

ELECTORAL MODIFIERS (NO. 2) REGULATIONS 2018

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PART 1 — PRELIMINARY

1 Name

This instrument is the *Electoral Modifiers (No. 2) 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**).

4A Repeal

The *Electoral Modifiers (No. 1) Regulations 2018* are repealed.

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	Column 3
Modifier	Period	Weight
1. Number of bills introduced, or submitted by petition, to Parliament by the candidate of reasonable effort	Parliamentary term	15%
2. Number of bills introduced by the candidate of reasonable effort which pass at least one House	Parliamentary term	2%
3. Number of bills introduced by the candidate of reasonable effort which pass both Houses	Parliamentary term	1%
4. Number of instances of Question Time (Questions with Notice) on Reddit where the candidate asked a question of reasonable effort	Parliamentary term	17%
5. Number of votes in Parliament where a vote was cast by the candidate (whether for, against, or abstaining)	Parliamentary term	10%

Individual election modifiers		
Column 1	Column 2	Column 3
Modifier	Period	Weight
6. Number of statements made in debate in Parliament or the designated crosspost to /r/AustraliaSim of reasonable effort	Parliamentary term	20%
7. Number of days where the candidate made a top-level post on Reddit of a meme of reasonable effort	Campaigning period	2%
8. Number of days, other than under item 7, where the candidate made a top-level text post on Reddit of a campaigning nature of at least 100 words of reasonable effort	Campaigning period	28%
9. Number of days, other than under items 7 or 8, where the candidate made a top-level post on Reddit of a campaigning nature of reasonable effort	Campaigning period	5%

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	Column 3
Modifier	Period	Weight
1. Total score attained by candidates of the party under item 1 of regulation 5	Parliamentary term	20%
2. Total score attained by candidates of the party under item 2 of regulation 5	Parliamentary term	3%
3. Total score attained by candidates of the party under item 3 of regulation 5	Parliamentary term	2%
4. Number of cabinet measures introduced by that party of reasonable effort	Parliamentary term	25%
5. Total score attained by candidates of the party under item 8 of regulation 5	Campaigning period	40%
6. Number of media events approved by the AEC for this item, which were open to all parties and independent candidates, which the party was represented at	Campaigning period	30%
7. Number of MPs and Senators from that party	Parliamentary term	-20%

6A Modifier periods

In regulations 5 and 6—

campaigning period means the period between the issue of the writ for the election to which the modifiers apply, and the close of polls in that election;

Parliamentary term means the period between the most recent opening of Parliament prior to the campaigning period, and the close of polls in the election to which the modifiers apply.

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 50th 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, calculate the ***scaled score*** by linearly scaling the score for each party in that modifier (the ***raw score***) such that for each modifier—
 - (a) a raw score of 0 equates to a scaled score of 0; and
 - (b) the highest raw score attained by any party in that modifier equates to a scaled score of 100.
- (2) The Electoral Commissioner must then calculate the ***party total*** for each party by multiplying each scaled score 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) 75% of the candidate total; and
- (2) 25% of—
 - (a) if the candidate belongs to a party, the party total for that party;
 - (b) in any other case, the greater of—
 - (i) the average party total for all parties; and
 - (ii) 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 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

- (1) The total number of simulated voters, across all Divisions in the House of Representatives, is one-quarter the total number of non-simulated voters.
- (2) The Electoral Commissioner must determine the number of simulated voters in each Division in the House of Representatives by distributing the simulated voters in subregulation (1) proportionally according to the number of non-simulated voters, using the Sainte-Laguë method.

16 How votes cast by simulated voters

- (1) In an election (whether for the House of Representatives or the Senate), the Electoral Commissioner must determine how simulated voters vote by—
 - (a) randomly shuffling the order of the simulated voters;
 - (b) allocating the first-preference votes of the simulated voters proportionally according to the overall scores of the contesting candidates, using the Sainte-Laguë method; and
 - (c) repeating the steps in paragraphs (a) and (b) for the simulated voters' second-preference votes, third-preference votes, and so on until all preferences have been allocated.