided to set out the most important details which, in its view, are essential to the satisfactory conduct of the count for the next election. While these recommendations have already, for the most part, been accepted by the AEC in its latest submission, the Committee feels there are still some areas open to interpretation on which the AEC, the Parliament and the Government have the right to know the Committee's views.

#### Recommendation 1:

The Committee recommends that the AEC identify the two candidates to whom preferences are to be provisionally distributed on election night using all relevant objective data including historical results.

#### Recommendation 2:

The Committee recommends that the names of the two candidates identified for receipt of provisionally distributed preferences be kept confidential until the close of poll. Each DRO should be informed in confidence so that the relevant checks can be made before polling day. An exception can be made for those individuals employed by the media to program their election night computer systems, in which case the names of the candidates can be divulged in strict confidence and on a need-to-know basis no earlier than the morning of the election. The names of the two candidates should be given to the Officer in Charge of each polling place in a secure manner in a sealed envelope. The envelope should be opened in the presence of scrutineers and polling staff.

#### Recommendation 3:

At all stages of the count full and reasonable access should be provided for scrutineers and all polling staff should be informed of the scrutineers' rights of access. The access should ensure adequate scrutiny of the formality of votes in the count of first preferences, opportunities to observe the preferences of minor candidates during the two-candidate preferred distribution, and opportunities to analyse all ballot papers as required after the results of the House of Representatives count have been transmitted. Access to the Senate count on election night should be adequate to monitor the formality of votes, with more comprehensive access to Senate papers being afforded to scrutineers in subsequent counting of the vote. The AEC should consult the political parties and candidates regarding access for scrutineers.

<sup>36</sup> Evidence, p S173.

5.1.3 As noted in 4.4.1, scrutineers have an obligation to avoid causing unnecessary delays.

**Recommendation 4:**

The result of the first preference vote count should be transmitted immediately from each polling place to the Divisional Office, and from there immediately for each polling place to the National Tally Room.

**Recommendation 5:**

The result of the provisional two-candidate preferred distribution should be transmitted as soon as possible from each polling place, and transmitted in at least three batches from the Divisional Office to the National Tally Room with information about the polling places included when approximately 10%, approximately 40% and the final count for the night is collected by the Divisional Returning Officer.

**Recommendation 6:**

The AEC should prepare an information kit for the use of media involved in broadcasting the election results. Opportunities should be provided to media representatives to discuss the procedures for transmitting election results.

## 5.2 Conclusion

5.2.1 In the absence of formal changes to the Act, the Committee notes that it is the responsibility of the AEC to determine the best method of ensuring an early and accurate result. However, the Committee believes that the procedures already set in train by the AEC and the above recommendations, will ensure a smooth count and transmission of results on election night. The Committee recognises that there is no magic about the recommendations, and that in the event of a very close result in any Division, there will still be a need to wait for the results of postal and absentee votes.

5.2.2 In discussing the options available for election night, senior operational, technical and policy officers from the AEC have been most helpful and willing to assist the Committee. The Committee wishes to place on record its gratitude to these officers who provided advice on how the procedures could be amended to safeguard the integrity of the electoral system.

5.2.3 While this has been welcome, it is clear that the process of devising election night procedures would have been facilitated if the AEC had systematically consulted its own staff and interested parties before implementing the original plan. Political parties, the media and this Committee would have been happy to comment on the AEC's proposals.

5.2.4 The Electoral Commissioner has told the Committee that the AEC attempted to look behind the Committee's recommendations regarding knowing the result on election night, and carry out the spirit of those recommendations.<sup>37</sup> It is clear that the AEC did attempt to identify the problem and consider the best solution. However, the best way to discern the Committee's intentions would have been to consult further with the Committee.

<sup>37</sup> Evidence, pp 95 and 116

5.2.5 In drawing attention to this failure to consult, the Committee recognises that planning for changes to election night procedures began soon after the 1990 election, and before the AEC established mechanisms for consulting its client groups.<sup>38</sup> As the practice of consultation becomes more entrenched in the AEC the number of decisions taken without effective consultation should decrease.



Arch Bevis, MP  
Chairperson

<sup>38</sup> For example the invitation to stakeholders to participate in a corporate planning workshop in March 1992 and the Client Services Unit established during the Committee's Resource Sharing Inquiry in 1992.

## APPENDIX 1

### LIST OF SUBMISSIONS

Submission Number	Individual/Organisation
1	Submission from Mrs D Blackman undated
2	Submission from Mr S Zaczek dated 16 June 1992
3	Submission from Mr P Bradbrook, State Director, National Party of Australia (WA) dated 16 June 1992
4	Submission from Mr E Goode dated 21 June 1992
5	Submission from D Murphy dated 20 June 1992
6	Submission from Mr B Zammit dated 15 June 1992
7	Submission from Mr T Stephens, MLC Member for the Mining and Pastoral Region dated 10 June 1992

8 Submission from Mr I Cook,  
Director of News,  
Nine Network Australia  
dated 10 June 1992

9 Submission from Mr G Goode,  
National President,  
Proportional Representation Society  
of Australia  
dated 25 June 1992

10 Submission from Ms D Appelbee,  
Divisional Returning Officer for the  
Division of Corinella,  
Australian Electoral Commission,  
(with covering letter from Mr R Broadbent MP,  
Member for Corinella)  
dated 24 June 1992

11 Submission from Mrs M Mason  
dated 24 June 1992

12 Submission from Mr T Barker  
dated 25 June 1992

13 Submission from the  
Australian Electoral Commission  
dated 26 June 1992

14 Submission from Mr P Manning,  
Controller,  
ABC TV News, dated 29 May 1992

15 Submission from Miss M Tilmouth  
dated 25 June 1992

16 Submission from Mr N McKay,  
Registered Officer,  
CIR Alliance  
dated 25 June 1992

17 Submission from Mr P Morgan  
dated 25 June 1992

18 Submission from Mr A Cirulis  
dated 21 July 1992

19 Submission from Mr R Finney  
dated 23 July 1992

20 Supplementary submission from  
Mr R Finney  
dated July 1992

21 Submission from Mr P Worthing  
dated 31 July 1992

22 Submission from Mr S Davis  
dated 21 July 1991  
(formerly Submission No. 91 from the  
1990 Federal Election Part I Inquiry)

23 Submission from the  
Australian Electoral Commission  
dated 22 May 1991

24 Submission from the  
Australian Electoral Commission  
dated 3 November 1992

25 Submission from the  
Australian Electoral Commission  
dated 10 November 1992

26 Submission from the  
Australian Electoral Commission  
dated 12 November 1992

27 Submission from  
Mr Rick Finney  
dated 10 November 1992

## APPENDIX 2

### LIST OF EXHIBITS

#### Exhibit Number

1

Letters to Mr A Green from the  
Western Australian Electoral Commission  
and the State Electoral Department, South Australia

Provided by Mr A Green  
ABC Television, 16 October 1992

### APPENDIX 3

#### a. PUBLIC HEARINGS

##### CANBERRA

16 October 1992

9 November 1992

#### b. WITNESSES

##### CANBERRA 16 OCTOBER 1992

###### Australian Electoral Commission:

Mr B Cox, Australian Electoral Commissioner

Mr P Dacey, Assistant Commissioner, Development and Research

Mr P Green, Director, Research, Legislative Projects and FOI

Mr R Medaw, Director, Applications Development

###### ABC Television:

Mr A Green, Election Analyst

Mr P Manning, Controller, ABC Television News and Current Affairs

###### Nine Network Australia:

Mr I Cook, Director of News

Mr D Quinn, Election Project Manager

##### CANBERRA 9 NOVEMBER 1992

###### Australian Electoral Commission:

Dr R Bell, Deputy Electoral Commissioner

Mr B Cox, Australian Electoral Commissioner

Mr P Dacey, Assistant Commissioner, Development and Research

Mrs E Gladwin, Director, Funding and Disclosure Section, Corporate Services

Mr P Green, Director, Research, Legislative Projects and FOI

Mr R Medaw, Director, Applications Development

Mr A Moyes, Director, Computer Services Section, Development and Research

Mr T Pickering, Director, Enrolment Section, Development and Research

### APPENDIX 4

Australian Electoral Commission Submissions relating to counting the vote on election night:

Excerpts from Submission 13 ..... dated 26 June 1992

Submission 25 ..... dated 10 November 1992

Submission 26 ..... dated 12 November 1992



In reply please quote

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Ms J Middlebrook  
Secretary  
Joint Standing Committee  
on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Ms Middlebrook

**THE CONDUCT OF THE 1990 FEDERAL ELECTION PART II AND  
PREPARATIONS FOR THE NEXT FEDERAL ELECTION**

Thank you for your letter of 26 May 1992 inviting a submission from the Australian Electoral Commission in respect of the Committee's inquiry into the matters referred to above.

The submission has been prepared and is attached. We look forward to assisting the Committee further with its inquiry, should that be desired.

Yours sincerely

B Cox  
Electoral Commissioner

26 June 1992

21. Recommendation (3.43): The Committee recommends that the Australian Electoral Commission report to the Joint Standing Committee on Electoral Matters on possible changes to the Commonwealth Electoral Act 1918 that would have the effect of minimising the incidence of optional preferential voting.

**Response:**

The Commission has not been able to find a way to continue with the present situation whereby a vote marked "1, 2, 2, 2, etc" is a formal vote, and at the same time prevent voters being induced to use this provision to deliberately cast optional preferential votes.

Any attempt to tighten the prohibition on distribution of material "likely to induce an elector to mark his or her vote otherwise than in accordance with the directions on the ballot paper" (subsection 329(3) of the Act) to prohibit persons in any way inducing voters to mark their ballots "1, 2, 2, 2, etc" is likely to lead to a situation where, on the face of it, it could be an offence to explain a provision of the Commonwealth Electoral Act.

For example, if the text of s. 270 of the Act were read on radio, and the interviewer were to ask "does this mean that I can vote 1, 2, 2, 2 and my vote will be counted as a formal vote for the candidate of my choice?" the answer has to be "yes". It is difficult to see where the law could draw the line between simply explaining section 270 and inducing voters to cast an optional preferential vote. If such a distinction were to be drawn, its enforcement would seem problematical, particularly in the heat of an election campaign.

The Commission is therefore unable to see how the legislation can be changed to achieve the Committee's objective while the section 270 saving provision (which was introduced following a recommendation in 1983 of the Joint Select Committee on Electoral Reform) and the full preferential system of voting both remain. The views of the Office of Parliamentary Counsel on the likelihood or otherwise of a legislative solution to this difficulty are being sought and will be provided to the Committee when received.

**Knowing the election result on election night**

22. Recommendation (4.21): The Commonwealth Electoral Act 1918 be amended to add a new step to the House of Representatives scrutiny process to guarantee that scrutineers would have the opportunity to readily observe a 'two-candidate preferred vote' in each polling place on election night

**Response:** Supported, with variation. In endeavouring to improve the service provided at the National Tally Room (NTR) on election night, the AEC has developed a system that departs in method but not in spirit from the recommendations made by the JSC in its report on the 1990 election.

The JSC's recommendation that scrutineers should have the opportunity to readily observe a two-candidate preferred (TCP) vote in each polling place on election night was made in the context of the 1990 election result, when a significant number of seats could not be determined until after preferences had been distributed. Therefore the fate of the Government could not officially be determined for a number of days until preference distributions were carried out.

In considering the issue the AEC Management Board believed that a more reliable indication of the outcome in each Division, and hence overall, could be ascertained if polling place staff were to actually distribute the preferences of the minor candidates in each polling place on election night. The JSC had preferred the option of scrutineers having longer opportunity to observe later preferences during the first preference count. However, on the basis of experience gained at the Menzies by-election, and in the light of similar exercises conducted by State electoral bodies in Western Australia and South Australia, the AEC concluded that a distribution by polling staff could be carried out quickly and would give a much more reliable result.

By doing an actual count of two-candidate preferred votes using polling staff, figures obtained can be entered into the AEC Election Night Information System (TENIS) and will be available for the use of all observers in the NTR. The scrutineer-observation option would not allow "official" verification of preference figures and their transmission would rely on less organised methods than the AEC's, in that they would then be passed on to party and media individuals through informal networks.

Under the planned method, two candidates will be nominated in each Division to whom preferences will be distributed. Counting staff will begin to distribute preferences as soon as the first preference count is completed. Based on the 1990 election result, an average of around 20% of first preference votes will need to be distributed. In an average polling place taking around 1200 votes, only 240 preferences would need to be distributed. The scrutineers will, of course, be able to observe this process. Other polling place staff will during this time be preparing for the Senate count.

When each polling place has completed its counting of preferences, its first preference and TCP result will be phoned to the relevant Divisional Office, where the results would be entered direct into TENIS, in the one transaction.

Past experience of trialling distribution of preferences on polling night indicates that it will take on average 15-30 minutes to complete the distribution. Smaller polling places (those that report earlier on polling night) will take less time; larger polling places will take longer.

There has been some criticism of the linking of the transmission of first preference votes to the NTR with the transmission of the preference figures on the ground that it



will delay the arrival of figures in the NTR until the preference count is completed.

The AEC has decided to link the transmission of the first preferences and the two-candidate preferred votes (the nexus) for a number of reasons;

- In close seats in most cases, the outcome of the two-candidate preferred throw will be the most reliable indicator of the outcome - the first preference count by itself will not be sufficient. Therefore it is important that preference information be transmitted as quickly as possible.
- In the polling place, the Officer in Charge (OIC) will be able to reconcile any significant imbalances between the first preference count and the TCP count before causing any figures to be entered into the computer. (Minor imbalances will be ignored in the polling places and reconciled by the Divisional Returning Officer to ensure that the count is not held up.)
- Keeping the nexus should also encourage OICs to complete the TCP count as soon as possible, as OICs are generally keen to report their figures as early as possible. Breaking the nexus may well lead to a delay in reporting the TCP figures as the pressure for a quick result would then be reduced.
- For the next election, each polling place's figures will be entered separately into TENIS. The system has been designed to cater for two data entries for each polling place, one for the House of Representatives and one for the Senate. With roughly 8500 polling places, this process will entail 17000 computer transactions from 147 locations over a five hour period. Breaking the nexus and having a separate transaction for each polling place for preference figures would require an additional 8500 phone calls from OICs and 8500 computer transactions, which would involve the need for the AEC to purchase additional computer capacity.
- Breaking the nexus would have the potential to cause confusion in the NTR. It would mean that first preference data and TCP data would not correlate for any particular Division until all data for that Division had been entered. It would therefore be possible for first preference data to indicate a Government candidate winning a seat while the TCP data indicated an Opposition candidate winning the same seat - a highly undesirable possibility.
- It is usually the case that the bulk of results comes into the NTR in a rush. The number of votes counted can rise from 10-20% to 50-70% counted in a comparatively short space of time. If the nexus were broken, the TCP result would be showing 10-20% counted while the first preference result showed 50-70% counted. Therefore,

during the most crucial phase of election night, when a sufficient amount of votes are available on which to make reliable forecasts, the TCP figures would not be available to assist this process.

- It is essential that the information arriving and being analysed in the NTR is simple and unambiguous. Breaking the nexus would turn a relatively simple system into a complex one which would frustrate expert users and confuse others.

The AEC believes there will not be a significant or unacceptable increase in the time taken for the transmission of results to the NTR. This belief is based on two changes in election night procedures.

The first is the changed counting method itself. In the past, first preference counts have been slowed by scrutineers attempting to count later preferences - in most cases OICs have been prepared to slow the count somewhat for this purpose. As there will be no need to slow the first preference count, that count should proceed faster than it has in the past. Therefore the net amount of time taken to complete the two counts may not be an average of 15-30 minutes longer than at previous elections, when the first count would have taken longer.

The second change will occur in the method of input. For this election, each polling place will phone the relevant Divisional Office, where data for each polling place will be entered direct into TENIS. In the past each Divisional Returning Officer kept a running total of the results for his or her Division, and would periodically phone the total to Head Office, where the data would be transcribed and entered into TENIS. The new method of input should significantly reduce the time taken for results phoned in from polling places to reach the NTR.

Taken together, these changes are expected to mean that the increase will be around 15 to 20 minutes in the time taken to transmit results to the NTR. The time taken will of course vary from polling place to polling place, depending on the numbers of votes taken at each, the numbers of candidates standing, the numbers of votes gained by "minor" candidates, polling staff ability, and the level of scrutineer activity.

The Commission considers that the benefits of transmitting two-candidate preferred data to the NTR outweigh the disadvantage of this minor delay.

Once figures arrive in the NTR, another factor to bear in mind is that the matched polling place swing analysis method (introduced by the AEC for the first time in 1990) should enable more reliable forecasting of results on early figures than has been possible in the past.

**23. Recommendation (4.24):** The Australian Electoral Commission ensure that it has in place frontline and backup

systems to record, process, transmit and publicly display House of Representatives results as soon as they are available on election night; and

24. Recommendation (4.30): The Australian Electoral Commission review its overall procedures for conducting and reporting the Senate count, particularly its data input procedures, to ensure an improved performance in the percentage of the Senate vote counted and publicly announced for every State on election night at future elections.

Response: Supported. Frontline and backup systems are already put in place for each election. Results are displayed on computer screens as soon as received in the national tally room and as soon as possible thereafter they are manually displayed on the national tally board. Backup systems (telephone and facsimile transmission of results) necessarily transmit data more slowly than the computerised election night results package but these systems are called into play only if a problem should occur with the computer system. The Commission's computerisation of divisional offices will increase the speed of data input.

Since 1990 election, these pre-existing backups will be supplemented by the inclusion of emergency generators in the AEC Central Office and the National Tally Room. In addition, the capacity of the computer system will be increased to better cater for the election night load and relevant techniques will, as in the past, be on stand-by for the night.

A review of tally room procedures at the 1990 election has resulted in changes to arrangements for monitoring the input of both House of Representatives and Senate results from individual States at the next election to ensure that any problems with the input and transmission rates are detected quickly.

Notwithstanding the above, it should be noted that all ordinary Senate votes were counted on election night 1990.

25. Recommendation (4.32): The Australian Electoral Commission review the layout of the National Tally Room for future elections and provide suitable office accommodation for political parties as was provided during the 1987 election and previous elections.

Response: Supported. The plans for the layout of the Tally Room have been altered for the next election to allow again for the building of offices for the parliamentary parties. Discussions have taken place with Australian Construction Services on this matter.

#### Campaign Material

26. Recommendation (5.13): The Australian Electoral Commission ensure that cardboard litter bins are provided at all polling places for the disposal of waste paper generated from elections, including how-to-vote cards, and that all bins



In reply please quote

Contact Officer

Telephone

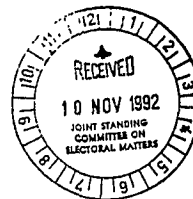
Mr A Bevis, MP  
Chairman  
Joint Standing Committee  
on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Mr Bevis

#### ELECTION NIGHT COUNTING

Following this morning's informal meeting with the Committee, I would like to set out our understanding of the proposal which emerged, presented on a basis which we consider would be workable and satisfactory.

1. Before election day, the election night computer system will be set up to run as it did for the 1990 election; that is, estimated two-candidate preferred results will be calculated by the computer for each Division. The historical (1990 election) data used by the system will be supplied to the television networks, to use as they see fit. This data will show which two candidates in each Division topped the poll in 1990 (on redistributed boundaries in relevant States).
2. After nominations close, two candidates will be identified by the AEC in each Division to whom preferences will be distributed on polling night. These candidates will be identified on objective criteria, usually on the basis of the previous election result.
3. The names of the two identified candidates will not be made publicly known prior to polling day. Each DRO and OIC will be informed in confidence and on a need to know basis of the names of the two candidates. This may mean that some officers will be advised before polling day as a consequence of their receipt of polling day material. It is not envisaged that there need be a sealed envelope to be opened after the polls close. DROs and OICs will be instructed to keep the information confidential until after the polls close.



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4. After the polls have closed, polling places will count first preference votes as quickly as possible. These results will be phoned to the Divisional office, where they will be entered into the computer system as soon as possible. In the Tally Room, the election night computer system will display these progressive first preference results and associated swings, together with notional two candidate preferred results calculated by applying 1990 preference trends to the first preferences. The television networks will receive the 'raw' first preference results as soon as they are available in the Tally Room.
5. After the first preference result is phoned in, a number of officers in the polling place will conduct a two candidate preferred distribution to the two identified candidates. Generally, this result will be phoned to the Divisional office as soon as possible. The DRO will maintain a manual tally sheet showing the progressive two candidate preferred result for each polling place in the Division. When all polling places have reported their two candidate preferred result, the DRO will manually calculate the total two candidate preferred result for the Division and enter that total result into the computer system. As soon as that total result is processed by the computer, the display screens in the Tally Room will be amended to replace the notional two candidate result for that Division with the actual two candidate preferred result. A suitable notation will appear on screen to point out that actual data is displayed. It is recognised that this may occur comparatively late on polling night, at least in some Divisions.
6. At the same time as the two-candidate preferred count commences, the Senate count will commence in the polling places. The Senate count will be phoned through to the Divisional office as soon as possible. (If it was not practicable to separately phone through the two candidate preferred vote, that will also be phoned through at this stage.) As each polling place's results are received in the Divisional office, they will be entered into the computer system and transmitted to the Tally Room.
7. After completion of the 'official' two-candidate preferred count, scrutineers will be given reasonable opportunity to examine ballot papers as they wish. That is, officers will be made available to display ballot papers in such a way as to enable scrutineers to observe preference flows on ballots counted to any or all candidates.

The Commission does not support the suggestion that DROs phone candidates to inform them of the two-candidate preferred result. In the past, DROs have never had the responsibility of contacting candidates on polling night to inform them of any results. It is the Commission's view that candidates should inform themselves of the results on election night, either through scrutineers' reports, enquiry of the DRO, or the media. It would be unreasonable to place this additional burden on the DRO at this extremely busy time, particularly as many candidates may be difficult to contact on election night.

The Commission considers the above scheme to be a suitable compromise which meets the concerns of the Commission and the Committee.

Yours sincerely



B Cox  
Electoral Commissioner

10 November 1992

PS

Later this afternoon you mentioned to Dr Bell an interest in recommending an interim (at about the 40% mark) two candidate preferred result in each Division be compiled and entered into the computer system. This raises technical and operational concerns which we would prefer to avoid. Moreover parties and others will have the benefit of progressive information which scrutineers will have observed as a result of the preference count in each polling place. As an end of count two candidate preferred result will be entered into our system on the night, we would prefer that such a recommendation not be made.





In reply please quote

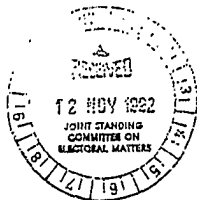
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Mr A Bevis, MP  
Chairman  
Joint Standing Committee  
on Electoral Matters  
Parliament House  
CANBERRA ACT 2600

Dear Mr Bevis

#### **ELECTION NIGHT COUNTING**

Following further informal discussions, set out below is our understanding of the latest proposal which has emerged, presented on a basis which we consider would be workable and satisfactory.

1. Before election day, the election night computer system will be set up to display first preference results and actual two-candidate preferred results, with the nexus between them broken. The historical (1990 election) data used by the system (on redistributed boundaries in relevant States) will be supplied to the television networks, to use as they see fit.
2. After nominations close, two candidates will be identified by the AEC in each Division to whom preferences will be distributed provisionally on polling night. These candidates will be identified on objective criteria, usually on the basis of the previous election result.
3. The names of the two identified candidates will not be made publicly known prior to polling day. Each DRO will be informed in confidence and on a need to know basis of the names of the two candidates. DROs will be instructed to keep the information confidential until after the polls close. Each polling place OIC will be given a sealed envelope to be opened after the polls close with the names of the two candidates enclosed. If they need to know, the television networks with computer analysis systems will be informed in confidence of the names of the two candidates on the morning of polling day, to give them time to program the names into their systems.

4. After the polls have closed, polling places will count first preference votes as quickly as possible. These results will be phoned to the Divisional office, where they will be entered into the computer system as soon as possible. In the Tally Room, the election night computer system will display these progressive first preference results and associated swings. The television networks will receive the first preference results and associated polling place data in regular batched updates, as they have requested.
5. After the first preference result is phoned in, a number of officers in the polling place will conduct a two candidate preferred distribution to the two identified candidates. Generally, this result will be phoned to the Divisional office as soon as possible. The DRO will maintain a manual tally sheet showing the two candidate preferred result for each polling place in the Division and the progressive total for the Division. When the progressive total reaches about 10% of the expected total for the Division, the DRO will enter the progressive total into the computer system, together with details of which polling places are included in the total. The DRO will repeat this process at around 40%, and will input the final Divisional total when all polling places have reported. Some flexibility may be required here, dependent on how quickly or slowly figures arrive - for example, if one polling place is late in reporting, the DRO could enter the total all bar that one polling place as the third transaction, and enter the final figure when the outstanding polling place reports. As soon as the two-candidate preferred result is processed by the computer, the display screens in the Tally Room will show the two candidate preferred result for the relevant Division, using matched polling place analysis.
6. At the same time as the two-candidate preferred count commences, the Senate count will commence in the polling places. The Senate count will be phoned through to the Divisional office as soon as possible. (If it was not practicable to separately phone through the two candidate preferred vote, that will also be phoned through at this stage.) As each polling place's Senate results are received in the Divisional office, they will be entered into the computer system and transmitted to the Tally Room.
7. Polling staff will be instructed that scrutineers are to be able to scrutinise preference flows as well as formality during stages 4, 5 and 6 above, although it is expected that the first preference count at stage 4 will proceed relatively quickly given that the two-candidate preferred count will commence immediately after. The speed of the count will therefore depend in part on whether scrutineers impede counting staff. After completion of the 'official' two-candidate preferred count, scrutineers will be given reasonable opportunity to examine ballot papers as they wish. That is, officers will be made available to display ballot papers in such a way as to enable scrutineers to observe preference flows on ballots counted to any or all candidates.

8. Candidates wishing to ascertain election night results may do so by contacting the relevant DRO.

The Commission considers the above scheme to be a suitable compromise which meets the concerns of the Commission and the Committee.

Set out below are answers to specific questions that have not been covered by the above scheme.

The Scrutineers Handbook states, and polling place staff are instructed, that scrutineers are able to enter and leave a polling place at any time.


In comparing the AEC's original proposed scheme and the above scheme, there are some differences in timing on election night. Under the above scheme, first preference results will arrive (we estimate) on average 15 to 30 minutes earlier than under the AEC's scheme. Under the above scheme, two candidate preferred results will arrive roughly 30 minutes after they would have begun to arrive under the AEC's option (in other words there may be a 45-60 minute period in which first preferences will be available for a particular Division but no two candidate preferred figures will be available). The timing for input of Senate results should be much the same under either option.

The above scheme will involve about 2-3 weeks of programming time, followed by associated testing. In addition, it will involve some amendment of manuals. It does not, however, present any significant technical problems.

At the early stages of counting, a higher proportion of first preference votes will be displayed than of two candidate preferred votes. We will be seeking to make this arrangement well understood so as to avoid possible confusion. The delay in posting the two candidate preferred result is a trade off for somewhat earlier posting of first preferences.

To enable work to commence on reprogramming the system, we would appreciate early advice of your recommendation on this matter.

Yours sincerely

  
B. Cox  
Electoral Commissioner

12 November 1992