

LS4882 Released Document No. 9



SENATOR SCOTT LUDLAM  
AUSTRALIAN GREENS  
SENATOR FOR WESTERN AUSTRALIA

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Friday 4 October 2013

Mr Ed Killesteyn PSM,  
Electoral Commissioner  
Australian Electoral Commission  
PO Box 6172  
Kingston ACT 2604

Dear Sir,

**Supplementary information; result of the 2013 election of Senators for Western Australia**

I acknowledge receipt of correspondence from your colleague Brendon Barlow this morning that "... the declaration scheduled for 11.30am Friday 4 October 2013 has been postponed until further notice."

Further to the appeal I lodged yesterday, I submit below seven additional concerns for your consideration which I strongly believe buttress the view that a recount of relevant cohorts of the WA Senate vote is called for.

I am also seeking clarification of process you intend to follow from here.

Please acknowledge receipt of this document.

Yours faithfully,

[Signature redacted.]

Scott Ludlam  
Candidate

### 1) Prepoll discrepancy on the 16th of September

We are particularly concerned about two parcels of prepoll votes that were added on September 16. These have the Australian Christians getting 0.61% and 0.64% respectively. These figures are below the proportion of votes for the Christians in any electorate other than Curtin, and well below their vote for most. The parcels are large enough (both with over 1500 votes) that anomalies of this size are surprising.

It appears unlikely that either of these parcels is from Curtin, as both parcels have unusually strong votes for the ASP and the Fishing and Lifestyle Party 2.4% and 1.1% respectively for the first and 2.0% and 1.0% for the second. The Curtin Prepoll vote was particularly low for both these parties.

Moreover, the size of the two parcels, with 3222 votes between them is not consistent with them coming from the same electorate. Those electorates where the vote for the ASP was highest had fewer than this number of prepoll votes (counting only the prepolls recorded as such by vote type, rather than those counted with the ordinary votes). If the parcels were from two different electorates it would be even more surprising for both to run so out of kilter with the trend from any electorate.

### 2) Analysis of the AEC time series data

Our analysis of the time series data identified several points (most notably 15:18:37WST to 17:46:13WST on 01/10/2013) at which the Australian Christians, and ASP, vote decreased before rising again. This clearly demonstrates that the AEC identified errors in counting. Whether all errors were correctly identified is uncertain, and the fact that errors do occur suggests that a recount should be undertaken to resolve this issue, particularly when the determination of the Senate result hinges on such a small margin.

### 3) Analysis of Durack Geraldton Waggrakine Booth

The Geraldton Waggrakine booth contains twice as many informals as elsewhere in the electorate, and no below the line votes at all. This seems to suggest that an error in counting occurred. Based on previous trends and the current statewide trend, the anticipated below the line total should be around 50. A scatter plot and more information regarding this anomaly can be found about half way down the page here:  
<http://originaltruthseeker.blogspot.com.au/2013/10/wa-polling-booths-discrepancies.html>

### 4) Identification of unusual booth trends

We identified two booths at which the ASP, and one booth at which the Australian Lifestyle and Fishing, vote was significantly above trend when compared to the rest of the booths within the electorate.

In Perth, the Bassendean booth count for the Shooters and Fishers was almost double that of other booths within Perth. In Swan, the Cannington East booth count for the ASP was more than double that of other booths within Swan. In Tangney, the Canning Vale North booth count for the Australian Fishing and Lifestyle party was almost double that of other booths within Tangney.

Considered together, these three above trend booth counts for the ASP/Australian Fishing and Lifestyle party may have resulted in 61 votes erroneously allocated to these two parties. If these votes were incorrectly allocated, then this would have affected the WA senate determination.

#### 5) Unusual total vote count for booths in Durack and Brand

In the undeclared divisions of Booth and Brand, an unusually high proportion of polling booths total vote counts end in a multiple of ten (ie 10, 20, 30...and so on). This suggests that for these booths at least one "bundling error" remains unresolved.

#### 6) Significant discrepancies between the Australian Christians HOR and Senate vote at particular booths

The following booths show large differences between Australian Christians HOR and Senate vote (while most booths are fairly consistent within 2-3 votes) and also have significant discrepancies between HOR and Senate votes cast (greater than 10):

- Canning - Oakford - HOR 49, Senate 40
- Moore - Heathridge - HOR 46, Senate 32
- Pearce - Yanchep - HOR 38, Senate 19
- Perth - Inglewood North - HOR 44, Senate 25
- Swan - Langford - HOR 59, Senate 44
- Tangney - Bull Creek East - HOR 48, Senate 37
- Tangney - Canning Vale Central - HOR 93, Senate 67

In total, the discrepancy between the HOR and Senate was 101 votes, whereas based on the State wide average we would have expected a discrepancy of 21 votes.

#### 7) Demonstrated problems in vote counting in previous elections

It seems very likely that some of the votes for the independents in particular were formal both above and below the line, but were wrongly counted, thus altering the outcome. In previous elections, some of the people rechecking the Senate votes were unaware of the rule that where a vote was formal both above and below the line, the below the line takes precedence. Moreover, an even more common problem in 2007 were counters (and in some cases Returning Officers) who were unfamiliar with the rule that below the line votes were allowed up to 10% errors while still being formal (ie 6 errors when there were 60-70 candidates) up to the first error.

Some electorates, while unaware of this rule were following the instructions that any vote that looked close to formal should be sent to the central data entry place for checking, where the rule was well understood. However, in some electorates votes with a two blank boxes, or with a repeated number were being discarded as informal (or counted above the line if that was formal) and our scrutineers had to be issued with copies of the electoral act to point out to the counters that this was the case. We have not examined such issues in this election in WA, but believe we should be provided with the opportunity to recount the votes to if any errors in counting formal votes occurred.