

## **Barton Deakin Standing Brief: NSW Preferential Voting**

**9 June 2022**

### **Voting system**

Contrary to popular belief, NSW uses a different voting system than federal elections. The federal voting system is based on compulsory preferential voting (CPV) – every box must be numbered for your vote to count. In NSW with optional preferential voting (OPV) – only one box needs to be numbered (beginning with a '1') with the option of numbering additional boxes.

### **Two ballot papers**

In NSW Parliament there are two houses, the Legislative Assembly (LA) and the Legislative Council (LC). Up for re-election are all 93 seats in the LA, and 21 of 42 seats in the LC – a ballot will be handed out for each house. The LA ballot is small, containing only candidates from your local area that you reside in. The LC ballot is lengthy, containing all candidates as they represent the whole state.

On the small LA ballot will be the candidates from your local area, displayed in a random order and with their party affiliation or 'Independent' marked next to their name.

On the large LC ballot will be all candidates in columns grouped by party affiliation, displayed above each column, and with non-affiliated candidates in the last column.

### **How votes are counted**

Understanding how your vote is counted is crucial to getting the most out of your vote. Votes are counted and redistributed in the same way for both the LA and LC.

First, an initial count is conducted placing all ballots into their first preferences. To win out-right, a candidate must receive 50% + 1 of the formal votes in the count, or, an 'absolute majority'. If they reach this threshold, they become elected.

If no candidate reaches this threshold, then the candidate with the least first preference votes gets excluded. Their exclusion means that their votes are then redistributed based on voter's second preference. However, if any of those ballot papers do not have a second preference, or have two or more second preferences on them, those ballot papers are known as 'exhausted' ballot papers and are removed from the count.

The absolute majority is recalculated after every candidate is excluded. The absolute majority reduces after each exclusion due to the exhausted ballot papers not continuing in the count.

The process of exclusions continues until a candidate is elected. The ballot papers of excluded candidates are re-sorted to the second, third, fourth etc. preferences as applicable, until such time



as a candidate has an absolute majority of the votes remaining in the count and that candidate is elected.

## How to vote

### Legislative Assembly

In NSW, you are only required to put a '1' in the box of your candidate or party of choice (additional numbering of boxes is optional). While this is simple and may seem the best way to vote, it also means that you are missing an opportunity to make your vote make the greatest impact.

With the way votes are counted and redistributed, putting only a '1' in the box next to a candidate means that if your candidate is not in the top two and has their votes subsequently redistributed according to second preferences, your vote will become exhausted. In doing this you forfeit the opportunity to make your vote count further towards the top two. As a result you have less of a direct impact on the policy options that will be put forward.

In most elections, the top two parties are major party candidates. Putting a '1' next to a candidate from either major party will most likely mean your vote will have an impact in deciding from the top two. However, if you find minor parties more attractive and despite knowing they're unlikely to be top two, your vote can still have an impact if your preference flows to a major party marked '2' or '3' etc. The advantage of the OPV system is that you can preference your vote up to the point where you would no longer want it to have an impact. By leaving the box blank in the case of an unsatisfactory candidate, if all other preferred candidates become excluded, your vote will thus exhaust and not contribute any further in the process.

### Legislative Council

The principle of voting in the LC is the same as the LA. The two key difference are that there are multiple candidates from each party listed a column, or a 'group', and you must vote above or below the line.

#### Above the line

Voting above the line is to vote by party. The same opportunity that applies to numbering more than one candidate on the LA ballot is foregone if voting for a single party above the line on the LC ballot.

You must put a number 1 in one of the group voting squares above the thick horizontal line on the ballot paper. By doing this you are voting for that whole group of candidates in the order they are listed below that square, starting from the top. This is all you need to do. You can show more choices if you want, starting with the number 2 above the line if you choose.

If you vote above the line, do not put numbers in any squares below the line as this may invalidate your vote.

#### Below the line

If voting below the line, you can vote for any candidate in any order. The conditions of this are that you must put a number 1 next to your first-choice candidate and continue until number 15. You



must choose at least 15 candidates below the line for your vote to be counted, but you can show more choices by putting more numbers if you wish, starting with the number 16.

If you vote below the line, do not put numbers in any squares above the line as this may invalidate your vote.

## Further Information

Click the links for information from the [NSW Electoral Commission](#) on [how to vote](#) or [how your vote is counted](#).

For further information, contact [Anthony Benschel](#) on +61 438 439 431, [Andrew Humpherson](#) on +61 419 241 587, [Nicholas Dower](#) on +61 419 602 002 or [Matthew Harte](#) on +61 431 326 411.