

10 October 2016

To the Joint Standing Committee on Electoral Matters,

I am a member of the public with strong mathematical analysis skills. I am not a member of any political party and I make this submission in respect of the following areas:

1. Expansion of electoral fraud in respect of ballot paper draws to all states of Australia (2016);
2. Question marks over the counting in the seat of Herbert (Qld); and
3. Trying to limit electoral fraud in the upcoming electronic world of voting.

Frank Rayner

B.Com, Dip Adv Acc, B.Ec (U of Q)

Expansion of Electoral Fraud in respect of Ballot Paper draws to all states of Australia (2016)

2010 Federal Election

This story began with a chance moment with an electoral staffer where I became aware that something was not right with the conduct of a ballot draw of a NSW seat in the 2010 federal election, but I didn't know what.

What I eventually found was that in the 2010 Abbott vs Gillard contest (in which the Coalition was in the ascendancy), in 15 out of the 17 most marginal ALP seats in NSW the ALP candidate was higher on the ballot paper than their main opponent (Lib/Nat/Green). The consistency of aspects of those draws (not just that the ALP was higher on the ballot paper) allowed identification of the likely method used and loosely pointed back to the likely common source.

I believe that the donkey vote benefit in a seat is worth between .9% of the vote (for a very tight marginal seat) to 1.5% (for a seat not previously regarded as marginal). This donkey vote benefit allowed the ALP to hold 3 and possibly 4 federal seats in NSW (the possible 4th being Banks won by the ALP by 51.45%) in that 2010 election.

As far as I can tell a controlled ball was used to by-pass the double blind draw and then be allocated to the main candidate who was to lose. After the ALP candidate's name was drawn then the controlled ball (for the LNP/Green) would then come out.

I was able to determine that the fraud was orchestrated by unknown supporters of the NSW ALP's right but for a long time it eluded me as to why Craig Thompson (Dobell) had been intentionally placed below the Liberal candidate. About a year after the election former NSW senator Graham Richardson (ALP right) revealed that he, former NSW MLC John Della Bosca and others had unsuccessfully been pushing for the pre-selection of a different ALP right candidate over the sitting Craig Thompson. A split in the right answered my query and the people who would do whatever it takes to win gave Julia Gillard government.

The rigged 2010 NSW ballot paper order issue was well circulated (but not published) in 2011. The issue was beyond the comprehension of normal law enforcement agencies and outside the field of interest of the H.S. Chapman Society (a private anti-electoral fraud group). These comments are simply a summary of a submission to a prior Committee that current Committee members may not be aware of. The extent and methods used in the fraud really doesn't leave any doubt as to what occurred.

(2)

2013 Federal Election

(a) Before getting to the main issue for 2013, a couple of side issues arose in 2013. Both A. Albanese and T. Plibersek (both NSW left) found themselves at the bottom of their ballot papers. Given the number of candidates in each seat it was unlikely to be random.

(b) In respect of the Senate (2013), I had been bouncing around the question of the value of the donkey vote on the old Senate system with a leading political analyst months before the election. At that stage it was largely dismissed because of the nature of the Senate voting system at that time.

With the Liberal Democrats taking first (left) spot on the NSW 2013 Senate ballot paper the issue became real. Whilst there isn't enough data to support the proposition, I suspect that this was a failed attempt to take out the NSW Liberal's Arthur Sinodinas. (A failure because not only was Sinodinas elected, but also Lehonjhelm turned out to be a surprise package).

The AEC sought to downplay the Liberal Democrats positioning by reference to the double blind draw and the audience though obviously such assurances have no credibility with anyone aware of what is happening. Maybe it was luck, maybe it wasn't.

(c) With the Abbott opposition likely to win the 2013 federal election the tables turned. The "new" Rudd government looked like it needed to win some seats to hold office. The ALP got an edge in the ballot paper positioning in NSW and Victoria but nothing like 2010.

The big turnaround came in Qld, SA & WA. In those states all of the marginal seats held by the LNP saw the donkey vote go to the LNP – Qld (11 seats), WA (4); and in SA all three marginal seats (2 held by the LNP and 1 by ALP). There was none of the subtlety in this ballot paper order rigging (for the LNP) that had existed in NSW 2010 (for the ALP). There were no LNP candidates thrown under the bus to throw off the casual observer. Maybe this was some form of square up for 2010, but who knows, and it was a further corruption of the electoral system. Regardless, Rudd's chances of a 2013 re-election were finished following the ballot paper draws when all of the key marginal seats he needed slipped out of reach.

The helicopter has flown in respect of the 2013 election and the corruption of our electoral process has now evolved further in 2016. (A slightly more detailed version of all of the above appears in my submission (no. 6) to the Joint Standing Committee's review of the 2013 Election).

2016 Federal Election – House of Reprs (Ballot paper order)

In 2016 the ALP was clearly in the ascendancy prior to the ballot paper draws. In NSW the donkey vote favoured the Coalition in 8 out of 11 key coalition seats, namely:

Favouring coalition (NSW): Barton, Eden-Monaro, Gilmore, Lindsay, Macarthur, Page, Robertson & Reid.
Favouring ALP (NSW): Banks, Paterson & Dobell.

In Queensland the Coalition enjoyed a slight donkey vote benefit in Capricornia, Petrie and maybe throw in Brisbane.

In other states and also in NSW seats where it was a major party versus someone else the donkey vote seems to be all over the place (i.e. seemingly random).

This donkey vote benefit flowing to the LNP in key seats was far lower than in the prior 2013 federal election but was still critical in the following three seats: Gilmore (Liberal win with 50.73%), Robertson (Liberal win with 51.14%) and Capricornia (LNP win with 50.63%).

(3)

2016 Federal Election – Senate (Ballot paper order)

It was in the Senate that new forms of electoral fraud has blossomed under the new 1-6 voting process across the page.

As an aside, the AEC went to great lengths to advise the public of the new voting system with quite public reporting of returning officers giving incorrect information and denying the existence of the safety measure of a single “1” in the top being formal.

As a consequence of the change **I believe that the new form of donkey vote for the Senate is 1,2,3,4,5,6 across the page starting at the left.** Valuing the Senate donkey vote is not part of this submission, **what is of concern is the corruption of the ballot paper order process.**

Senate (Ballot paper order)

In all states except NSW the ALP ranked in the first 6 columns, specifically in either the 2nd or 4th columns. In comparison the LNP made the first 6 only in NSW, WA & Tasmania and in all three cases at No.6 by which time the donkey vote was almost worthless.

In a random situation a party running in every seat of Australia could expect to make the first 6 spots in one and possibly two states. Clearly the Senate draws are not random and the ALP has been given those good positions on the Senate and that help clearly has come from those conducting the draw.

To put this in perspective:

In Victoria there were 37 Senate groups and the ALP made the first 6 (specifically no.4);
In Queensland there were 37 Senate groups and the ALP made the first 6 (specifically no.4);
In WA there were 27 Senate groups and the ALP made the first 6 (specifically no.4);
In SA there were 23 Senate groups and the ALP made the first 6 (specifically no.2);
In Tas there were 21 Senate groups and the ALP made the first 6 (specifically no.2);

As an aside, consider the ethical dilemma of whichever AEC staff were assisting in this fraud. I assume that AEC staff probably have families and mortgages like ordinary people and as such significant pressure can be brought on staff concerned either about their jobs or their future. I raise this ethical dilemma with specific reference to Tasmania not previously subject to this type of pressure (that I am aware of).

In Tasmania the first six columns on the ballot papers were:

1. Family First;
2. ALP;
3. Greens;
4. Christian Democrats;
5. NXP; and
6. Libs in that order.

My sympathies to the 15 other (relatively minor) other groups that missed out on the donkey vote. I do wonder what was going through the mind of whoever arranged the above result in Tasmania.

Summary

The ballot paper draws are being rigged to get the donkey vote. For 2016 the House of Reps rigged donkey votes favoured the Coalition (mainly in NSW), and in the Senate the donkey vote has favoured the ALP in the other 5 states (the territories can be ignored due to their different treatment and numbers).

(4)

After the 2013 election I made various recommendations to the Joint Standing Committee (submission no 6) to try to limit this fraud. I note that the AEC never sought from me the identification of the AEC official who first alerted me to something funny going on with the ballot paper draws and the AEC deflected my concerns with spurious changes for staff so this type of fraud has now flourished.

It is now clear that the AEC is incapable of dealing with this type of fraud. The electoral act makes it illegal for anyone other than AEC staff to handle the equipment used in the draw (everyone else is just the audience for the magic show).

I recommend that the electoral act be amended to allow state gaming officials and/or Australian Federal Police full access and testing (including disassembling) of any or all equipment to be used in the ballot draws (for both houses) and to be allowed to make such enquiries of AEC staff, candidates, their representatives or other participants in the electoral process as they deem appropriate.

I am a strong supporter of the "Hawthorne" effect whereby the presence of observers can positively impact on performance. I think that the presence of persons independent of both the AEC and the political process who could both tear apart and test equipment and quiz AEC staff on any pressure that may be applied to them to engage in unlawful acts would go a long way to cleaning up this problem.

Question marks over the counting in the seat of Herbert (Qld) (2016)

For those of us following the House of Representatives count after 2 July 2016 the AEC Virtual Tally Room (VTR) was riveting viewing on our computers as results changed from hour to hour.

Exciting as election night is, there are thousands of unpaid scrutineers for the major parties to keep an eye on vote counting at polling booths throughout the country, and that is where most of the votes are. Once the night is over the scrutineers largely disappear and yet the Absent, Pre-poll, Postal and Provisional votes become pivotal in close seats. Herbert was one of those seats.

Postal Votes Favoured ALP in one count update (13 July 2016)

What initially piqued my interest in Herbert on 13 July 2016 was that at about 1.00pm Jones (LNP) led the count over O'Toole (ALP) by 113 votes (Fairfax reported it and I checked it on the Virtual Tally Room). Where the surprise came was the 4.21pm update where after counting about 1,000 postal votes the ALP had taken the lead by 35 votes. In Queensland the LNP ran an effective postal vote program so for the ALP to so solidly trounce the LNP in that update seemed bizarre (and prompted me start taking screen pictures of the virtual tally room count for Herbert thereafter). At the close of the official count Jones (LNP) had won 56.57 of the postal vote. Unlike booth counts that can vary significantly I would not expect huge variations in postal votes, particularly in big parcels, simply due to the nature of postal votes and their variable return times. I was immediately reminded of the last Marcos election in the Philippines election in the 1980's where the official results posted were the reverse of the counters.

Removal of Votes from Jones (LNP) (14 July 2016)

The next point of interest (for which I have screenshots) came on 14 July 2016. At the 12.00 update Jones (LNP) was leading by 139 votes with a count of 43,669 votes. Almost two hours later (1.54pm) most of that lead was gone as the Jones vote was reduced to 43,573 votes (that is 96 votes were taken off his tally). (I have the print-outs on this). Taking votes off candidates is somewhat unusual and I assume the AEC can explain it as a simple count error rectified. Regardless it proves that the AEC Virtual Tally Room is not a credible information source in key seats.

(5)

Declaration Votes Counted more than Formal Votes allocated to Candidates (2PP)

The third point of interest came in the Declaration Vote scrutiny progress which is no longer on the AEC site that I can see but available to those who took screen shots during the count. On 25 July 2016 at 2.38pm the total Declaration votes counted was 15,190 (that is after the elimination of envelopes without ballot papers, excludes ballot papers disallowed and envelopes rejected at preliminary scrutiny all up totalling 1,835 envelopes & envelopes not counted). At that time only 14,432 of these votes were allocated to candidates (14,438 by the final count). **This raises the query as to what happened to the missing 758 declaration votes?** I am of course quite satisfied that the automatic recount did not turn up such votes. I guess there should be a simple explanation, it is just that it is not obvious in the AEC Virtual Tally Room or the reconciliation process.

This area of scrutineering of Declaration Votes is outside my current area of interest though may be an area for the future. It does raise the question as to how a candidate or a party can run sufficient unpaid scrutineers across the country for four weeks after the election to sight the processes for every declaration vote. There is insufficient data to have anything other than doubt about the veracity of the Herbert result however it does lead onto the next topic.

Trying to limit electoral fraud in the upcoming electronic world of voting

Two major criticisms of the current electoral process is that it is too slow and takes too long for a result to be known. A variation is why can't voting be done at home or wherever there is a computer. A quicker, faster process would take the onus off volunteer scrutineers in the days and weeks after an election.

The responses of course are that, given the recent Census night fiasco, the AEC is not competent to undertake such an undertaking and that anything on-line is capable of hacking.

My concern about electronic voting is the scope for management override, that whoever controls the system has the capacity to alter the results. A more polite way of saying the same thing is a fear of foreign hackers coming in online and changing the results (for those who don't want to deal with the possibility of domestic/internal integrity problems).

I lean towards the use of electronic voting **subject to the parallel printing of ballot papers** (with the voting on them) to enable verification by scrutineers in challenged situations or where there are computer failures. There will always be marginal seats where the losing candidate won't trust a computer result and requires later verification of the result hence the critical need for a paper trail. Voters themselves (at least some) would want to know that they have pushed the right buttons before leaving the polling place.

I still believe that booth voting is the appropriate way of adopting electronic voting, at least in the near future though I would imagine that there would be many elderly voters still coming to grips with the changing world of computers who may easily be disenfranchised by a new system. I don't support home or computer voting on the basis of a lack of integrity checks and potential for corruption of the votes. There are enough concerns about the integrity of the existing system in terms of multiple voting, unverifiable enrolments immediately prior to rolls closing, identification issues etc. The possibility of anonymous internet voting would just push those concerns into overdrive.

There is no reason why electronic voting (with paper verification) needs to be implemented in one go when it could be introduced in stages (starting with safe seats) over a period of elections.

(5)

Summary

One of the key aspects of Western electoral processes is that scrutineers should be able to observe almost every aspect of the electoral process (except to the extent that individual votes are secret).

In the ballot paper draws that doesn't apply except to the extent that observers can be in the audience of the magic show, but are prevented by law by touching or testing the equipment used. I have recommended ways above to bring in greater integrity into that process that has now been corrupted.

In respect of computer voting it would be completely unacceptable to have a situation where a screen display simply shows some voting numbers for candidates and the AEC says "trust me". There has to be a verification process that will allow candidates/parties to independently form their own opinion as to whether the count is correct or not. If that isn't provided then there is no point in bringing in computerised voting at all. I have suggested above the use of parallel printing of ballot papers when an electronic vote is cast to provide a necessary paper trail for verification purposes.

Should the Joint Committee (or the AEC or any other party reading this submission) wish to discuss these issues further please feel free to contact me.

Frank Rayner,
B. Com., B. Ec. (U of Qld), J.P. (NSW),

Seat of Herbert, Qld 2016

Declared votes

Variation between Declared Votes counted and

Formal Declared Votes

(after exclusion of ballots rejected etc)

Interestingly, during the counting I noted a loose correlation between the variation and the marginality of a federal seat. That is, loosely, the more marginal the seat the greater the shortfall in formal declared votes. It is a side issue for which no positive commentary can be made at this time.

Frank Rayner
10 October 2016

| Polling place | Formal | JONES, Ewen Liberal National Party of Queensland | | O'TOOLE, Cathy Australasian Labor Party | | Swing |
|------------------------------------|---------------|--------------------------------------------------------|--------------|-----------------------------------------------|--------------|--------------|
| | | Votes | % | Votes | % | |
| <u>Kirwan East</u> | 831 | 456 | 54.87 | 375 | 45.13 | -7.40 |
| <u>Kirwan HERBERT PPVC</u> | 11,485 | 6,045 | 52.63 | 5,440 | 47.37 | -8.30 |
| <u>Kirwan South</u> | 1,940 | 888 | 45.77 | 1,052 | 54.23 | -8.45 |
| <u>Mount Louisa</u> | 2,279 | 1,226 | 53.80 | 1,053 | 46.20 | -7.87 |
| <u>Mundingburra</u> | 2,188 | 1,042 | 47.62 | 1,146 | 52.38 | -5.68 |
| <u>Nelly Bay</u> | 675 | 310 | 45.93 | 365 | 54.07 | -2.12 |
| <u>North Shore</u> | 2,218 | 1,064 | 47.97 | 1,154 | 52.03 | -14.47 |
| <u>North Ward</u> | 2,584 | 1,464 | 56.66 | 1,120 | 43.34 | -3.22 |
| <u>Northern Beaches</u> | 2,566 | 1,202 | 46.84 | 1,364 | 53.16 | -8.00 |
| <u>Palm Island</u> | 430 | 57 | 13.26 | 373 | 86.74 | -17.64 |
| <u>Pimlico</u> | 1,612 | 733 | 45.47 | 879 | 54.53 | -7.39 |
| <u>Railway Estate</u> | 1,395 | 622 | 44.59 | 773 | 55.41 | -5.70 |
| <u>Rasmussen</u> | 1,902 | 775 | 40.75 | 1,127 | 59.25 | -8.14 |
| <u>Riverside</u> | 1,363 | 763 | 55.98 | 600 | 44.02 | -9.01 |
| <u>Special Hospital Team 1</u> | 125 | 61 | 48.80 | 64 | 51.20 | -4.42 |
| <u>Special Hospital Team 2</u> | 529 | 356 | 67.30 | 173 | 32.70 | 14.31 |
| <u>The Weir</u> | 1,502 | 736 | 49.00 | 766 | 51.00 | -7.22 |
| <u>Townsville HERBERT PPVC</u> | 7,351 | 4,123 | 56.09 | 3,228 | 43.91 | -4.83 |
| <u>Townsville South</u> | 935 | 443 | 47.38 | 492 | 52.62 | -7.61 |
| <u>Vincent</u> | 1,097 | 481 | 43.85 | 616 | 56.15 | -4.92 |
| <u>Willows</u> | 2,247 | 1,121 | 49.89 | 1,126 | 50.11 | -12.67 |
| ABSENT | 2,820 | 1,366 | 48.44 | 1,454 | 51.56 | 0.00 |
| PRE_POLL | 2,789 | 1,479 | 53.03 | 1,310 | 46.97 | 0.00 |
| Division Total | 88,374 | 44,191 | 50.00 | 44,183 | 50.00 | -6.17 |

14432
Formal
Declared or
Next Page Votes

Declarations
↓

And page

| Polling place | JONES, Ewen Liberal National Party of Queensland | | | O'TOOLE, Cathy Australian Labor Party | | |
|-----------------------|--------------------------------------------------------|---------------|--------------|---------------------------------------------|--------------|--------------|
| | Formal | Votes | % | Votes | % | Swing |
| POSTAL | 8,594 | 4,862 | 56.57 | 3,732 | 43.43 | 0.00 |
| PROVISIONAL | 229 | 96 | 41.92 | 133 | 58.08 | 0.00 |
| Division Total | 88,374 | 44,191 | 50.00 | 44,183 | 50.00 | -6.17 |

14,432
Declaration Votes

Declaration vote scrutiny progress

| | Absent | Provisional | Declaration pre-poll | Postal | Total |
|--------------------------------------------|--------|-------------|----------------------|--------|--------|
| Envelopes issued | 3,409 | 1,126 | 3,264 | 11,321 | 19,120 |
| Envelopes received | 3,410 | 1,126 | 3,265 | 9,224 | 17,025 |
| Ballot papers counted | 3,107 | 252 | 2,967 | 8,864 | 15,190 |
| Ballot papers not returned by voter | 19 | 3 | 6 | 13 | 41 |
| Ballot papers disallowed | 136 | 308 | 75 | 7 | 526 |
| Envelopes rejected at preliminary scrutiny | 148 | 563 | 217 | 340 | 1,268 |
| Envelopes processed | 3,410 | 1,126 | 3,265 | 9,224 | 17,025 |
| Envelopes awaiting processing | 0 | 0 | 0 | 0 | 0 |

ENVELOPES Received
less: Ballots not returned
: Ballots disallowed
: Envelopes rejected at preliminary scrutiny
Gives Ballot Papers Counted

Ballots Counted
17,025
(41)
(526)
(1,268)
15,190

Formal Declarations (2 party preferred)
Absent 2820
Pre-poll 2789
Postal 8594
Provisional 229
14,432

VARIANCE 758 votes