

Mr Mark Roberts
The Executive Officer,
Electoral Matters Committee,
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Dear Mr Roberts

Inquiry into the conduct of 2014 Victorian State Election

This submission is presented in a private capacity. I am not representing any political party or political agenda. At the 29 November 2014 Victorian State General Election I was an eligible voter and an endorsed candidate for the Palmer United Party in the Legislative Council Elections.

I do not hold any qualifications in the study of law.

We are supposed to be living in a democratic society, not a democratic dictatorship. By that I mean the electors are not in control of candidate election but appear on the surface to be and many believe they are.

Mass electoral fraud occurred at the general election subject to this inquiry. My experience at that election in the role of an elector, and as a candidate, left me questioning the integrity of the election process and result.

At great financial and personal risk I used the only avenue of testing the rule of law in electoral matters available to me. I lodged a petition to dispute the election result in the Court of Disputed Returns.

The petition was not a petition about a specific political party, it was apolitical. It was also not a petition of a disgruntled candidate disputing a vote count with claims that I should have been elected.

My experience of the court process has raised further questions into the integrity of not only the election result but the whole electoral law system in this state.

The timeframe to dispute an election is very tight, the decision rests on one individual's judgement and there is no avenue for appeal, and legal knowledge is essential.

In violation of the Electoral Act the Victorian Electoral Commission engaged a Victorian Government Solicitor General legal team who represented them before the Directional Hearing and prior to asking my consent or leave from the court.

While the hearing of the petition in the court focused on pre-polling referred to as "Early Voting" my petition and this submission raise a number of election matters which include:

1. A high performance of integrity in our parliamentary system is essential as our parliaments are the gatekeeper of Australia's future.
2. Voting fraud is a crime.
3. The most powerful decision makers in our state need to be selected through fair, honest, periodic elections. Transparent elections whereby candidates are free to compete for votes and in which predominantly the entire adult population are eligible and want to vote.

4. Changes to our electoral laws are seen to be willy-nilly with self-interest agendas whereby game playing is being rewarded by the incumbents.
5. It is fact that individual candidates are elected to the parliament, not political parties. Any candidate once elected is free to change their political party allegiance without any reason or accountability to the electors who elected them.
6. The Premier is elected by members of parliament not electors at a general election.
7. The two-major-party-preferred pushed system has made it impossible for other parties to participate in the political scene in equitable ways.
8. Electors continually find themselves compelled to use elections to reaffirm their position for one of two major party governments. Namely Liberal/National vs. Labor/Greens.
9. Approximately a quarter of electors do not want to be represented by the two major groups and their desire for different political representation needs to be respected.
10. Election process is the foundation for all law making in Australia; it must be beyond wilful blindness of parliamentary committees and the Electoral Commissions which threatens our society and treats electors and candidates like fools.
11. Making it harder and more expensive for establishing political parties to compete in all elections is contrary to democratic principles.
12. Pre-poll voting is only for electors with special circumstances only, not convenience.
13. Organised voting fraud is organised crime.
14. A large number of volunteers and staff from the Liberal, Labor, and Green political parties and Electoral Commission advertising and staff have been used to induce people to pre-poll.
15. Pre-poll voting, as has been allowed to occur at the last general election distorts every candidate's right to influence the decision-making process of electors within the election timeframe.
16. Pre-polling at a nursing homes resulted in people with dementia voting with the assistance of electoral staff.
17. A political campaign should inform electors about political candidates running for an elected office. Most voters at the general election would have had no idea which candidates they were electing.
18. Nomination acceptance by the VEC determines which people will run in a particular election race. Therefore, prior to 5 November 2014 there were no candidates for this election.
19. In Legislative Council elections Group Voting Tickets (GVT) determine voting preference for electors who follow how-to-vote cards. By placing the number 1 in the appropriate box above the line, as directed by a "Party Machine" or group of candidates', voters relinquish their right to choose a candidate preference order.
20. The preference flows of political groups were not known to electors until after 16 November 2014 if the elector choose to access the GVTs.
21. Most how-to-vote cards are deliberately designed to not provide information about which candidates are being supported by the GVTs of political parties and groups of candidates.
22. Big Parties usually have four or five candidates per Region knowing that they may win one, two or in a good year a maximum of three of the available five positions in the eight Regions. Most electors do not hold the same knowledge and blindly follow party how-to-vote card instructions.
23. These inducements deceive electors in two ways. Firstly no one can vote for a political party, an elector can only vote for accepted nominated candidates. Secondly it is unusual for the first preference of a political party to go to anyone but their first named candidate.
24. In the case of an elector voting for one of the big parties with five candidates, when voting above the line the party decides who is elected. Whereas if the elector voted below the line

numbering the candidates 1 to 5 the elector records their preferred order of candidates. This may be vastly different from the party's choice.

25. As one party will never obtain 100% of the votes cast, electors voting above the line never only vote for one candidate or one political group.
26. The preference flow is used by political groups to get certain candidates elected or they use the preferencing system to block other political party candidates out.
27. Groups support other political groups that they have faith will preference them early enough to allow them to stay in the count until achievement of the required quota of votes occurs. The major parties use this drill and need to stop spouting it is a minor party devised scheme.
28. Registered how-to-vote cards for the Legislative Council, which do not provide information about the choice of voting below the line fail to reveal to an elector that they have a choice when voting for party candidates.
29. The directions on the ballot-paper state for a vote to count the elector must vote in one of the two ways. S.79 (2) (ca) (i) is the loophole with how-to-vote cards that allows the political party to blindfold the elector in full view of the VEC.
30. Political discussion and knowledge about candidates and what their party stands for will strengthen vote intention. How-to-vote guidance does not usually inform voters of who their vote will end up electing if their first choice is not successful. This information is important and should be disseminated to electors during any election campaign.
31. In a fair and honest election, campaigning would not be reduced to candidates being railroaded into standing outside 'early voting' centres lost in a crowd of people canvassing and soliciting for votes when handing out how-to-vote cards.
32. At this election, there was at least one early voting centre in each district. Some districts had more than one. Legislative Assembly candidates, especially sitting members, obtain a modern era lazy "campaign" advantage due to the desire of electoral commissions to have ease in vote counting. At these venues, a mass of two-party-preferred supporters represented upper and lower house candidates to canvas and solicit votes a lot of the time.
33. It is wrong to understate the significance of being an elector on Election Day by blaming the disillusioned voting population and using 'they want voting convenience' as an excuse.
34. In Australia being an elector is not a choice to be exercised at personal convenience it is a legal responsibility to vote on Election Day, and only a citizen has a right to vote.
35. Election Day voting is the "grand final" poll. The day of reckoning after an energetic campaign where all the cards have been played in a fair, honest, and transparent competition. An important day where electors are asked to choose **at the same time** who they want to represent them for the next four-year term.
36. Some politicians and the VEC are pushing social and lifestyle considerations above the importance of voting in accordance with the law.
37. Election Day voting is being remodelled into an insignificant and inconvenient pastime rather than being reinforced as a privileged civil right and a legal requirement.
38. For **election** purposes a pre-poll vote is a declaration vote, albeit oral, and must not be considered as convenience or an ordinary Election Day vote.
39. For **counting** purposes the ballot papers cast by approved electors can be treated as if they were ordinary Election Day votes if cast in the voters district.
40. During the 29 November 2014 Victorian "election" the State had 12 Election Days as VEC election officials, at 'Early Voting' pre-poll centres, allowed votes to be cast in breach of the law.
41. VEC election officials and many electors were facilitators of electoral fraud.

42. Any reasonable person would doubt that 1,201,346 of 3,806,301 enrolled voters were unable to attend one of 1786 Election Day Voting Centres between 8.00 am and 6 pm on Election Day.
43. Many electors worked on Election Day and voted on Election Day.
44. s.84 of the Act concerns any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the vote of the elector.
45. An application and declaration are required to be made by the elector prior to the electoral officer issuing ballot papers for the elector to cast their vote.
46. Political party workers and volunteers statements about pre-poll voting, VEC advertising statements, postal voting application forms, and electoral officials actions at pre-polling centres has mislead many electors into believing anyone turning up to pre-poll can vote early to accommodate social and lifestyle conveniences.
47. Most electors are not familiar with the finite details of electoral legislation and are in the hands of electoral officials to help them abide by their legal responsibilities.
48. An unknown number of people who cast pre-poll votes were unaware they were breaking the law because they were not asked to apply to pre-poll or asked to make a declaration as required by law. These electors did not know they were not entitled to cast a pre-poll vote.
49. Pre-poll voters were not made aware that making a false declaration about not being able to vote on Election Day was an indictable offence. An unknown number of people lied about not being able to vote on Election Day.
50. The VEC training manual and the question posed to some electors by some electoral officials 'you can't vote on election day?' is a leading question and does not comply with making application and making a declaration.
51. I witnessed an election that was non-compliant with state law, was not fair, transparent or an election that was able to deliver an accurate result.
52. Pre-poll ballot papers illegally issued while technically completed in a "formal" method are invalid for electing purposes. Yet these votes were counted to elect members to the new parliament.
53. Postal votes not signed or witnessed were disallowed from the count. These votes may have been completed in a formal or informal method but that was irrelevant as they were considered to be non-compliant with legislation and therefore invalid for electing purposes.
54. Some electoral office supervisors told their staff not to ask questions as required by legislation at pre-polling centres.
55. Electors were confused by receiving up to 3 postal vote applications from political parties. Some believed they had come from the VEC.
56. How-to-Vote Card Registered by VEC 19 November 2014 #1600 HTV Liberal in Northern Metropolitan Region: Put Number 1 in Box C above the line. Photo of Denis Naphthine and quote "Giuseppe and I need your vote to help keep Victoria in safe hands." Liberal Party Upper House candidates were Craig Ondarchie, Gladys Liu, Amandeep Rosha, David Mulholland and Susan Turner. The HTV information did not name the elected candidate or any other candidate electors were voting for by voting 1 above the line. Instead the card promoted two candidates (Denis Naphthine and the Lower House District Candidate) who were in different ballot draws. No one can vote for the Liberal Party in a general state election.
 First preference votes received: Craig Ondarchie 88980 (elected on quota of 68667), Gladys Liu 434, Amandeep Rosha 249, David Mulholland 209 and Susan Turner 199. Spill over votes went to Brendan Fenn from Family First via preference number 6.

57. How-to-Vote Card Registered by VEC 21 November 2014 #676 HTV Labor Broadmeadows District: "How to vote Labor Daniel Andrews & Frank McGuire" the card has the Lower House candidate detailed and photo of three people dressed in essential services industry uniforms standing with Daniel Andrews. The form tells voters "Large Paper: Northern Metropolitan the words Australian Labor Party will appear below one of these boxes. Put a 1 in that box. Do not mark any boxes below the thick, black line." Box T 1 and part of a ballot paper image also appear. With "No need to fill in below the line" highlighted in the colour red. Again no Legislative Council Candidates were mentioned. Daniel Andrews was a candidate in the Mulgrave District ballot and no one from the Broadmeadows District were able to cast a vote for him. No one can vote for the Labor Party in a general election. The four candidates for the Australian Labor Party in Northern Metropolitan Region were Jenny Mikakos, Nazih Elasmr, Burhan Yigit, and Martin Vincent Appleby. First preference votes received: Jenny Mikakos 165,122 (elected on quota of 68,667), Nazih Elasmr received 562 votes (elected on quota of 68,667), Burhan Yigit 365, and Martin Vincent Appleby 363. Spill over votes of 29,106 went to Fiona Paten from the SEX Party via preference number 5 and elected to the new parliament. Many traditional ALP voters may have voted differently if they knew who the ALP's second political party preference was.
58. The GVT's in Southern Metro show the Christian, DLP and Family First parties preferenced the Liberal Party number 3 candidate Margaret Fitzherbert before the Liberal Party number 1 and 2 candidates. The DLP preferenced the number 1 & 2 Liberal candidates last. The number 3 Liberal candidate was elected with 592 first preference votes and after Liberal Party above the line spill over needed 38,909 from other party preferences to be elected.
59. GVT's in Eastern Metro Region show the DLP, Rise Up Australia, Country Alliance, Christians and People Power parties all preferenced the Liberal's number 3 candidate prior to Liberal number 1 and 2 candidates. The Liberal Party number 3 candidate Richard Dalla-Riva was elected into the fourth vacancy with 640 first preference votes and after Liberal Party spill over required 18,135 other party preference votes.
60. GTV's in Eastern Victoria show 9 parties Liberal Democrats, PUP, Rise Up, Liberal/National, Christians, Family First, DLP, People Power and Cyclists preferenced Shooters & Fishers in the number 2 party preference. With 10,657 first preference votes and with 62,599 preference votes from minor parties Jeff Bourman was elected to the fourth out of five available positions. The preferencing of the Shooters and Fishers party as the number two party preference was not consistent by these parties in the other regions.

Recommendations:

1. That How-To-Vote cards are exactly that and contain:
 - a. The name of the District and Region
 - b. Which Political Party is instructing the elector
 - c. Who are their party candidates that are competing for election to an office
 - d. For voting above the line the preference flow for the first 20 candidates and the party they represent
 - e. No advertising
 - f. No last minute policy pitches and lures
 - g. No photos of anyone but the candidates from their party who are competing for election to an office detailed on the how-to-vote card
2. All VEC training manuals and advertisements clearly indicate the Election Day voting is required except in genuine circumstances
3. For electors who work a full day on Election Day that their employer provides a two hour break to facilitate their legal requirement to vote on Election Day.
4. That How-To-Vote cards are available and publicly displayed at the front of Pre-poll centres without the confronting crowd of party supporters – only the candidate seeking election is allowed within three to 50 metres of the entry of a pre-polling centre.

5. That the Victorian Electoral Commission is made accountable for the breach of law that occurred at the last election by them and an unknown number of electors.
6. That political parties preferencing is consistent across districts and regions so that electors are not misled by media reports like "PUP has made a preference deal with the Greens" "Labor is not preferencing the Greens" etc. leading voters to think the preference is across the board.
7. That all candidates and not just independent and political parties are personally invited to submit to this type of inquiry.
8. That postal vote applications are only issued via the VEC and are returned directly to the VEC and not by political parties.

I will be available to attend the public hearing.

Please contact me if you require clarification of anything I have discussed.

In good faith

Maria Rigoni