# ELECTORAL MODIFIERS (NO. 1) REGULATIONS 2018

## INDEX

# PART 1 — PRELIMINARY

## 1    Name

This instrument is the *Electoral Modifiers (No. 1) Regulations 2018*.

## 2    Authority

This instrument is made under section 4 of the *Electoral Modifiers Act 2018.*

## 3    Commencement

This instrument commences on the day after it is approved by both Houses of Parliament.

## 4    Interpretation

In this instrument, unless the contrary intention appears, all words and expressions have the same meaning as they have in the *Electoral Modifiers Act 2018* (**the Act**).

# PART 2 — ELECTION MODIFIERS

## Division 1 — Modifiers

## 5    Individual election modifiers

For the purposes of section 7(1) of the Act, the election modifiers for individual candidates are shown in the table below—

| Individual election modifiers | |
| --- | --- |
| **Column 1** | **Column 2** |
| **Modifier** | **Weight** |
| 1.  Number of bills introduced by the candidate of reasonable effort | 15% |
| 2.  Number of bills introduced by the candidate of reasonable effort which pass at least one House | 5% |
| 3.  Number of bills introduced by the candidate of reasonable effort which pass both Houses | 5% |
| 4.  Number of instances of Question Time where the candidate asked a question of reasonable effort | 5% |
| 5.  Number of votes in Parliament where a vote was cast by the candidate (whether for, against, or abstaining) | 15% |
| 6.  Number of statements made in debate in Parliament (where as an MP/Senator or as a member of the public) of reasonable effort | 20% |
| 7.  Number of days where the candidate made a top-level post on Reddit of a campaigning nature of reasonable effort | 35% |

## 6      Party election modifiers

For the purposes of section 7(1) of the Act, the election modifiers for individual parties are shown in the table below—

| Party election modifiers | |
| --- | --- |
| **Column 1** | **Column 2** |
| **Modifier** | **Weight** |
| 1.  Number of bills introduced by MPs and Senators from that party of reasonable effort | 15% |
| 2.  Number of bills introduced by MPs and Senators from that party of reasonable effort which pass at least one House | 5% |
| 3.  Number of bills introduced by MPs and Senators from that party of reasonable effort which pass both Houses | 5% |
| 4.  Number of cabinet measures introduced by that party of reasonable effort | 25% |
| 5.  Number of days where the party made a top-level post on Reddit of a campaigning nature of reasonable effort | 50% |

## 7      Defaults

In determining the score in a modifier under this Part in relation to a candidate or party, if that modifier does not apply to the candidate or party, the score in that modifier in relation to that candidate or party is the 35th percentile of the scores of the other candidates or parties in that modifier.

**Example:** A modifier relating to participation in Parliament does apply to a candidate who was not a Member of Parliament during the time that the modifier applied.

## 8      Modifiers not retrospective

In accordance with section 8 of the Act, the electoral modifiers in this instrument do not apply to activity undertaken or things done prior to that modifier becoming a modifier.

## Division 2 — Scoring of modifiers

## 9      Electoral Commissioner's rulings

(1)      The Electoral Commissioner has discretion in determining whether an action taken or thing done which is covered by this Part contributes to an electoral modifier.

**Example:** The Electoral Commissioner has discretion in determining whether an action taken or thing done is of 'reasonable effort'.

(2)      The Electoral Commissioner must publish, in real time, a list of all actions taken and things done which has been determined to contribute to the electoral modifiers in this Part.

**10    Review of ruling**

(1)    If, under regulation 9(1), the Electoral Commissioner does not determine that a particular action taken or thing done by a candidate or party should contribute to an electoral modifier, that candidate or party may request that the Electoral Commissioner review that determination.

(2)    The Electoral Commissioner must then consider the request and decide whether to—

(a)    uphold the determination under review; or

(b)    vary the determination under review.

(3)    If the Electoral Commissioner errs in upholding the determination under review, and that error substantially disadvantages the candidate or party with respect to the outcome of the election, that candidate or party may petition the Court of Disputed Returns under Part XXII of the *Commonwealth Electoral Act 1918*.

(4)    Except as provided by subregulation (3), the decision of the Electoral Commissioner under subregulation (2) is final.

## Division 3 — Calculating overall scores

**11    Candidate totals**

(1)    At the close of polls, the Electoral Commissioner must, for each candidate modifier, rank each candidate and calculate the percentile value for that candidate in that modifier.

(2)    The Electoral Commissioner must then calculate the **candidate total** for each candidate by multiplying each percentile value for that candidate in each candidate modifier by the weight of that candidate modifier, and summing the results.

**12    Party totals**

(1)    At the close of polls, the Electoral Commissioner must, for each party modifier, rank each party and calculate the percentile value for that party in that modifier.

(2)    The Electoral Commissioner must then calculate the **party total** for each party by multiplying each percentile value for that party in each party modifier by the weight of that party modifier, and summing the results.

**13    Candidate overall scores**

For each candidate, the Electoral Commissioner must, after complying with regulations 11 and 12, calculate the **overall score** for that candidate by summing—

(1)    the candidate total; and

(2)    the party total for the party to which the candidate belongs, or, if the candidate is an independent candidate, the greater of—

(a)    the average party total for all parties; and

    (b)    ==the party total that would have applied had the candidate been the sole member of a party.==

## 14    Percentiles

(1)    In determining percentile values under this Division, all candidates or parties, as the case may be, are ranked in the same list, irrespective of which House of Parliament, and which Division in a House of Parliament, they are contesting.

(2)    The percentile value is to be determined using linear interpolation.

# PART 3 — SIMULATED VOTERS

## 15    Number of simulated voters

For the purposes of section 6 of the Act, each Division in the House of Representatives has simulated voters numbering one-quarter the number of non-simulated voters, rounded down.

## 16    How votes cast by simulated voters

(1)    ==In an election (whether for the House of Representatives or the Senate), simulated voters allocate their first-preference vote at random to one of the contesting candidates, weighted by the overall scores of those candidates.==

(2)    ==The simulated voters then allocate their second-preference votes, third-preference votes and so on until all preferences have been allocated.==