

2008

The Parliament of the
Commonwealth of Australia

THE SENATE

Presented and read a first time

**Commonwealth Electoral
(Above-the-Line Voting) Amendment
Bill 2008**

No. , 2008

(Senator Brown)

A Bill for an Act to amend the *Commonwealth Electoral Act 1918* to repeal provisions relating to group voting tickets and provide for preferential above-the-line voting, and for related purposes

Contents

1	Short title	1
2	Commencement	1
3	Schedule(s)	2

Schedule 1—Amendment of the Commonwealth Electoral Act 1918		3
--	--	----------

1 **A Bill for an Act to amend the *Commonwealth***
2 ***Electoral Act 1918* to repeal provisions relating to**
3 **group voting tickets and provide for preferential**
4 **above-the-line voting, and for related purposes**

5 The Parliament of Australia enacts:

6 **1 Short title**

7 This Act may be cited as the *Commonwealth Electoral*
8 *(Above-the-Line Voting) Amendment Act 2008*.

9 **2 Commencement**

10 This Act commences on the day on which it receives the Royal
11 Assent.

1 **3 Schedule(s)**

2 Each Act that is specified in a Schedule to this Act is amended or
3 repealed as set out in the applicable items in the Schedule
4 concerned, and any other item in a Schedule to this Act has effect
5 according to its terms.

1
2 **Schedule 1—Amendment of the**
3 **Commonwealth Electoral Act 1918**

4 **1 Subsection 4(1)**

5 Insert:

6 *group voting square* means a square printed on the ballot-papers
7 for a Senate election in accordance with subsection 168(4) above
8 the names of candidates who have made a request under subsection
9 168(1).

10 **2 At the end of section 168**

11 Add:

12 *Group voting square*

- 13 (4) If two or more candidates have made a request under
14 subsection (1), a square must be printed on the ballot-papers for
15 use in the election above the names of those candidates.

16 **3 Subsection 169(4)**

17 Repeal the subsection, substitute:

- 18 (4) Where a request has been made under subsection (1) in respect of
19 candidates in a Senate election, the request may include a further
20 request that the name of the registered political party that endorsed
21 the candidates be printed on the ballot-papers adjacent to the
22 square printed in relation to the group in accordance with
23 subsection 168(4).

24 **4 Subsection 210(2)**

25 Repeal the subsection.

26 **5 Subsection 210A(5)**

27 Omit “subsection 211(5)”, substitute “subsection 168(4)”.

28 **6 Section 211**

29 Repeal the section.

30 **7 Section 211A**

1 Repeal the section.

2 **8 Paragraph 214(2)(d)**

3 Before “square” (first occurring), insert “group voting”.

4 **9 Paragraph 214(2)(d)**

5 Omit “subsection 211(5)”, substitute “subsection 168(4)”.

6 **10 Paragraph 214(2)(e)**

7 Repeal the paragraph.

8 **11 Section 216**

9 Repeal the section.

10 **12 Subsection 226(3)**

11 Repeal the subsection.

12 **13 Subparagraph 227(8)(a)(i)**

13 Omit “, group voting tickets registered for the purposes of the election”.

14 **14 Subsection 239(2)**

15 Repeal the subsection, substitute:

16 (2) A vote may be marked on a ballot-paper by:

17 (a) writing the number 1 in a group voting square (if any) printed
18 on the ballot-paper under subsection 168(4); and

19 (b) writing in the remaining group voting squares printed on the
20 ballot-paper under subsection 168(4):

21 (i) in the case of a Senate election—the numbers 2 to 4 at
22 least if there are four or more group voting squares, or if
23 there are less than four group voting squares, numbers
24 in a sequence of consecutive numbers commencing with
25 the number 2 to fill however many voting squares there
26 are; or

27 (ii) in the case of an election following a dissolution of the
28 Senate—the numbers 2 to 7 at least if there are seven or
29 more group voting squares, or if there are less than
30 seven group voting squares, numbers in a sequence of
31 consecutive numbers commencing with the number 2 to
32 fill however many voting squares there are; and

1 (c) if the voter wishes, by writing any additional consecutive
2 numbers beginning with the number 5 or the number 8, as the
3 case may be, in any remaining group voting squares printed
4 on the ballot-paper under subsection 168(4).

5 **15 Subsection 239(3)**

6 Repeal the subsection.

7 **16 Paragraph 268(1)(b)**

8 Omit “subsection 270(1)”, substitute “subsections 270(1) and 270A(1)”.

9 **17 Subsection 269(1)**

10 Omit “A ballot-paper”, substitute “To avoid doubt, a ballot-paper”.

11 **18 Subsections 269(3) and (4)**

12 Repeal the subsections.

13 Note: The heading to section 269 is replaced by the heading “**Formal votes if vote recorded**
14 **in group voting squares**”.

15 **19 After section 270**

16 Insert:

17 **270A Certain votes in group voting squares with non-consecutive**
18 **numbers to be formal**

19 (1) Where a ballot-paper in a Senate election or in an election
20 following a dissolution of the Senate:

21 (a) has the number 1 in a group voting square printed on the
22 ballot-paper under subsection 168(4) and does not have that
23 number in another group voting square printed on the
24 ballot-paper under subsection 168(4);

25 (b) has:

26 (i) in a case of a Senate election—in the group voting
27 squares printed on the ballot-paper under subsection
28 168(4), numbers in a sequence of consecutive numbers
29 commencing with the number 1 and ending with the
30 number 4 or such lesser number as is provided for by
31 subparagraph 239(2)(b)(i) or numbers that with changes
32 to no more than 2 of them would be in such a sequence;
33 or

- 1 (ii) in the case of an election following a dissolution of the
2 Senate—in the group voting squares printed on the
3 ballot-paper under subsection 168(4), numbers in a
4 sequence of consecutive numbers commencing with the
5 number 1 and ending with the number 7 or such lesser
6 number as is provided for by subparagraph 239(2)(b)(ii)
7 or numbers that with changes to no more than 2 of them
8 would be in such a sequence; and
9 (c) but for this subsection, would be informal by virtue of
10 paragraph 268(1)(b);
11 then:
12 (d) the ballot-paper is not informal by virtue of that paragraph;
13 (e) the number 1 is taken to express the voter's first preference
14 vote in accordance with subsection 272(1);
15 (f) where numbers in group voting squares printed on the
16 ballot-paper under subsection 168(4) are in a sequence of
17 consecutive numbers commencing with the number 1—the
18 voter is taken to have expressed a preference by the other
19 number, or to have expressed preferences by the other
20 numbers, in that sequence in accordance with subsection
21 272(2) or (3), as the case may be; and
22 (g) the voter is not taken to have expressed any other preference.
23 (2) In considering, for the purposes of subsection (1) whether numbers
24 are in a sequence of consecutive numbers, any number that is
25 repeated must be disregarded.

26 **20 Section 272**

27 Repeal the section, substitute:

28 **272 Senate ballot-papers deemed to be marked in accordance with** 29 **group voting squares**

- 30 (1) For the purposes of section 273, where a ballot-paper in a Senate
31 election has been marked in accordance with paragraph 239(2)(a)
32 by the number 1 having been placed in a group voting square
33 printed on the ballot-paper under subsection 168(4), the
34 ballot-paper must be deemed to have been marked with a first
35 preference vote for the first candidate included in the group on the
36 ballot-paper and subsequent preferences for all other candidates

1 included in the group in the order of the names of the candidates in
2 the group on the ballot-paper.

3 (2) For the purposes of section 273, where a ballot-paper in a Senate
4 election has been marked in accordance with paragraph 239(2)(b)
5 by the number 2 having been placed in another group voting square
6 printed on the ballot-paper under subsection 168(4), the
7 ballot-paper must be deemed to have been marked with the
8 preference vote, immediately sequential to those referred to in
9 subsection (1), for the first candidate included in that other group
10 on the ballot-paper and subsequent preferences for all other
11 candidates included in that other group in the order of the names of
12 the candidates in the group on the ballot-paper.

13 (3) For the purposes of section 273, where a ballot-paper in a Senate
14 election has been marked in accordance with paragraph 239(2)(b)
15 or (c) by the number 3 and subsequent numbers, as the case
16 requires, having been placed in other group voting squares printed
17 on the ballot-paper under subsection 168(4), the ballot-paper must
18 be deemed to have been marked with the preference votes,
19 immediately sequential to those referred to in subsections (1) and
20 (2), for the first candidate included in those other groups on the
21 ballot-paper and subsequent preferences for all other candidates
22 included in each of those other groups in the order of the names of
23 the candidates in each group on the ballot-paper.

24 **21 Paragraph 273(5)(f)**

25 Omit “marked otherwise than in accordance with subsection 239(2)”.

26 **22 Paragraph 273A(3)(a)**

27 Repeal the paragraph, substitute:

- 28 (a) reject any of the wholly above-the-line ballot-papers that are
29 informal;
- 30 (aa) arrange the unrejected ballot-papers under the names of the
31 respective candidates by placing in one parcel under the
32 name of each candidate all the ballot-papers marked in
33 accordance with subsection 239(2) on which a first
34 preference is indicated for that candidate and in another
35 parcel under the name of that candidate all the other
36 ballot-papers on which a first preference is indicated for that
37 candidate;

1 **23 Paragraph 273A(3)(c)**

2 Repeal the paragraph, substitute:

- 3 (c) place in a parcel or parcels all the ballot-papers received by
4 the Divisional Returning Officer, other than the ballot-papers
5 rejected as informal;

6 **24 Paragraph 273A(3)(f)**

7 Repeal the paragraph, substitute:

- 8 (f) transmit to the Australian Electoral Officer information about
9 the total number of ballot-papers rejected as informal.

10 **25 Subsection 273A(10) (paragraph (a) of the definition of**
11 ***wholly above-the-line ballot-paper***)

12 Repeal the paragraph, substitute:

- 13 (a) has one or more numbers in the group voting squares above
14 the dividing line; and

15 **26 Form E of Schedule 1**

16 Omit “By placing the single figure 1 in one and only one of these
17 squares to indicate the voting ticket you wish to adopt as your vote”,
18 substitute “By placing at least the numbers 1 to (8) in the order of your
19 preference for the groups of candidates”.

20 **27 Form E of Schedule 1 (at the end of the footnotes)**

21 Add:

22 (8) Here insert:

- 23 (a) in the case of a Senate election—“4” if there are four or more groups,
24 and if there are less than four groups, however many groups there are;
25 (b) in the case of an election following a dissolution of the Senate—“7” if
26 there are seven or more groups, and if there are less than seven
27 groups, however many groups there are.