

REPUBLIC OF VANUATU

DECENTRALIZATION AND LOCAL GOVERNMENT
REGIONS ACT NO. 1 OF 1994

LOCAL GOVERNMENT COUNCILS ELECTIONS
(AMENDMENT) REGULATIONS NO: 14 OF 1996

To amend the Local Government Council Election Rules Order No. 61 of 1982.

IN EXERCISE of the powers conferred upon me by section 35 of the Decentralization and Local Government Regions Act No. 1 of 1994, I, CHARLIE NAKO, Minister of Home Affairs, make the following regulations:

DEFINITION

1. In these Regulations "Order" means the Local Government Council Elections Rules Order No. 61 of 1982.

AMENDMENT OF RULE 1 OF THE ORDER

2. Rule 1 of the Order is amended -
 - (a) by deleting the definition of "Act" and substituting the following definition -

"Act" means the Decentralization and Local Government Regions Act No. 1 of 1994;"
 - (b) by inserting after the definition of "Act" the following definition -

"constituency" means an area of a local government region as declared under section 6(4) of the Act;"
 - (c) by deleting the definition of "ward".

REPLACEMENT OF RULE 4 OF THE ORDER

3. Rule 4 of the Order is repealed and the following rule is substituted -

"DECLARATION OF CANDIDATURE

4. (1) Not later than the date fixed for the return of candidature, every candidate for election shall lodge with the electoral officer -

- (a) a declaration of candidature signed by him in the form and containing the particulars provided for in Part 1 of Schedule 1 which shall include a declaration that the candidate is eligible as provided for in rule 3;
 - (b) a deposit of 5.000 vatu;
 - (c) 2 full face photographs of himself;
 - (d) except for a candidate sponsored by a political party having a symbol approved by the Electoral Commission, an illustration on paper of his personal electoral symbol.
- (2) A declaration of candidature shall also contain the signatures of not less than five sponsors being persons registered to vote in the constituency of the candidate and not being related to the candidate.
- (3) No person may lodge a declaration of his own candidature -
- (a) for more than 1 constituency; or
 - (b) in the case of a by-election if he is a member of the local government council.
- (4) A deposit paid under subsection (1)(b) shall not be refunded.
- (5) The electoral officer who receives a declaration of candidature shall give a receipt to the candidate in the form contained in Part 2 of Schedule 1 and forward the declaration immediately to the Electoral Office.
- (6) The Principal Electoral Officer shall within 24 hours of the day declared by the Electoral Commission under subrule (1) make a list of the candidates named in declarations of candidature received by the Electoral Office and send copies to the Electoral Commission.
- (7) The Principal Electoral Officer shall send with the list referred to in subrule (5) such comments on the validity of the candidature of any person named in the list as he shall consider fit."

REPLACEMENT OF RULE 5 OF THE ORDER

4. Rule 5 of the Order is repealed and the following rule is substituted -

"DECLARATION OF INVALIDITY OF CANDIDATURE BY THE COMMISSION

5. (1) When a declaration of candidature has been delivered in compliance with rule 4 the candidate shall stand sponsored for election unless and until the Electoral Commission declares his candidature invalid or evidence is given to its satisfaction that the candidate has died, or the candidate has withdrawn by notice in writing given to the Electoral Office.
- (2) The Electoral Commission shall only declare a candidature invalid on the following grounds -
- (a) the candidate or his sponsors do not have the necessary qualifications or are disqualified; or
 - (b) the declaration of candidature is not sponsored as provided in rule 4(2).
- (3) Where the Electoral Commission decides that a candidature is invalid it shall so endorse the declaration of candidature giving reasons for its decisions."

REPLACEMENT OF RULE 6

5. Rule 6 of the Order is repealed and the following rule is substituted -

"RESUBMISSION OF DECLARATION OF CANDIDATURE BY CANDIDATES

6. (1) Notwithstanding the provisions of rule 7, the Electoral Commission shall, where it considers that a declaration of candidature is invalid by reason of a bona fide error, not less than 14 days before polling day request the candidate to re-submit a valid declaration within 72 hours after such request.
- (2) Where a declaration of candidature sponsored by a political party is declared invalid by the Electoral Commission or a candidate dies not less than 14 days before polling day another candidate sponsored by the same party may lodge a declaration of candidature provided that he does so within 72 hours of the declaration or death."

AMENDMENT OF RULE 7

6. Rule 7 of the Order is amended -

- (a) by deleting the words "All lists of" and substituting the words "A list of";
- (b) by deleting paragraph (a) and substituting the following paragraph -

"(a) the offices of the local government council;"

- (c) in the last paragraph by deleting the words "re-submitted lists" and substituting the words "re-submitted candidatures."

REPLACEMENT OF RULE 8

7. Rule 8 of the Order is repealed and the following rule is substituted -

"DECLARATION OF ELECTION WITHOUT A POLL AND NOTICE OF NEW POLL

8. (1) If at the close of or at any time after the close of the period for declaration of candidature the number of candidates in any constituency is not more than the number of members to be elected the Principal Electoral Officer shall so report to the Electoral Commission who shall declare the candidates elected without a poll.

(2) If the number of candidates is less than the number of members to be elected the Commission shall when it declares the number of candidates elected declare the number of seats vacant.

(3) The Electoral Commission shall within 30 days after the declaration referred to in subrule (2) and after consultation with the Principal Electoral Officer fix the date of an election for the seats declared vacant.

(4) If the number of candidates exceeds the number of members to be elected a poll shall be taken in accordance with this Part and without undue delay after the closing of the list of candidates the electoral officer shall publish a notice stating -

(a) the names of the candidates;

(b) the hours of polling;

(c) the situation of each polling station;

(d) sufficient information to enable voters to know which polling station they are required to vote at;

(e) any other information that may be prescribed."

AMENDMENT OF RULE 12

8. Rule 12 of the order is amended -

(a) in the headnote by deleting the words "ONE LIST" and substituting the words "ONE CANDIDATE";

(b) in subrule (2) by deleting the words "one list" and substituting the words "one candidate".

AMENDMENT OF RULE 14

9. Rule 14 of the order is amended in subrule (4) by deleting the word "ward" wherever occurring and substituting the word "constituency".

AMENDMENT OF RULE 17

10. Rule 17 of the order is amended by deleting the word "ward" and substituting the word "constituency".

AMENDMENT OF PART V

11. Part V of the Order is amended -

- (a) by deleting the word "PRESIDENTS" and substituting the word "CHAIRMEN" wherever it occurs;
- (b) by deleting the word "PRESIDENT" and substituting the word "CHAIRMAN" wherever it occurs;
- (c) by deleting the words "DEPUTY PRESIDENTS" and substituting the words "DEPUTY CHAIRMEN" wherever they occur;
- (d) by deleting the words "DEPUTY PRESIDENT" and substituting the word "DEPUTY CHAIRMAN" wherever they occur;
- (e) in rule 19 in subrule (1) by deleting the words "president and a deputy president" and substituting the words "chairman and not more than three deputy chairmen";
- (f) in rule 19 by repealing subrule (4) and substituting the following subrule -

"The election of each deputy chairman shall be in accordance with subrules (1), (2) and (3).";
- (g) by repealing rule 20;
- (h) in rules 21, 22, 23, 24, 25, 26 and 27 by deleting the word "president" and substituting the word "chairman";
- (i) in rules 21, 22, 23, 24, 25, 26 and 27 by deleting the words "deputy president" and substituting the words "deputy chairmen" wherever they occur in those rules;
- (j) in rule 27 by deleting the word "presidents" and substituting the word "chairmen";
- (k) in rules 24 and 27 by deleting the words "deputy presidents" and substituting the words "deputy chairmen".

AMENDMENT OF RULE 33 OF THE ORDER

12. Rule 33 of the Order is amended -

- (a) by repealing subrule (1) and substituting the following subrule -

"(1) There shall be an Election Disputes Committee which shall consist of 3 members, one of whom shall be the Chairman, who shall be appointed by the Chief Justice by notice published in the Gazette.";

- (b) in subrule (2) by deleting the words "Minister may" and substituting the words "Chief Justice may"; and
- (c) by repealing subrule (3).

AMENDMENT OF RULE 40

13. Rule 40 of the Order is amended -

- (a) in subrule (1)(b) -

- (i) by deleting the words "or candidates";
- (ii) by deleting the words "or persons";

- (b) in subrule (1)(c) -

- (i) by deleting the words "or persons";
- (ii) by deleting the word "were" and substituting the word "was".

AMENDMENT OF RULE 41

14. Rule 41 of the Order is amended -

- (a) in the first line of subrule (1) by deleting the words "or candidates";

- (b) in subrule (1)(c) by deleting the words "subject to the provisions of rule 4(i), a candidate" and substituting the words "the candidate".

REPLACEMENT OF RULE 42

15. Rule 42 of the Order is repealed and the following rule is substituted -

~~"EXAMINATION OF VOTES CAST~~

42. When on an election petition the election is claimed for an unsuccessful candidate on the ground that he had a majority of lawful votes the Election Disputes Committee may direct an examination of the counted and void votes and of the counting of votes."

REPLACEMENT OF SCHEDULE 1

16. Schedule 1 of the Order is repealed and the following Schedule 1 is substituted -

" S C H E D U L E 1

(Rule 4(1)(a))

PART 1

Local Government Council Elections Rules

DECLARATION OF CANDIDATURE



To the electoral officer for district
I,(name) of
being a citizen of Vanuatu and aged 21 or more

HEREBY DECLARE

1. myself as a candidate for election to the local
local government council as representative for
..... constituency;
2. that I am registered in the electoral roll for
Polling District, electoral card no.;
3. that I am not disqualified from voting;
4. that I am not serving a sentence of imprisonment or have not
received a suspended sentence of imprisonment where the period of
suspension has not ended;
5. that I am not an undischarged bankrupt;
6. that my occupation/profession is

DATE SIGNATURE OF CANDIDATE

NOTES

1. When this form is completed (including the sponsorship details
overleaf) it should be returned to the electoral officer of the
district in which the election is to be held.
2. Please attach to this form -
 - (a) two passport size photographs of yourself (not colour photos);
 - (b) an illustration on paper of your personal electoral symbol
unless you are sponsored by a political party with an approved
symbol.

SPONSORS OF CANDIDATE

1. NAME ADDRESS
OCCUPATION ELECTORAL CARD NO.
SIGNATURE

2.

3.

4.

5.

NOTE

Sponsors must be registered as electors in the constituency of the candidate and must not be related to him.

SCHEDULE 1

(Rule 4(1)(a))

PART 2

Local Government Council Elections Rules

RECEIPT

Received from Mr/Mrs/Miss this day
of 19..... ;

(a) A declaration of candidature for the election of members of the
local government council of to be held on the
..... day of 19..... ;

(b) The sum of 5.000 vatu being a deposit made in accordance with rule
4(1)(b).

Vanuatu Government Receipt No. of

Signed :

Electoral Officers for
District

AMENDMENT OF SCHEDULE 3

17. Schedule 3 to the Order is amended -

(a) by deleting the word "ward" and substituting the word
"constituency" wherever occurring;

(b) in rule 3 -

(i) in subrule (1) by deleting the words "A party" and
substituting the words "A candidate or political
party";

(ii) by inserting the following new subrule (3) -

"(3) No candidate shall have more than one authorized representative at one polling station but one representative may be authorized for more than one candidate and for more than one polling station.";

(iii) in subrule (4) by deleting the words "a party" and substituting the words "a candidate";

(iv) in subrule (5) by deleting the word "parties" and substituting the word "candidates";

(c) in rule 4(3(e) by deleting the words "each list" and substituting the words "each candidate";

(d) in rule 8 by deleting paragraph (c) of the subrule (1) and substituting the following -

"(c) candidates and their authorized representatives nominated in accordance with rule 3;"

(e) by repealing rule 10 and substituting the following new rule -

"VOTING

10. (1) Every voter desiring to vote shall present himself at his allotted polling station. The returning officer or polling clerk shall satisfy himself that -

(a) the voter is registered on the roll at the station;

(b) has not already voted; and

(c) place his signature or initials opposite the name of the voter in the margin of one of the electoral rolls; and

(d) deliver to the voter 1 ballot paper for each candidate and 1 envelope.

(2) Immediately on receipt of the ballot papers and envelope a voter shall -

(a) enter a polling booth;

(b) record his vote by placing the ballot paper bearing the name and symbol of his chosen candidate in the envelope;

(c) leave all other ballot papers in the booth;

- (d) present himself to the presiding officer or polling clerk who without touching it shall verify that the voter tenders 1 envelope;
- (e) place the envelope in the ballot box; and leave the polling station without undue delay after the completion of the formalities referred to in rule 11.";
- (f) in rule 13 by deleting the word "party's: and substituting the words "candidate or his";
- (g) in rule 16 -
 - (i) in subrule (1)(d) by deleting the words "colour of" and substituting the words "name on";
 - (ii) in subrule (1)(e) by deleting the word "list" and substituting the word "candidate";
- (h) in rule 18 by deleting the words "party's" and substituting the words "candidate or his";
- (i) in rule 19 -
 - (i) in subrule (1) by deleting the word "list" and substituting the word "candidate";
 - (ii) in subrule (2)(d) by deleting the word "list" and substituting the word "candidate";
 - (iii) in subrule (4) by deleting the words "party representatives appointed under rule 3(1)" and substituting the word "candidates";
- (j) in rule 20 -
 - (i) in the headnote by deleting the word "LIST" and substituting the word "CANDIDATE";
 - (ii) by deleting the word "list" and substituting the words "candidate in the constituency for which he is responsible";
- (k) by repealing rule 21;
- (l) by repealing rule 22 and substituting the following rule -

"DECLARATION BY ELECTORAL COMMISSION OF CANDIDATES ELECTED
22. (1) The Electoral Commission shall as soon as practicable after receiving notification in accordance with rule 20 from all the registration officers announce the number of votes cast for each candidate in each constituency.

(2) The number of candidates counting down from the candidate who obtains the highest number of votes in order of the votes obtained that equals the number of seats allocated to that constituency shall be declared elected.";

(m) by repealing rules 23 and 24;

(n) in rule 25 by deleting the words "the Minister" and substituting the words "the Electoral Commission".

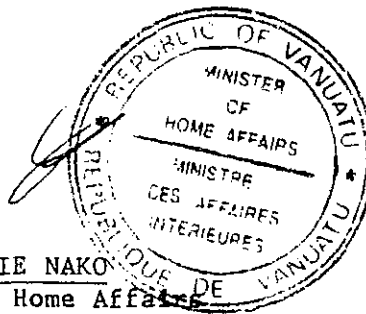
REPEAL OF REGULATIONS NO: 23 OF 1994

18. The Local Government Councils Election (Amendment) Regulations No. 23 of 1994 is repealed.

COMMENCEMENT

19. This Order shall come into force on the date of its signature.

DATED the 17th day of September, 1996.



CHARLIE NAKO
Minister of Home Affairs