

# Supplementary Order Paper

Thursday, 2 August 1979

## ELECTORAL AMENDMENT BILL

### *Proposed Amendments*

Mr PREBBLE, in Committee, to move the following amendment:

To insert after clause 3 the following new clause,

**4. Counting the votes**—Section 115 of the principal Act is hereby amended by repealing subsection (2) and substituting the following subsections:

“(2) When the ballot papers from the parcel so selected have been marked as aforesaid the Returning Officer shall make a record of the last number marked, and shall then, in the presence of his assistants (if any) and the scrutineers and Justice as aforesaid, but of no other person, deal with the ballot papers in accordance with the following provisions of this section.

“(2A) The Returning Officer shall, subject to subsection (2B) of this section, reject as informal—

“(a) Any ballot paper that does not bear the office mark if there is reasonable cause to believe that it was not issued to a voter by any Deputy Returning Officer; and

“(b) Any ballot paper that does not clearly indicate the candidate for whom the voter desired to vote.

“(2B) The Returning Officer shall not reject any vote as informal—

“(a) Where, notwithstanding that a voter has dealt with his ballot paper otherwise than in accordance with section 106 (1) of this Act, the ballot paper indicates clearly the candidate or the party designation of the candidate for whom the voter desired to vote; or

“(b) By reason only of some error or omission on the part of an official, if he is satisfied that the voter was qualified to vote at the election.

“(2c) The Returning Officer shall then count the number of votes received by each candidate, and the number of votes rejected as informal, and compare the result of that count with the certificate of the Deputy Returning Officer in respect of the preliminary count, and shall, where necessary, amend that certificate; and every such certificate shall be initialled by the Returning Officer and the Justice attending.

“(2d) The Returning Officer shall then make up and secure the parcel anew, and endorse thereon a memorandum specifying the number of ballot papers contained in the parcel, the number of votes received by each candidate, the number of informal ballot papers, and the number of the booth at which the votes were recorded; and the endorsement shall be signed by the Returning Officer and the Justice attending.”

EXPLANATORY NOTE

THIS Supplementary Order Paper clarifies section 115 of the Electoral Act and requires Returning Officers to count as valid votes on ballot papers where the voter has made—

- (a) his intention clear on the ballot paper which candidate he supports; or
- (b) made his intention clear by indicating which party designation on the ballot he supports.

This means that voting by a tick or a cross will be counted if the intention is clear. The voting by indicating the party designation supported will also be counted.