

SUBMISSION 98

1281 Wisemans Ferry Rd,
Somersby NSW 2250
15th May 2008

Committee Secretary
Joint Standing Committee on Electoral Matters
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
Phone: 61 2 6277 2374 Fax: 61 2 6277 4710
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Dear Sir or Madam:

This Submission concerns the conduct of the 2007 election and related matters.

(1) As to Term of Reference “e. the appropriateness of current levels of public funding provided for political parties and candidates contesting federal elections,”

I comment that the level of funding is about right, but it is unfair and undemocratic to place a 4% threshold beneath which a candidate or Party gets zero funding.

A healthy democracy is a “marketplace of ideas”, and the sum total of wisdom does not necessarily reside only in Parties or individual candidates who gain above 4% of the votes.

The funding system should be “size-neutral”.

The 4% threshold is biased in favour of the major Parties and *discriminates against* minor Parties and aspiring independent candidates, by unduly discouraging the growth or continuation of minor Parties and independent candidates.

Recommendation 1.1 – that the 4% threshold for electoral funding be abolished.

(2) As to the overall Term of Reference “All aspects of the 2007 Federal election and matters related thereto” :

The Committee’s media release of 18 March 2008 mentioned that the Committee is keen to examine the impact of the four dot point changes mentioned in the media release on the integrity of our electoral system.

The Committee would do the Australian public a dis-service to look at the integrity of the electoral system *only* in relation to those four dot points, because the integrity of the voting system and the administration by the Australian Electoral Commission are jeopardized by many more factors than only those four dot points.

I wish to raise concerns about the potential for vote fraud.

Some anomalies and concerns might be explainable by deficiencies in administration, in procedures or in implementation, rather than by intentional vote frauding by individuals. However the point needs to be made that where there exists, through such deficiencies, the POTENTIAL for vote fraud, then in some cases that potential will be exploited by unscrupulous individuals causing adverse consequences to the integrity of our electoral system.

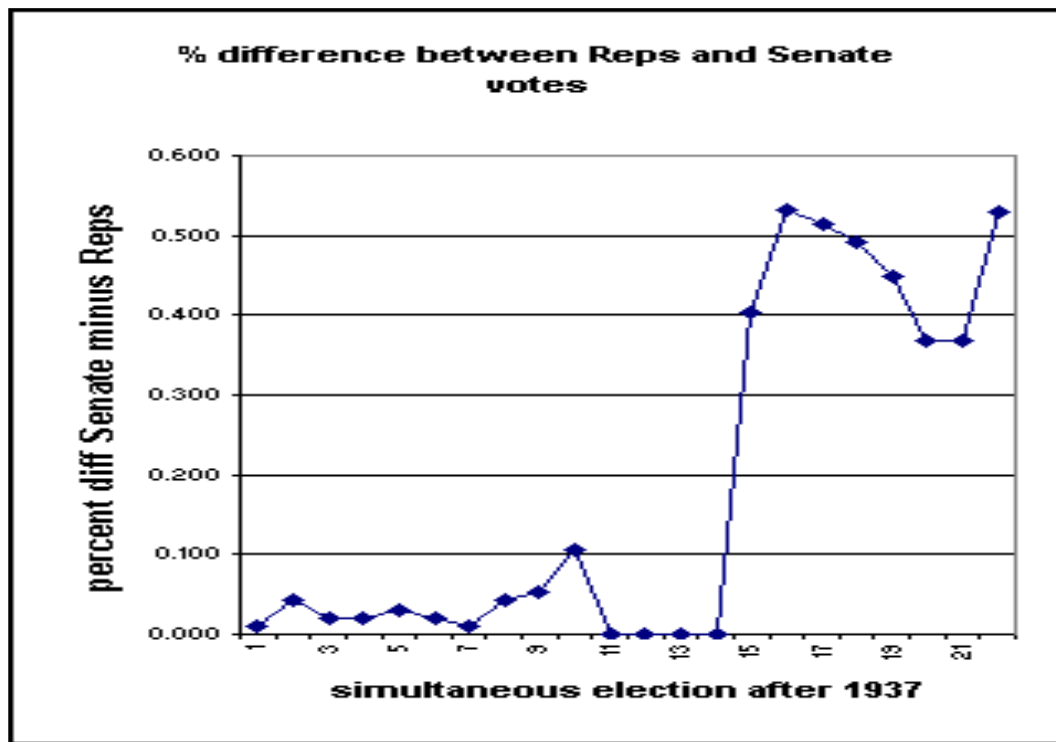
Furthermore, through such deficiencies, it is often difficult afterwards, in the absence of better procedures, to know the exact nature of what has happened.

Recommendation 2.1 – that the Committee look into the potentials for vote fraud and breaches of the integrity of our electoral systems covering a far wider range of factors than the four mentioned in the media release of 18 March 2008.

(3) Concern about anomalies in numbers of ballot papers over the years

Data from page 66 of the Australian Electoral Commission’s 2004 Electoral Pocketbook Shows that the anomaly between voter turnout for the Senate and the House of Representatives in the 2004 election was $94.82\% - 94.32\% = 0.5\%$.

The data may be graphed as follows:



This figure of 0.5% is similar to the average anomaly of 0.46% for all the elections since 1983. However during the period 1937 to 1983 inclusive, the average was only 0.02%.

Page 63 of this Pocketbook shows that the Electoral Roll included 13,098,461 people entitled to vote at the 2004 election.

0.5% of 13,098,461 = 65,500.

This anomaly of 0.5% means that in the 2004 Federal election there were 65,500 fewer House of Reps ballot papers than Senate ballot papers, an average of 437 per electorate. Considering that some electorates are won or lost by margins much smaller than 437 votes, then the anomaly could be a serious matter if, as it appears, House of Reps ballot papers have vanished or not been counted.

Recommendation 3.1 – that the AEC break down the figures presented for Voter Turnout into each of the 150 electorates and that these figures be published.

Recommendation 3.2 – that the AEC examine its internal quality control and procedures to find out what are the reasons for the anomalies since 1983 between the numbers of Senate and House of Reps ballot papers, and that the AEC improve so as to achieve the same level of performance as was achieved during the period 1937-1983.

(4) Concern about anomalies in numbers of ballot papers – a particular case study – Epping West booth in Bennelong electorate on 24 November 2007

Towards the end of this document are two Statutory Declarations, the former being of approximately four pages, the latter being of approximately one page. As I do not have a scanner, they are of course unsigned in the document lodged by email, but I am posting to the Committee by regular post

- (a) the original document, signed and witnessed by a JP, of the larger Statutory Declaration, and
- (b) a photocopy of the signed, witnessed original of the smaller Statutory Declaration (this original was sent to Special Minister of State, Eric Abetz via Alan Cadman MP).

I was a Scrutineer at the end of the 24 November 2007 day at Epping West, the third largest polling booth in the electorate of Bennelong.

The main features arising out of the larger of the two Statutory Declarations are:

4.1 3401 ballot papers were handed out during the day for both House of Representatives and Senate (paragraph 16)

4.2 At the end of the day, only 3200 House of Representatives ballot papers were counted (paragraphs 9 and 11)

4.3 The number of Senate ballot papers at the end of the day seems to have been 3401 (paragraphs 19 and 18) but it is not possible to be definitive because the Senate summary Form was never out on display where it could have been filled in by staff or be seen by any Scrutineers (paragraph 17)

4.4 One possible explanation of these anomalies is that 201 House of Representatives ballot papers went missing during the day.

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IF all those ballot papers were for Mr. Howard then that would represent a swing against him of about 6.3%

4.5 I have been Scrutineering for 20 years and had never (until 24 Nov 07) encountered a polling booth where I saw the unsatisfactory situation that:

- (a) the officer in charge alleged that he did not know (despite my several questions) the total number of ballot papers (paragraphs 1, 2 and 4)
- (b) the officer in charge did not appear bothered (paragraphs 4,12 and 20) about the various totals of ballot papers and disagreement between them;
- (c) Upper House figures were not added up and recorded before everything was packed up for the night at the polling booth
- (d) The Upper House total was not compared with the Lower House total
- (e) no reconciliation was attempted between totals that disagreed with each other, even though I twice pointed out the anomaly (paragraphs 12 and 20)
- (f) the entire staff (except for the officer in charge and second-in-charge) were all inexperienced novices.

Recommendation 4.1 - that this incident be investigated by persons skilled in scrutineering and in the procedures that should be followed to see if my suggested explanation that 201 House of Reps ballot papers somehow vanished is the only explanation, or whether there could be an alternative explanation.

Recommendation 4.2 - that the AEC be required to adopt new procedures that would not allow such an unacceptable situation (whatever the explanation) to ever occur again.

(5) Concern about a person who voted twice

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The smaller of the two Statutory.Declarations describes that I saw a person vote at one polling booth then again at another polling booth.

I do not know if he voted in his own name at both booths or in different names.

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This is a matter *related to* the conduct of elections, even though the events occurred at a by-election in 2005. Nothing in the legislation has changed from then to prevent such an occurrence having occurred in the 2007 election or in any future election.

I raise this issue now in this Submission because I have not received any reply from the AEC, despite several requests.

(a) I did report the matter in writing to the officer in charge of the polling booth on 19th March 2005, but I did not receive any reply or acknowledgment (perhaps under AEC procedures none was required?).

(b) I sent the original Statutory Declaration to Alan Cadman MP who sent it on to the Special Minister for State, Eric Abetz whose reply to me dated 12 May 2005 stated "*I have provided a copy of your statutory declaration to the AEC ... AEC advised me that it will consider the matter and respond to you directly in due course.*"

(c) I sent a copy of the Statutory Declaration to Special Minister of State, Gary Nairn on 18 January 2007. His reply alleged that the AEC had already sent me a letter on this issue, and stated that it attached a copy of the AEC's letter to me, but such letter was in fact not attached. I then wrote back to the Special Minister of State asking for a copy of the letter that should have been attached, but I did not receive any reply.

The Statutory Declaration covers two issues

1 the man that I saw voting twice

2 the statement to me by a Mr. X that he used to do multiple voting at previous elections at the request of the ALP's NSW Head Office. The reason I had to keep this man's identity secret initially was because his car tyres had been slashed and his house had been pelted with eggs and his wife had fled to live with her relatives.

I can now advise that the Mr. X is Sam Bargshoon because several months later (after threats to his wife had abated) he gave me permission to mention his name.

Recommendation 5.1 – that the Joint Standing Committee ask Mr Bargshoon to appear before the Committee to tell of his experiences in several elections of having performed multiple voting at the direction of the ALP's NSW Head Office, and yet he was never written to or chided or challenged by the AEC.

Recommendation 5.2 – that the Committee recommend proof of identity at the time of voting. This need NOT be a national identity card or similar system that would be repulsive to citizens. It could be as simple as showing either a driver's licence or medicare card or credit card or electricity bill etc. It should NOT be a voter enrolment card sent out by the Electoral Authority because then you have a circular process of logic in that if somebody can lodge a false enrolment (and that has happened in the past) then once they are on the Electoral Roll with a false or assumed or stolen identity then the error is perpetuated.

Recommendation 5.3 – that the Committee recommend that Subdivision voting be reintroduced. It would limit the potential for multiple voting.

Yours truly,
Mr Lex Stewart

5003 submission to JSCEM 2008may15.doc

**STATUTORY DECLARATION
NSW OATHS ACT 1900**

I, Alexander Cornell Stewart, of 1281 Wisemans Ferry Road, Somersby in the State Of New South Wales do hereby solemnly declare and affirm that:-

1 On 24th November at about 4:50pm I gave a signed Scrutineer Form to the officer in charge (Mr Phil Waring) of the Epping West Public School polling booth. I asked him, *"How many ballot papers did you start the day with?"*. He said, *"I don't know."*

2 At about 5pm, I asked the second-in-charge of the booth, a lady by the first name of Nori, *"How many ballot papers did you start the day with?"*. She said, *"I don't know."*

3 Because the room was small and thus congested, Mr Waring asked the Scrutineers to wait outside for a few minutes after 6pm, and then, after we entered the room, he asked us to wait bunched together in the corner of the room till about 6:15pm to allow space for dismantling cardboard voting booths, and re-arrangement of tables.

4 At about 6:10pm I again asked Mr Waring about the number of ballot papers. I said, *"Have you had opportunity to check the number of blank ballot papers at the start of the day?"* He replied, *"I'm not worried about that. I'm only concerned with the live ballots."*

5 I observed the logbooks in which were recorded the statistics of ballot papers issued, spoiled and used for each table. I wrote down a lot of partial figures as the officers turned from page to page. Over a period of time, I was able to complete the total picture, as described in item 16 below.

During this time, as the officers were attempting (with crossing out of figures to be replaced by other figures) to prepare a summary list for the Senate ballot papers issued and a summary list of the House of Reps ballot papers issued, I assisted a young lady of Asian appearance in the discovery that the figures for table 63 had been written down twice, thus of course rendering the totals wrong. In pointing to where the wrong figures were located, my biro (retracted thus not able to write) accidentally touched the page. I was holding only the extreme top part of the pen and the pen was precisely vertical, thus there could be no suggestion that I was attempting to write. I was merely using the pen as a pointer to accurately locate the mistake in small writing among many other figures and crossings-out written in small writing.

Mr. Waring looked over from the table where he was unfolding ballot papers, and saw my pen momentarily touch the page.

He annoyedly said, *"Your role is the ballots over here. Don't even get involved."*

6 Seeing as I already had assembled enough data from which to compile the totals as I write in item 16 below and had resolved the problem of the wrong total, I complied with his request and moved across to the table at which he and Daniel were unfolding House of Reps ballot papers and laying them flat into one pile without sorting. Some officers on that table were unfolding and sorting, or were taking the flattened piles then sorting them. The process of flattening the ballot papers was finished at 7:30pm, then sorting continued.

7 Early on in the process of unfolding and flattening House of Reps ballot papers, Mr. Waring said out loud, *"There is a swing on here."* And he said it again after a few minutes.

8 Wondering how he could deduce a swing based on observing only a small sample of ballot papers at such an early stage before counting had begun, and being curious as to what the swing may be, I looked over the shoulders of officers who were unfolding ballot papers. I drew four columns on my pad of paper: Other, McKew, Howard, Informals. Then I placed a mark in the appropriate column as I saw each ballot paper. In that way I was conducting a random sample. By the time the officers had finished unfolding the House of Reps ballot papers, I had marked my page with 193 to McKew and 186 to Howard, a ratio of 1.038. I was amazed at how “neck and neck” the figures had been as I counted, and the running subtotal for McKew was often identically equal to the running subtotal for Howard.

9 After the House of Reps ballot papers were counted I saw the primary votes were:

	Primary	Pref Howard	Pref McKew
Greens	132	24	108
Democrats	20	8	12
LibertyDP	2	1	1
CEC	1	1	0
One Nation	10	3	7
Family First	12	6	6
Ind, Cordiner	7	2	5
Ind, Allen	3	3	0
Ind, Tahir	0	0	0
John Howard	1370	1370	na
Climate change	7	2	5
CDP	34	24	10
Maxine McKew	1459	na	1459
Subtotal formals	3057	1444	1613
INFORMAL	142	Na	Na
Total	3200	1444	1613

10 At about 8:15pm an ALP scrutineer, with a name like John Hobman (I could not see his name tag clearly enough to get the exact name), said to Mr Waring, “*We have to thank you for slipping those extra few hundred votes in for us.*” (This same man had said angry words – something like, ‘*What sort of goose would prepare a poster like that?*’ - to me on the pavement outside the polling booth when at about 5:50pm I took down and put in my car one of the H.S.Chapman Society corflukes warning of vote fraud.) Another ALP scrutineer, name Gregory Collins, said, “*We will get a lot more postals yet.*”

11 At about 8:30pm Mr. Waring telephoned the AEC. He read out the figures in the first column above (namely 132, 20,2 etc totaling 3200), followed by the “bottom line” two-party-preferred figures of 1444 vs 1613.

12 At about 8:30pm I asked Mr. Waring about the difference between the 3400 ballot papers recorded as having been handed out, and yet the total of the above figures that he had telephoned through comes to 3200. He said, “*The Absentee, Provisional and Section votes were about 200, so there you are!*”

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13 I then asked Nori (who had managed the separate table dedicated to the Absentee, Provisional and Section votes – i.e. separate from the seven normal tables) how many ballot papers she had handed out, and received back. She said, “218, comprising 10 section votes for Bennelong, and 208 absentee votes for other electorates. .. there are only 25 ballot papers per pad for this table .. we balanced. I made bloody sure!” All of those 218 ballot papers were of course sealed in envelopes and none had been included in the counting to reach the abovementioned total of 3200.

14 I then turned my attention to the table on which the Senate ballot papers were being counted. Initially the officers had recorded 472 unused Senate ballot papers, but the list added up to 454 and then Nori found another 100 unused Senate ballot papers. She said, “Ooh, that is a lot to be out!” She then said out loud across to Mr. Waring, “We are out, fellas!” (When she said “We” it meant the table at which Senate votes were being counted). Shortly after that she called out, “Phil, Help!”.

15 For each of the seven tables for normal Bennelong voters there was a logbook, in which the numbers below had been written.

At about 8:50pm I noticed that each book had not been signed because the first one to sign her book was Julia Blackman, followed by Donna Seeto etc. At least one book was signed in cavalier fashion by a person different to the name written on the form in the book.

16 I recorded from those logbooks the following information about the ballot papers:

Table	Initially on table	Topups	Total at table	Spoilt	Unused	Issued H of R	Issued Senate
			(4)	(5)	(6)	(4)-(5)-(6)	(4)-(5)-(6)
60	500	+100	600	9 0	71 71	520	529
61	500	-100	400	7 2	0 7	393	391
62	500		500	5 0	7 12	488	488
63	500	+100+100	700	2 1	35 37	663	662
65	500	+100	600	18 19	0 9	582	572
59	100	+100+100	300	3 1	92 94	205	205
64	500	+100	600	1 1	49 45	550	554
Totals			3700	45 24	254 275	3401	3401

I took this information both from the individual logbooks for each table, and also from the collated summary listed on the AEC Form. We conclude that 3401 ballot papers of both types were handed to 3401 voters at the seven normal tables.

17 I was not able to get a total of the Senate ballot papers counted because they were being packed away before counting had finished, and at no stage was the Form for totals on

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display where I could look at it. Several times when I questioned officers, I did not obtain cooperation, possibly because they were inexperienced and did not know what was going on.

18 From scraps of paper on which figures had been handwritten I obtained the following Above-the-Line (ATL) figures for Senate votes for each group. Though I asked several times for the figures for groups B,F,K,L,T,U and X, there was no response forthcoming. It is likely that the votes for these micro-groups were zero. When I said that what had been written on the boxes for Groups A and W (Coalition and ALP) did not make sense and asked if there were any more ballot papers anywhere else, I was told, "*This is all*" (i.e. "this" means those on display on the table in front of us). There were two boxes of Coalition Senate ballot papers – on one box was written "529 ATL", and on the other box was written "800 ATL". The total of 1329 agrees reasonably well with the 1370 House of Reps primary preference votes for John Howard.

There were two boxes of ALP Senate ballot papers stacked together. On the top box was written "602 ATL", and I was told that the lower box contained 600 too, however it bulged more than the top box, and there was nothing written on the side faces of the box that I could see. This total of 1202 does not agree reasonably well with the House of Reps primary preference votes for Maxine McKew of 1459. I wondered if the lower box might have contained 800 (like the first box of the Coalition), in which case the total would be 1402, and would thus be in reasonable agreement with 1459. I asked one officer who was beside the boxes and was standing around doing nothing, if he or she would please turn the two boxes over so that I could see the number count that was written on the lower box, but he refused. I asked a second officer the same thing, but he refused.

A	1329	J	2	S	13
B	uk	K	uk	T	uk
C	12	L	uk	U	11
D	11	M	39	V	uk
E	32	N	39	W	1202
F	uk	O	15	X	uk
G	274	P	uk	Y	12
H	1	Q	12		
I	3	R	65		

These figures total 3072 (or if the lower box contained 800, then the total would be 3272).

19 I found out that there were 88 Below the Line Senate ballot papers, and 41 Senate informals, of which 12 papers needed to be queried because they had not been signed. $3072+88+41=3201$ (or if the lower ALP box contained 800, not 600, then the total would be 3401 in agreement with the number of House of Reps ballot papers that had been issued).

20 As things were being finalized at 9:21pm I pointed to two different pages and asked Mr. Waring, "*I am puzzled why you have 3200 House of Reps votes counted on THAT page, but on THAT page it shows you issued 3401 ballot papers.*" He said, "*I don't know why. We won't worry about that.*"

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21 Shortly after that I heard somebody say “*The total number of ballot papers to be accounted for is 4700 and the difference is 601.*” I wrote it down word-for-word but forgot to write if it had been said by Mr. Waring or Nori or somebody else.

(The 4700 might have meant only the total of used and unused ballot papers for Bennelong, or it might have included Ballot papers for other electorates to enable absentee voting.)

22 At the end of the night, Mr. Waring thanked the workers and said he would be recommending that they were all suitable to be again employed by the AEC. It seemed to me that they all (except for Mr Waring and Nori) had never done this type of work previously. They were all young, aged circa 18-22.

23 From website <http://vtr.aec.gov.au/HouseDivisionTcpByPollingPlace-13745-105.htm> which had been updated as at 1.02pm on 10 December 2007 I saw a table of numbers with the words at the bottom:

“On this screen you will find ... the total formal votes for each polling place in a division and a division total..”

I saw that the figure 2985 was listed as the total formal votes for Epping West and 86,936 was listed as the division total. For Howard was recorded 1413 47.34% and for McKew 1572 52.66%. (n.b. these figures are TPP, and $1413 + 1572 = 2985$)

And I make this solemn declaration, in accordance with the Oaths Act 1900, and subject to the punishment by law provided for the making of any willful false statement in any such declaration.

Declared at Silverwater)

This tenth (10) day of December 2007) signed A.C.Stewart

SIGNATURE

before me:
signed K Chapman
169246

.....
JUSTICE OF THE PEACE

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**STATUTORY DECLARATION
NSW OATHS ACT 1900**

I, Alexander Cornell Stewart, of 20 Benalong St, St Marys in the State Of New South Wales do hereby solemnly declare and affirm that:-

1 On 19th March I was handing out How to Vote leaflets near the gate of the Greenway Park Polling Booth. At about 11am I observed a man (plus wife and one or two children) with a distinctive shirt of green and black on white, with a small 'pot belly' and a brown moustache take an ALP How to Vote leaflet from a person near me; he declined to take my leaflet and made a derogatory remark. He went into the Polling Booth presumably to vote.

2 At about 1202pm I was walking towards the Polling Booth at William Carey Christian School, Bumbera Rd, Prestons West to give my wife the Esky with food in it for lunch and to collect her friend Diane to deliver her to Liverpool railway station. I saw this same man (plus wife and 1 or 2 children) with distinctive shirt, pot belly and moustache walking out of the Polling Booth. As I gave my wife the Esky I said, "Get the Scrutineer Form NOW and go in and register, because I need to know the name of the Officer in Charge. I will be back as soon as I drop Diane at the station." She could not find the scrutineer Form and so it took me about 20 seconds to find it. I said to Diane, "Please follow me out to the car; you can walk, but I shall run."

3 I ran out to the car park – about 120 metres – to see if I could observe the number plate of the car of the man who appears to have voted twice, but I could not find him.

4 After I had driven Diane to the station, bought some food, and made some phone calls, I returned to the Prestons West polling booth, where I spoke to the security guard, Mr Robert John Campbell. He said he clearly remembered me running out shortly after midday. Then I went into the Polling Booth, introduced myself to the Officer in Charge and wrote down a "Report on Miscellaneous Matters and Incidents".

5 Just after 5pm on Tuesday 22nd March, I visited a home near Liverpool, and told the above incident of apparent multiple voting to a man whose name I prefer not to say till I have his permission (let us call him Mr X). He has been a member of the ALP for years.

6 Mr X said, "We used to do that all the time in the Labor Party, and there were at least 100 other people like me, and we would go and vote at 5 or 6 or 7 schools."

I said, "Did you do it only when the seat was marginal, or all the time?"

Mr X said, "We did it all the time. Labor Party Head Office told us to do it. You are talking about at least 700 votes each election. They wanted us to do it. It makes the figures look better, makes the seat look safer. And the Electoral Commission never checks up on it. We were never caught."

I said, "At how many elections did you do this?"

Mr X said, "At the last 2 or 3 State elections, and at the last 2 or 3 Federal elections"

And I make this solemn declaration, in accordance with the Oaths Act 1900, and subject to the punishment by law provided for the making of any willful false statement in any such declaration.

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Declared at St Mary's)

This 30th day of March 2005) signed A.C. Stewart

SIGNATURE

before me:

Suzanne English
J.P. No 200201556

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JUSTICE OF THE PEACE

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