

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 27 of 1977

TO PROVIDE for the registration of electors for elections in the New Hebrides.

MADE by the Resident Commissioners under the provisions of Articles 2:2, 7 and 62 of the Anglo-French Protocol of 1914, after consulting the Provisional Council constituted by Joint Decision No. 61 of 1977.

PART I - REGISTRATION OF ELECTORS

Interpretation.

1. In this Regulation, unless the context otherwise requires -

"election" includes a by-election;

"electoral roll" means the electoral roll established for the purpose of any election under the provisions of section 14(4);

"home district" means the district to which a person is considered, by reason of birth, or principal interests, to belong;

"roll" includes a supplementary roll;

"provisional electoral list" means in the case of first elections to any Municipal Council or Community Council or for a territorial constituency, the provisional electoral list compiled in accordance with the provisions of sections 3 to 13, and in the case of all subsequent elections, the existing electoral roll established for the purpose of the last preceding election or elections:

Provided that in the case of any subsequent election or by-election, the Resident Commissioners may, if they consider it necessary, direct that a new provisional electoral list shall be compiled in accordance with the provisions of sections 3 to 13;

"operative date" means the date, to be determined in respect of each election or by-election by the Resident Commissioners by joint decision, to which the requirements of this Regulation regarding the minimum age of electors, or their length of residence in the New Hebrides, or their place of

residence in the New Hebrides, or all or any of those matters is related;

"registration area" means that part of a ward or constituency in respect of which a single electoral roll is established;

"revision" means the procedure of verifying, completing, supplementing, correcting and bringing up to date the provisional electoral list, in accordance with the provisions of section 14(4), for the purpose of establishing an electoral roll.

(2) References in this Regulation to any other Joint Regulation, Decision or Rule are references to that other Regulation, Decision or Rule as amended.

Electoral
Committees.

2. (1) For the purposes of compiling provisional electoral lists to enable electoral rolls to be established for the purposes of any local government or territorial election, the Resident Commissioners shall by Joint Decision appoint an Electoral Committee for such places as they shall deem necessary, of which the Co-Chairmen shall be the French and British District Agents for the District within which the place for which the Committee is appointed lies, and each Committee shall comprise four other persons jointly appointed.

(2) No decision of an Electoral Committee shall be valid unless at least four members, including both Co-Chairmen, are present.

Function of
Electoral
Committees.

3. (1) The function of each Electoral Committee shall be to supervise the compilation of a provisional electoral list of electors for local government and territorial elections, for the purpose of the establishment of an electoral roll.

(2) For the purpose of the compilation of the provisional electoral list, the Electoral Committee shall ascertain such information concerning such persons in any place as the Co-Chairmen may deem necessary or the Resident Commissioners may from time to time direct.

Registration
Officers.

4. (1) Every Electoral Committee may appoint, in writing under the hands of the Co-Chairmen, any person to be a Registration Officer for the purposes of this Regulation.

(2) Every District Agent and Assistant District Agent shall be ex officio a Registration Officer for the Electoral Committee or Committees within his administrative district.

(3) Registration Officers shall work in teams comprising not less than two Registration Officers, the membership of which teams shall be determined by the Co-Chairmen of the Electoral Committee concerned, and when determining any matter upon which they are required to give a decision under this Regulation, their decision shall be unanimous.

(4) Where the Registration Officers cannot agree on any decision, the matter shall be referred for decision to the Electoral Committee.

Assistance
by two
inhabitants.

5. Registration Officers working as a team may call upon two suitable inhabitants in any place to assist them in the determination of the age or place of residence of any person or persons or of any other material question for the purpose of compiling the provisional electoral list, and such inhabitants shall render the assistance required.

Duty of
persons to
give
inform-
ation.

6. Every person who is called upon by a Registration Officer to give any information concerning himself for the purpose of determining whether he should be enrolled on the provisional electoral list shall without delay give such information to the best of his knowledge and belief.

Evidence of
qualific-
ation.

7. Any person applying for registration on the provisional electoral list may be required to furnish a declaration certifying that he or she is qualified as an elector. Such declaration shall be in the form prescribed in the First Schedule and shall be signed by two persons (not related to the applicant) approved by the two Registration Officers as being persons of good character and having adequate knowledge of the facts in question.

Eligibility
for regis-
tration.

8. Every person shall be eligible for registration on the provisional electoral list for the registration area in which he or she is residing at the time of the preparation of such list if he or she -

(i) had been resident in the New Hebrides for the period of three years immediately preceding polling day or the provisions of section 1 of the Representative Assembly (Special Provisions) Regulation No. 44 of 1975, as amended, applied to him or her; and

(ii) will have attained the age of 21 years on or before polling day; and

- (iii) was not disqualified from voting by virtue of the provisions of section 2 of the Representative Assembly (Election) Regulation No. 30 of 1975; and
- (iv) either was residing in the said registration area on or before the operative date, or his or her home district is situate within the said registration area:

Provided that any person who at the time of the compilation of the provisional electoral list is residing in a registration area other than that within which his or her home district is situate may apply to be registered on the provisional electoral list for the registration area within which his or her home district is situate and such registration shall be allowed if, on receipt of a completed application in the form prescribed in the Second Schedule, the Electoral Committee competent for such home district is satisfied that the applicant is in all other respects eligible to be registered as an elector.

Eligibility for registration on revised lists.

9. Any person not having been registered on the provisional electoral list or whose registration has been annulled, may be registered on the provisional electoral list at the time of its revision in accordance with the provisions of section 14, if he or she has the necessary qualifications:

Provided that in the case of any by-election in a territorial constituency, no elector shall be entitled to apply for his or her registration on the provisional electoral roll of the constituency in which the by-election is to be held unless -

- (a) his or her home district is within the constituency in which the by-election is to be held; or
- (b) he or she has normally resided within the said constituency since the operative date (disregarding periods of temporary absence).

Electoral cards.

10. (1) At the time of the registration of any person in the provisional electoral list, the Registration Officers shall, if they are satisfied that such person is qualified as an elector at any election, issue to such person an electoral card

in a form approved by the Resident Commissioners which shall identify such person by name and certify that he is so registered as aforesaid and shall indicate the registration area and polling station for which he has been registered as an elector. A duplicate of such card shall be made and retained by the Registration Officers for transmission to the Electoral Committee.

(2) A new electoral card may be issued to any person to whom an electoral card has been issued under the provisions of subsection (1) -

(a) if it is established, by means of a written declaration in the form prescribed in the Third Schedule, that the original electoral card has been lost or destroyed;

(b) if it is established upon production of the original electoral card that it is defaced or otherwise unfit for further use.

(3) Every replacement electoral card regularly issued shall be of the same validity as an original electoral card.

(4) Every original electoral card surrendered upon the issue of a replacement electoral card shall be clearly cancelled and returned without delay to the Electoral Committee concerned which shall, after verification of the procedure, cause the same to be destroyed.

Additions to,
or removals
from,
provisional
roll.

11. (1) Any person who considers that the refusal of a registration team to include his name on the provisional electoral list is unjustified may require the Electoral Committee to consider his application and all declarations and facts submitted in support thereof. In the event that the Electoral Committee should determine that the name of the applicant should be included on the provisional electoral list they shall cause an electoral card to be issued to him.

(2) The Electoral Committee may order the removal of the name of any person from the provisional electoral list before its closure if for any reason it appears to them that such name should be removed therefrom, and shall require such person to surrender the electoral card issued to him.

Offences.

12. (1) Any person who wilfully resists, obstructs or hinders any member of an Electoral Committee or any Registration Officer in the lawful execution of his duties under this Regulation or any rules made thereunder shall be guilty of an offence punishable by a fine not exceeding 10,000 FmH or the equivalent

thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding three months or by both such fine and imprisonment.

(2) Any person who wilfully gives any false information to any member of an Electoral Committee or any Registration Officer or wilfully makes a false certificate, document or declaration under section 7, 8, 9 or 10, or fraudulently destroys or alters any electoral card issued to any person under the provisions of section 10, shall be guilty of an offence and liable upon conviction to the penalties prescribed in subsection (1).

(3) Any Registration Officers who knowingly register or cause to be registered as an elector any person who is not qualified to be so registered or knowingly issue or cause to be issued an electoral card under the provisions of section 10 to any person who is not entitled to such electoral card, shall be guilty of an offence and liable upon conviction to the penalties prescribed in subsection (1).

Electoral
Offices at
Vila and
Santo.

13. (1) There shall be established at Vila and Santo an Electoral Office which shall be under the general supervision of the Resident Commissioners and of which the two District Agents at Vila and at Santo respectively shall be ex officio the Co-Superintendents. A District Agent may be replaced, as circumstances may require, by an Assistant District Agent.

(2) When each Electoral Committee has established a provisional electoral list within the area of its competence, it shall forward the same in the form of a list or by means of the duplicate copies of all electoral cards, or both, to the Electoral Office concerned.

(3) The Electoral Office at Santo shall have competence with respect to the Northern administrative district and such other areas as the Resident Commissioners may from time to time direct. The Electoral Office at Vila shall have competence with respect to all other parts of the New Hebrides.

(4) The functions of the Electoral Offices shall be to prepare a sufficient number of copies thereof for publication and revision in accordance with the provisions of section 14 and to assist in such revision, generally to assist the Electoral Committees concerned and, where requested by the Co-Chairmen, to act in any matter on their behalf, together with such other functions as may be conferred on them by direction of the Resident Commissioners. Where appropriate, the members of the staff of each Electoral Office may be appointed as Registration Officers by the Electoral Committees concerned.

(5) The Electoral Offices shall prepare and issue the electoral rolls established in accordance with the provisions of section 14(4), for the purposes of polling at the prescribed polling stations.

Revision of provisional electoral list and establishment of electoral rolls.

14. (1) As soon as practicable after the publication of a Joint Decision of the Resident Commissioners fixing the date of any election, each Electoral Committee concerned shall cause the provisional electoral list to be made available for public inspection during normal business hours at the District Agencies and the appropriate Electoral Office and shall take all such other steps to cause the same to be made available for public inspection in the rural areas as may be reasonably practicable. In particular, every Registration Officer shall have in his or her possession a copy thereof relating to the polling area or areas for which he is responsible for the purpose of notifying the public generally and for examination by any person upon request. Such period of publication of the provisional electoral list shall be not less than fourteen days and end on a date to be prescribed by Joint Decision of the Resident Commissioners being a date not later than seven clear days before the commencement of polling, which date shall be deemed for all purposes to be the date of closure of the provisional electoral list.

(2) Before the closure of the provisional electoral list, any person may make application, orally or in writing, to the Electoral Committee concerned, the appropriate Electoral Office or to any Registration Officer, respecting -

- (a) the inclusion or omission of his name on the provisional electoral list;
- (b) the correction of any particulars or information contained in any entry on such list;
- (c) the correction of any particulars or information on his electoral card issued in accordance with section 10;
- (d) the deletion of the name of any other person from such list.

All applications made under paragraph (d) above shall be referred for decision to the Electoral Committee concerned. Where any such application is made orally, the person to whom it was made shall record it in writing and forward it to the said Electoral Committee.

(3) Any person who has not previously been registered on the provisional electoral list may apply for his registration in accordance with the provisions of section 9. Such application shall be granted if he or she has the necessary qualifications and an electoral card shall be issued to him or her.

All applications for registration under the provisions of section 9 shall be referred by the Registration Officers who received them to the Electoral Committee concerned which shall decide upon the acceptance or refusal of the applications.

Registration Officers shall forward a written report to the Electoral Committee concerned of each application or representation which has been rejected.

(4) As soon as practicable after the ending of the period of publication of the provisional electoral list, the Electoral Committee concerned shall meet and shall consider the list together with all outstanding applications and representations concerning it and the reports of the Registration Officers and the Electoral Office concerned. The Electoral Committee shall determine all such outstanding applications and representations and may upon further consideration of the decision of the Registration Officers upon any application or representation and all facts and subsequent representations relevant thereto, confirm or reverse such decision. The Electoral Committee shall thereupon establish the electoral roll for the election or elections concerned. The master copy of each electoral roll shall be initialled at the foot of each page by the Co-Chairmen of the Committee; on the last page of each roll the Co-Chairmen shall certify the number of pages and the total number of entries and shall sign and date their certificate in the presence of not fewer than two other members of the Committee.

PART II - ADDITIONAL FUNCTIONS OF ELECTORAL
COMMITTEES IN LOCAL GOVERNMENT ELECTIONS

Electoral Committees to determine complaints, etc. after polling.

15. Every Electoral Committee shall, in the case of elections for a Municipal Council or Community Council, have such additional functions and powers after the closing of polling with respect to determining the overall result of the election and the investigation and determination of any complaints, objections or disputes concerning the regularity of the voting procedure at any polling station or stations within the area of its competence as may be conferred upon it by Joint Rules made by the Resident Commissioners governing the holding and conduct of such elections.

Reports of results of investigation. 16. Each Electoral Committee shall report without delay the results of its investigation of any questions concerning the regularity of the voting procedure in accordance with the provisions of section 15 to the Resident Commissioners and shall give reasons for its decisions thereon.

PART III - MISCELLANEOUS PROVISIONS

Joint Rules. 17. The Resident Commissioners may by Joint Rules prescribe any procedure or matter necessary for or incidental to the implementation of this Regulation which Rules may constitute offences and provide penalties therefor.

Retroactive effect of Joint Rules and Joint Decisions. 18. (1) For the avoidance of doubt, it is hereby declared that any Joint Decision or Joint Rules made under this Regulation, may be brought into effect on a date prior to the making thereof, so, however that no Joint Rules constituting an offence or providing a penalty shall be so brought into effect.

(2) It is hereby declared that Joint Decision No. 66 of 1977 has effect as if it had been made in accordance with the powers conferred by this section.

Repeals. 19. (1) The Joint Electoral Committees Regulation No. 8 of 1975 as amended by Joint Regulations Nos. 18 of 1975, 25 of 1975, 26 of 1975, 3 of 1976, 24 of 1976, 26 of 1976, 28 of 1976 and 22 of 1977 is hereby repealed.

(2) The Repeals effected by subsection (1) shall not affect the continuance in operation of any Joint Rules or Joint Decisions made in exercise of the powers conferred by the enactments repealed thereby.

Citation and commencement. 20. This Regulation may be cited as the Electoral Registration Regulation No. 27 of 1977 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this 12th day of August 1977.

F. DOYEN

J.S. CHAMPION

F The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Resident Commissioner

FIRST SCHEDULE

DECLARATION OF QUALIFICATION AS ELECTOR

We the under-signed do hereby declare that to the best of our knowledge and belief

.....

(full name of intended elector)

(here insert appropriate fact or facts giving rise to qualification as elector, as appropriate, according to nature of elections concerned e.g. age, period of residence in the New Hebrides, length of residence or domicile in any place, lack or expiry of disqualification, etc.)

And we hereby acknowledge that we are aware that the wilful making of a false declaration of qualification as an elector constitutes an offence punishable under the Electoral Registration Joint Regulation of 1977.

Dated at this day of 19 .

Signature

.....

Witnesses : (Registration Officer, Chief or Native Court Assessor)

SECOND SCHEDULE

APPLICATION TO BE REGISTERED AS AN ELECTOR IN HOME
DISTRICT OUTSIDE REGISTRATION AREA

I, the undersigned, hereby make application for registration in my home district, being a place outside the registration area within which I am at present residing and hereby declare that the facts set forth below are true and correct to the best of my knowledge and belief.

NAME
FIRST NAME/NICKNAME
SEX
FATHER'S NAME
MOTHER'S NAME
DATE OF BIRTH
HOME DISTRICT
PRESENT ADDRESS
LENGTH OF RESIDENCE AT PRESENT ADDRESS
LENGTH OF RESIDENCE IN HOME DISTRICT
LENGTH OF RESIDENCE IN NEW HEBRIDES

And I hereby acknowledge that I am aware that the wilful making of a false declaration constitutes an offence punishable under the Electoral Registration Regulation of 1977.

INDICATION OF APPLICANT'S INTENTION

- * (i) I expect to return to my home constituency before the elections and wish to vote there in person;
 - * (ii) I expect to be still living in my place of current residence at the time of elections and wish to vote by proxy in my home constituency.
- (* Cross out whichever is not applicable)

DATED at this day of 19 .

Signature of applicant

Witnesses (Registration Officers)

NOTIFICATION OF REGISTRATION

To be detached by the District Agents in the Applicant's home constituency and sent to him via the Electoral Committee in his constituency of current residence only if he intends to vote by proxy in his home constituency:

To: Mr/Mrs/Miss

.....(current address)

viaElectoral Committee.

You have been registered as an elector in Polling Area
..... of(Home constitu-
ency)
and your Elector's card and Proxy form have been given to
Mr/Mrs/Miss
of (Address of your proxy).

THIRD SCHEDULE

DECLARATION OF LOSS OR DESTRUCTION OF ELECTORAL CARD

I, the undersigned, hereby declare that my electoral card
issued at for the
Electoral Constituency, has been lost/destroyed (delete the word
inapplicable).

I acknowledge that I understand that the making of a
wilfully false declaration constitutes an offence punishable
under the provisions of the Electoral Registration Joint
Regulation of 1977.

Signature