South Australia

Electoral (Optional Preferential Voting) Amendment Bill 2004

A BILL FOR

An Act to amend the *Electoral Act 1985*.

Contents

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Optional Preferential Voting) Amendment Act 2004*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Electoral Act 1985*

4—Amendment of section 4—Interpretation

Section 4(1), definition of *voting ticket*, (b)—delete paragraph (b)

5—Amendment of section 63—Voting tickets

(1)   Section 63(1)—after "group of candidates" insert:

                in a Legislative Council election

(2)   Section 63(4)(a)—delete "all" and substitute:

                2 or more

(3)   Section 63(4)(b)(i)—delete "all"

(4)   Section 63(4)(b)(ii)—after "indicate" insert:

     any

(5)   Section 64(4)(b)(ii)(B)—delete "all"

6—Amendment of section 76—Method of voting at elections

(1)   Section 76(1)(a)—delete paragraph (a) and substitute:

    (a)   by placing the number 1 in the square opposite the name of the candidate for whom he or she votes as his or her first preference and, if the voter so desires, by placing the number 2 and consecutive numbers in the squares opposite the names of other candidates in the order of the voter's preference for them (but not so as to be required to indicate a preference for all candidates);

(2)   Section 76(2)—delete subsection (2) and substitute:

    (2)   In a House of Assembly election, a voter must mark his or her vote on the ballot paper by placing the number 1 in the square opposite the name of the candidate for whom he or she votes as his or her first preference and, if the voter so desires, by placing the number 2 and consecutive numbers in the squares opposite the names of other candidates in the order of the voter's preference for them (but not so as to be requited to indicate a preference for all candidates).

7—Amendment of section 92—Interpretation of ballot papers in Legislative Council elections

Section 92(4)—delete subsection (4) and substitute:

    (4)   Where a voter marks a ballot paper by placing the number 1 in a voting ticket square but also indicates a preference or preferences for individual candidates, the indication of the preference or preferences will be taken to be the vote of the voter and the mark in the voting ticket square will be disregarded.

8—Repeal of section 93

Section 93—delete the section

9—Amendment of section 94—Informal ballot papers

(1)   Section 94(1)(b)—delete paragraph (b) and substitute:

    (b)   it has no vote indicated on it;

(2)   Section 94(3) and (4)—delete subsections (3) and (4) and substitute:

    (3)   If a series of numbers (starting from the number 1) appearing on a ballot paper is non-consecutive by reason only of the omission of 1 or more numbers or the repetition of a number (not being the number 1), the ballot paper is not informal and the votes are valid up to the point where the omission or repetition occurs.

10—Amendment of section 96—Scrutiny of votes in House of Assembly election

(1)   Section 96(5)(d)(i)—after "voter's preference" insert:

> (if any)

(2)   Section 96(5)(d)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:

> (ii)   if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes, and counting each of that candidate's ballot papers to the unexcluded candidate next in the order of the voter's preference (if any), is to be repeated until—
>
> > (A)   1 candidate has an absolute majority of votes;
> >
> > (B)   1 candidate is left (on the basis that no candidate has an absolute majority of votes),
>
> and that candidate will be elected.