

146E. Informal and formal ballot papers

- (1) Section 139 applies to and in relation to ballot papers used in an election in a region as if the reference in section 139(d) to section 140A were a reference to section 146E(3).
- (2) Subsections (1) and (2) of section 140 apply to and in relation to ballot papers used in an election in a region and in subsection (2) of that section, as applied by this section, “**prescribed manner**” means —
 - (a) where there are only 2 candidates on the ballot paper, the manner required by section 128(1);
 - (b) where there are more than 2 candidates on the ballot paper, the manner authorised by section 128(2)(a).
- (3) A ballot paper shall not be informal under section 139(d) if the elector has marked his vote on the ballot paper under section 128(2)(b).
- (4) If a ballot paper —
 - (a) has been marked under section 128(2)(b); but
 - (b) has also been marked so as to indicate the order of the elector’s preference in such a manner that it would not be informal under section 139(d) even if it were not marked under section 128(2)(b),the elector shall, for the purposes of subsection (5) and section 146F, be deemed not to have marked his vote on the ballot paper under section 128(2)(b).
- (5) If a ballot paper has been marked under section 128(2)(b) any indication of preferences on the ballot paper otherwise than under section 128(2)(b) shall be disregarded for the purposes of this Division.
- (6) For the purposes of this section and section 146F an elector shall not be taken to have marked his vote under section 128(2)(b) if the elector has placed a preference mark in 2 or more voting ticket squares printed on the ballot paper.
- (7) In subsection (6) “**preference mark**” means the numeral “1”, a tick or a cross.

[Section 146E inserted by No. 20 of 1988 s. 9; amended by No. 43 of 1996 s. 20.]