Commencement: 30 December 1982

LOCAL GOVERNMENT COUNCIL ELECTION RULES

Order 61 of 1982
Order 63 of 1987
Order 14 of 1996
Order 16 of 2000
Order 19 of 2005

ARRANGEMENT OF RULES

PART 1 – INTERPRETATION
1. Interpretation

PART 2 – CANDIDATES FOR ELECTION
2. Disqualification for election
3. Eligibility of candidates
4. Declaration of candidature
5. Declaration of invalidity of candidature by the Commission
6. Resubmission of declaration of candidature by candidates
7. Publication of lists of candidates

PART 3 – ELECTION OF MEMBERS OF A LOCAL GOVERNMENT COUNCIL
8. Declaration of election without a poll and notice of new poll
9. Returning officers
10. Electoral rolls to be in polling stations and voters only to vote if therein and have electoral cards
11. Persons not entitled to vote
12. Polls to be secret and electors to vote once for one candidate
13. Proxy vote
14. Suspension and stopping of poll
15. Display and locking of ballot boxes
16. Method of voting and procedures
17. Publication of results

PART 4 – ELECTION REPORTS
18. Report by the Principal Electoral Officer

PART 5 – ELECTION OF CHAIRMEN AND DEPUTY CHAIRMEN
19. Election of chairmen and deputy chairmen and method of election
20. *(Repealed)*
21. Election procedure
22. Notice of election of chairman or deputy chairman
23. Notification of results
24. Challenge of elections
25. Resignation of chairman or deputy chairman
26. Eligibility to hold office of chairman or deputy chairman
27. Term of office of chairmen and deputy chairmen

PART 6 – CORRUPT PRACTICES
28. Personation
29. Bribery
30. Treating
31. Undue influence
32. Penalty for corrupt practices

PART 7 – ELECTION PETITIONS
33. Election Disputes Committee
34. Elections only to be challenged under these rules
35. Persons who may present election petitions
36. Petitions only valid if deposit made
37. Time for presentation of petitions
38. Election petitions to be in writing and copies to be served on affected persons
39. Proceedings of Election Disputes Committee
40. Decision of Election Disputes Committee
41. Grounds for declaring election void
42. Examination of votes casts
43. Communication of decision of Election Disputes Committee and appeals
44. Reports to Public Prosecutor
45. No person required to reveal his vote
46. Savings when election declared void
47. Disposal of reports and documents

SCHEDULE 1
Declaration of candidature

SCHEDULE 2
Rules for voting by proxy

SCHEDULE 3
Election of candidates Rules

LOCAL GOVERNMENT COUNCIL ELECTION RULES

To prescribe rules for local government council elections.

PART 1 – INTERPRETATION

1. Interpretation

In these rules, unless the context otherwise requires –

"Act" means the Decentralization Act [Cap. 230];

“constituency” means an area of a local government region as declared under section 6(4) of the Act;

“election" includes a by-election;

“electoral officer" means the Principal Electoral Officer and officers of the Electoral Office, a registration officer; an assistant registration officer; a returning officer or a polling clerk;

"polling day" means the day fixed for an election or the commencement of an election in accordance with section 8(2)(a) of the Act.

PART 2 – CANDIDATES FOR ELECTION

2. Disqualification for election

A person shall be disqualified for election or appointment as a member of a local government council if he –

(a) is a member of Parliament;

(b) is disqualified from being a member of Parliament;

(c) is in the service of the local government council.

3. Eligibility of candidates

A person is eligible to stand as a candidate for election to a local government council if he or she:

(a) is a citizen of Vanuatu; and

(b) is registered as an elector in the local government region in which he or she is a candidate; and

(c) is not disqualified from voting; and

(d) has not received a sentence including a suspended sentence of a term or terms of imprisonment which has not ended; and

(e) is not an undischarged bankrupt; and

(f) has attained 21 years of age.

4. Declaration of candidature

(1) On or before a date determined in writing by the Electoral Commission, a candidate for a local government council election must lodge with a registration officer within the meaning of the Representation of the People Act [Cap. 146] in the local government region in which the election is to be held:

(a) a declaration of candidature signed by him or her containing the particulars and in the form set out in Schedule 1 or in a form substantially similar to that form approved by the Principal Electoral Officer; and

(b) a deposit of VT 20,000; and

(c) 2 full face photographs of himself or herself; and

(d) except for a candidate sponsored by a political party having a symbol approved by the Electoral Commission, an illustration on paper of his or her personal electoral symbol.

(2) A declaration of candidature must also contain the signatures of not less than five sponsors who are registered to vote in the local government region and not related to the candidate.

(3) No person may lodge a declaration of his or her own candidature for more than one local government region.

(4) The registration officer who receives a declaration must forward the declaration immediately to the Principal Electoral Officer. The Principal Electoral Officer must, as soon as practicable, send a receipt in a form approved by him or her to the candidate.

(5) The Principal Electoral Officer must within 48 hours after receiving all declarations:

(a) make a list of the candidates named in the declarations;

(b) give copies to the Electoral Commission together with such comments on the validity of the candidature of any person named in the list as he or she considers fit.

5. Declaration of invalidity of candidature by the Commission

(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.

6. Resubmission of declaration of candidature by candidates

(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 resubmit 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.

7. Publication of lists of candidates

A list of candidates shall be displayed at –

(a) the offices of the local government council;

(b) the Parliament building;

(c) the office of the Minister;

(d) the Electoral Office; and

(e) such other places in the local government region as the Minister may direct, for not less than 14 days before polling day except in the case of new or re-submitted candidatures under rule 6 where the period shall be not less than 9 days.

PART 3 – ELECTION OF MEMBERS OF A LOCAL GOVERNMENT COUNCIL

8. Declaration of election without a poll and notice of new poll

(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.

9. Returning officers

Every polling station shall be presided over by a returning office appointed for that purpose by the electoral officer.

10. Electoral rolls to be in polling stations and voters only to vote if therein and have electoral cards

(1) During voting a copy of the electoral roll shall be kept in every polling station.

(2) No person may vote unless his name is contained in the roll of electors of the polling station at which he presents himself for voting, and he produces a valid electoral card issued to him.

11. Persons not entitled to vote

Persons detained in a mental hospital in accordance with the law shall not be entitled to vote whether or not their names may be on an electoral roll.

12. Polls to be secret and electors to vote once for one candidate

(1) A poll shall be taken by secret ballot.

(2) Subject to rule 13, no person shall have more than 1 vote nor vote for more than one candidate.

13. Proxy vote

A person may vote by proxy in the circumstances and in the manner provided for in Schedule 2.

14. Suspension and stopping of poll

(1) Where polling is interrupted at a polling station in such circumstances that in the opinion of the returning officer, it is temporarily impossible to continue he may suspend the poll and recommence it when he considers polling may continue undisturbed.

(2) Where there has been suspension and reopening in accordance with subrule (1) polling shall continue after the time fixed for ending the poll for the period of the suspension unless the returning officer is satisfied that every elector on the roll has cast his vote.

(3) When circumstances arise which in the opinion of a returning officer make it impossible to continue with a poll within a reasonable time whether or not polling has already been suspended under subrule (1) he shall declare the poll stopped and inform the Principal Electoral Officer of the declaration who shall immediately forward a report thereon with any comment he may have to the Minister.

(4) When a poll has been stopped under subrule (3) all proceedings before the declaration shall be annulled by the Minister by Order either –

(a) in every polling station in the relevant constituency if the result in the constituency as a whole could be affected by the addition of the votes of voters of the polling district where the poll has been stopped; or

(b) in the polling station where the poll has been stopped only if the results in the relevant constituency as a whole could not be materially affected by the addition of the votes of voters of the polling district where the poll has been stopped;

and in either case the Minister shall in the Order fix a new day and time for polling and a new poll shall be held.

(5) If in the opinion of the returning officer and not less than one polling clerk not later than half an hour before the time fixed for polling to close the number of voters waiting will not be able to vote in that time he may extend the time to the close of the poll by 1 hour and shall record the extension in his report under paragraph 19 of Schedule 3.

(6) The returning officer may close the polling station when all the voters on the roll have voted but the counting of votes shall not start earlier than 1 hour before the time fixed for the end of polling.

15. Display and locking of ballot boxes

Immediately before the commencement of a poll the returning officer shall show the interior of the ballot box to those lawfully present in the polling station and then lock the box with 2 padlocks having different keys and shall retain the key of one and give the other to a polling clerk.

16. Method of voting and procedures

The method of voting, procedures to be observed during polls, and the manner of counting votes and declaring the election of candidates shall be in accordance with the provisions of Schedule 3.

17. Publication of results

As soon as practicable after an election the Minister shall cause the results to be published in each constituency in such manner as he considers appropriate and in the Gazette.

PART 4 – ELECTION REPORTS

18. Report by the Principal Electoral Officer

After an election the Principal Electoral Officer shall make a report to the Minister with regard to the conduct of the election in the local government region and shall forward with the report -

(a) a copy of each report received in accordance with paragraph 19 of Schedule 3; and

(b) his comments thereon.

PART 5 – ELECTION OF CHAIRMEN AND DEPUTY CHAIRMEN

19. Election of chairmen and deputy chairmen and method of election

(1) Each local government council shall elect by secret ballot from among its members a chairman and not more than three deputy chairmen.

(2) The candidate who gains the votes of a majority of the members of the council shall be elected.

(3) Where two or more candidates gain the same number of votes the older shall be considered elected.

(4) The election of each deputy chairman shall be in accordance with subrules (1), (2), and (3).

20. *(Repealed)*

21. Election procedure

The meeting at which the election of the chairman takes place shall be presided over by a deputy chairman. If there is no deputy chairman the oldest person not being a candidate shall preside.

22. Notice of election of chairman or deputy chairmen

Notice of the election of a chairman or deputy chairmen shall be given to members of the council not less than 3 days before the election is due to take place.

23. Notification of results
The results of the election of a chairman or deputy chairmen shall be published by means of a public notice affixed in a prominent place near the main entrance of the council office within 24 hours of its taking place and shall, within the same period, be notified to the Minister.

24. Challenge of elections
The election of chairman and deputy chairmen may be challenged in the same manner and within the period prescribed for objections concerning the elections of the members of the council. The period allowed for the admission of objections shall commence 1 clear day after the date of election.

25. Resignation of chairman or deputy chairmen
(1) A chairman or deputy chairman may resign his office by notice in writing signed by him and delivered to the secretary of the council.

(2) A notice of resignation shall be delivered to the secretary of the council not later than 14 days before such resignation is to take effect.

(3) Two weeks after receipt of such notice of resignation of a chairman or deputy chairman, a meeting of the council shall be convened to elect a new chairman or deputy chairman.

26. Eligibility to hold office of chairman or deputy chairman
Only persons elected to be members of the local government council may hold the office of chairman or deputy chairman or temporarily carry out the duties thereof.

27. Term of office of chairman and deputy chairmen
(1) Subject to rule 25, all chairmen and deputy chairmen shall hold office until the end of 1 year from the date of their election or until the dissolution of the council whichever occurs earlier.

(2) At the end of the term of office of a chairman and/or a deputy chairman a meeting of the council shall be convened to elect a new chairman and/or deputy chairman in accordance with rules 19, 21 and 22.

(3) Chairmen and deputy chairmen who have completed a term of office shall be eligible for re-election to these offices.

PART 6 – CORRUPT PRACTICES

28. Personation
A person commits the offence of personation if he –

(a) except when voting as a proxy, votes as some other person whether that other person is living or dead or is a fictitious person; or

(b) votes as proxy for a person whom he knows or has reasonable grounds for supposing to be dead or a fictitious person.

29. Bribery
(1) A person commits the offence of bribery –

(a) if he directly or indirectly by himself or by other person –

(i) gives any money or procures any office to or for any voter or to or for any other person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting;

(ii) corruptly does any such act on account of any voter having voted or refrained from voting; or

(iii) makes any such gift or procurement to or for any person in order to induce that person to procure, or endeavour to procure, the election of any candidate or the vote of any voter;

or if upon or in consequence of any such gift or procurement he procures or engages, promises or endeavours to procure the election of any candidate or the vote of any voter;

(b) if he advances or pays any money or causes any money to be paid to or to the use of any other person with the intent that such money or any part thereof shall be expended in bribery at any election or knowingly pays any money or causes any money to be paid to any person in discharge or repayment of any money wholly or in part expended in bribery at any election;

(c) if before or during an election he directly or indirectly, by himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration or any office, place or employment for himself or for any other person for voting or agreeing to vote or from refraining or agreeing to refrain from voting;

(d) if after an election he directly or indirectly by himself or by any other person on his behalf receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or refrain from voting.

(2) For the purposes of subrule (1) –

(a) references to giving money include references to giving, lending, agreeing to give or lend, offering, promising and promising to procure or to endeavour to procure any money or valuable consideration:

(b) references to procuring office include references to giving, procuring, agreeing to give or procure, offering, promising and promising to procure or to endeavour to procure any office, place or employment.

30. Treating

A person commits the offence of treating –

(a) if he corruptly by himself or by any other person either before, during or after an election directly or indirectly gives or provides or pays wholly or in part the expenses of giving or providing any food, drink or entertainment to or for any person –

(i) for the purpose of corruptly influencing that person or any other person to vote or refrain from voting; or

(ii) on account of that person or any other person having voted or refrained from voting or being about to vote or refrain from voting;

(b) if he corruptly accepts or takes food, drink or entertainment offered in the circumstances and for the purpose mentioned in paragraph (a) of this rule.

31. Undue influence

A person commits the offence of undue influence if –

(a) he directly or indirectly by himself or by any other person on his behalf –

(i) makes use of or threatens to make use of any force, violence or restraint; or

(ii) inflicts or threatens to inflict by himself or by any other person any temporal or spiritual injury, damage, harm or loss upon or against any person, in order to induce or compel that person to vote or refrain from voting, or on account of that person having voted or refrained from voting; or

(b) by abduction, duress or any fraudulent device or contrivance he impedes or prevents the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter either to vote or to refrain from voting.

32. Penalty for corrupt practices

(1) The offences of personation, bribery, treating and undue influence are corrupt practices for the purposes of these rules.

(2) A person convicted of a corrupt practice shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 5 years or to both.

PART 7 – ELECTION PETITIONS

33. Election Disputes Committee

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

(2) The Chief Justice may replace a member who is unable to carry out his duties or ceases to be qualified or fill any vacancy.

(3) *(Repealed)*

(4) The names of the members of the Election Disputes Committee together with the address of the Committee for service of Petitions shall be published in the Gazette.

34. Elections only to be challenged under these rules

(1) The validity of any election to the local government council may be questioned by a petition brought for that purpose under these rules and not otherwise.

(2) Every election petition shall be heard by the Election Disputes Committee.

35. Persons who may present election petitions

An election petition may be presented by one or more of the following –

(a) a person who is registered to vote at the election to which the petition relates;

(b) a person claiming himself to have been a candidate at such election.

36. Petitions only valid if deposit made

(1) The presentation of an election petition shall not be valid unless within the time specified in rule 37, the person seeking to present the same lodges with the Election Disputes Committee a deposit of VT 100,000 as security for costs.

(2) Subject to subrule (3) a deposit made under subrule (1) shall be returned to the petitioner after the petition has been heard.

(3) The Election Disputes Committee may deduct from a deposit made under subrule (1), the amount of any costs ordered to be paid.

37. Time for presentation of petitions

(1) Subject to subrule (2) an election petition shall be presented within 21 days of the publication in the Gazette of the results of the election to which the petition relates.

(2) If a petition alleges a specific payment of money or other reward after an election by or on the account of a person whose election is disputed, the petition may be presented within 21 days of the alleged payment.

(3) The time limit provided for in this rule shall not be extended.

38. Election petitions to be in writing and copies to be served on affected persons

(1) An election petition shall be in writing and shall specify the ground or grounds upon which an election is disputed.

(2) The Election Disputes Committee shall cause a copy of each election petition to be served on any person whose election may be affected by the petition and allow such person a reasonable time in which to make any submissions in writing on the hearing of the petition.

39. Proceedings of Election Disputes Committee

(1) The members of the Election Disputes Committee may make such rules or decisions not inconsistent with these rules or any other law and any stipulations or decisions made pursuant to rule 33(3) concerning the conduct of proceedings before them, the times and places of their meetings and adjournment thereof as they shall consider proper.

(2) The proceedings of the Committee shall be conducted in English, French or Bislama according to the choice of the petitioner and interpreters shall be provided by the Committee.

(2) The proceedings of the Committee shall be recorded in writing.

(4) Persons may be represented before the Committee by counsel.

(5) No person appearing before the Committee shall be bound to incriminate himself and all such persons shall be entitled to the privileges accorded to a witness appearing before the Supreme Court.

40. Decisions of Election Disputes Committee

(1) On hearing a petition the Election Disputes Committee may –

(a) declare the election to which the petition relates is void;

(b) declare a candidate other than the person whose election is questioned was duly elected; or

(c) dismiss the petition and declare the person whose election is questioned was duly elected.

(2) The Election Disputes Committee may make such orders as to the payment of costs by any person appearing before it as it may deem fit.

41. Grounds for declaring election void

(1) The election of a candidate may be declared void on an election petition if it is proved to the satisfaction of the Election Disputes Committee, that –

(a) bribery, treating, undue influence or other misconduct or circumstances whether similar to those hereinbefore enumerated or not, have so extensively prevailed that they may be reasonably supposed to have affected the result of the election;

(b) there has been such non-compliance with the provisions of these rules in the conduct of polling or in any other matter that such non-compliance affected the result of the election;

(c) the candidate was at the time of his election a person not qualified or disqualified for election; or

(d) there was such irregularity in the counting of the votes as may reasonably be supposed to have affected the result of the election.

(2) The election of a candidate shall be declared void if he is convicted by a competent Court of committing a corrupt practice or of attempting or conspiring to commit a corrupt practice.

(3) Notwithstanding the provisions of subrule (1) –

(a) where upon the hearing of an election petition the Election Disputes Committee finds that any agent of a candidate has been guilty of a corrupt practice and the Election Disputes Committee further finds that the candidate has proved to the Election Disputes Committee that –

(i) no corrupt practice was committed by the candidate himself or with his knowledge or consent or approval;

(ii) the candidate took all reasonable means for preventing the commission of corrupt practices at such election;

(iii) in all other respects the election was free from any corrupt practice on the part of the candidate; and

(iv) such corrupt practices did not affect the result of the elections;

then, if the Election Disputes Committee so recommends, the election of such candidate shall not by reason of any such practice be void.

(b) Where upon the hearing of an election petition the Election Disputes Committee finds that there has been failure to comply with any provision of these rules but the Election Disputes Committee further finds, that it is satisfied that the election was conducted in accordance with the principles laid down in these rules and that such failure did not affect the result of the election, the election of the successful candidate shall not, by reason of such failure, be void.

42. Examination of votes cast

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.

43. Communication of decision of election disputes committee and appeals

(1) The decisions of the Election Disputes Committee shall be communicated without delay to the petitioner and all persons whose election is subject to such petition.

(2) Any person referred to in subrule (1) may within 14 days of such decision or such further time as the Supreme Court may allow appeal to that Court in writing giving brief reasons for his appeal.

(3) After consideration of the written appeal and of the record of the proceedings before the Election Disputes Committee the Supreme Court may either dismiss the appeal summarily or give the other persons affected by the appeal an opportunity to lodge replies to it and fix a date to hear the appeal.

(4) Any decision of the Supreme Court on an appeal whether a summary dismissal or a decision after a hearing shall be final.

(5) The Supreme Court may make rules of procedure to be observed in relation to appeals to it under this rule.

(6) The Election Disputes Committee forthwith after the end of a period of 14 days after its decision, or in the case of an appeal the Supreme Court forthwith after its decision, shall inform the Minister thereof who shall take all proper measures to effect it and shall inform the Council of Ministers of the decision.

44. Reports to Public Prosecutor

The Election Disputes Committee or if an appeal from its decision is made the Supreme Court shall if in its opinion anyone has committed an offence of a corrupt practice in connection with an election to which a petition heard by it relates, send a written report in respect thereof to the Public Prosecutor.

45. No person required to reveal his vote

No person who has voted in an election shall in any proceedings be required to state for whom he has voted.

46. Savings when election declared void

Where on an election petition the election of a member of the local government council is declared void nothing done by him prior to such declaration either as a member of the local government council or in an office for which membership of the council is a qualification shall be thereby invalidated.

47. Disposal of reports and documents

(1) Subject to subrule (2) the Electoral Office shall retain for not less than 1 year all reports sent to it in accordance with these rules and all documents sent therewith including packets of counted and void votes.

(2) Documents relating to an election in respect of which an election petition or any legal proceedings have been commenced shall not be destroyed until the proceedings have ended.

(3) The Supreme Court when hearing an election petition or any court trying a person for any corrupt practice may make an order that any document retained by the Electoral Office shall be inspected, copied or produced at such time and place subject to such conditions as it thinks fit.

(4) No order shall be made under subrule (3) unless the Court is satisfied that inspection, copying, or production is essential for the hearing of a charge of a corrupt practice or the hearing of an election petition.

(5) Except as provided by subrule (3) no person may inspect or copy any document retained by the Electoral Office under these rules.

SCHEDULE 1

(Rule 4(1)(a))

Important information about the Declaration of Candidature form

1. Persons wishing to context local government council elections must fill in / complete the attached Declaration of Candidature form;
2. The applicant must be a citizen of Vanuatu and aged 21 years of more;
3. The signature of five sponsors (who must be registered voters in the local government region and not related to him/her) must be provided;
4. When this form is completed (including sponsorship details) it must be handed to a registration officer for the local government region for which the person named as the candidate is declaring himself/herself a candidate together with:
   (a) a deposit of VT 20,000;
   (b) two passport sized photographs of the candidate (preferably not colour photographs) and;
   (c) an illustration on paper of the candidate's personal electoral symbol, unless he/she is sponsored by a political party with an approved symbol. The symbol should be a simple design in black and white and must not include any words.

DECLARATION OF CANDIDATURE

I, ... (name in capitals)

of ..... (name of island) being

a citizen of Vanuatu and aged ..... years

HEREBY DECLARE

1. Myself as a candidate for election to the ..... local government council;
2. That I am registered as a voter in the electoral roll for the polling station of ……..... and my electoral card number is …….....;
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; and
6. That my occupation/profession is ……..

Date: .....…….. Signature: .....

SPONSORS OF CANDIDATE

1. NAME: ..... ADDRESS: .....
   OCCUPATION: ..... ELECTORAL CARD NO.: .....
   POLLING STATION: ..... SIGNATURE .....

2. NAME: ..... ADDRESS: .....
   OCCUPATION: ..... ELECTORAL CARD NO.: .....
   POLLING STATION: ..... SIGNATURE .....

3. NAME: ..... ADDRESS: .....
   OCCUPATION: ..... ELECTORAL CARD NO.: .....
   POLLING STATION: ..... SIGNATURE .....

4. NAME: ..... ADDRESS: .....
   OCCUPATION: ..... ELECTORAL CARD NO.: .....
   POLLING STATION: ..... SIGNATURE .....

5. NAME: ..... ADDRESS: .....
   OCCUPATION: ..... ELECTORAL CARD NO.: .....
   POLLING STATION: ..... SIGNATURE .....

SCHEDULE 2

(Rule 13)

Local Government Council Elections Rules

RULES FOR VOTING BY PROXY

ARRANGEMENT OF RULES

PART 1
1. Application to vote by proxy
2. Decisions of registration officer and notification thereof
3. Revocation of proxies and further applications
4. Elector who has obtained issue of proxy may vote in person
5. Proxy nullified on death or cessation of eligibility of voter or his proxy
6. Limitations on voting by proxy
7. Manner of voting by proxy and casting of own vote

PART 2
FORM A - Application to vote by proxy
FORM B - Proxy form

PART 1

1. Application to vote by proxy

(1) Any person who is entitled to vote may only vote by proxy if he can demonstrate that by reason of –

(a) occupation;

(b) health; or,

(c) religion,

he is unable to vote at the polling station where he is registered to vote.

(2) A person referred to in subrule (1) shall apply to the electoral officer for the constituency in which he is entitled to vote by the completion and submission thereof of Form A in Part 2 of these Rules accompanied by his electoral card.

(3) A person who is prevented from voting by reason of his occupation shall accompany his application with a certificate signed by his head of department, superior officer, manager or other person to whom he is responsible certifying as to his inability to vote in person and the reason therefor.

(4) A person who is prevented from voting in person by reason of health shall accompany his application with a certificate by a recognised medical practitioner, nurse, dresser or on the unavailability of any such persons a person of standing certifying as to his inability to vote in person and the reason therefor.

(5) A person who professes to be prevented from voting in person by reason of religious obligations shall accompany his application by a certificate of a minister of his religion that confirms that he cannot vote for reasons of religion.

(6) Every application under subrule (2) hereof shall reach the electoral officer not less than 72 hours before polling.

2. Decisions of electoral officer and notification thereof

(1) If the electoral officer who receives an application under rule 1(2) is satisfied that –

(a) an applicant is entitled to vote by proxy; and

(b) the person named as proxy is registered on the same poll as the applicant,

he shall so inform the applicant using the detachable part of the application form and deliver by post or other means the completed proxy form in Form B in part 2 of this Schedule and the applicant's electoral card to the proxy named by the applicant.

(2) For the purposes of subparagraph (1) the electoral officer shall be deemed to have delivered a proxy form and electoral card if he makes known to a proxy that the cards are available for collection at the polling station on polling day.

(3) If an electoral officer who receives an application under paragraph 1(2) is not satisfied that the applicant is entitled to vote by proxy he shall so inform the applicant.

(4) If an electoral officer although being satisfied that an applicant under paragraph 1(2) is entitled to vote by proxy but that the person nominated as proxy is not eligible to be a proxy for the applicant he shall so inform the applicant and invite him to nominate another person provided that in his opinion the applicant will be able to make such nomination not less than 72 hours before polling.

3. Revocation of proxies and further applications

(1) A voter may revoke a proxy by notice in writing to a registration officer.

(2) A voter who has revoked a proxy may apply for the issue of another.

4. Elector who has obtained issue of proxy may vote in person

A voter who has obtained the issue of a proxy may vote in person provided he obtains his electoral card from his proxy before that person votes on his behalf.

5. Proxy nullified on death or cessation of eligibility of voter or his proxy

(1) Where the voter or his proxy dies or ceases be eligible to vote a proxy shall become null and void.

(2) The electoral officer shall recover the proxy form.

6. Limitations on voting by proxy

(1) No voter may cast a proxy vote for more than two voters.

(2) If more than two proxies are made out in the name of the same voter the two earliest in time shall be valid.

(3) If more than two proxies issued to a voter bear the same date the voter shall be required by the returning officer at his polling station to choose those two under which he will cast votes and surrender any others.

(4) The electoral officer will cause any voter whose proxy is invalid to be so informed without undue delay.

7. Manner of voting by proxy and casting of own vote

(1) A proxy voter shall vote for the person for whom he is proxy in the same manner as he casts his own vote.

(2) If a proxy voter wishes to cast his own vote he must do it at the same time as he votes as proxy.

(3) When a person votes as proxy he must produce his own electoral card; the proxy form authorising him to vote as proxy; and the electoral card of the person for whom he is voting.

PART 2

FORM A

Local Government Council Elections Rules

APPLICATION TO VOTE BY PROXY

To the electoral officer for the constituency of .....

1. I, ... of ..... being registered to vote at ..... polling station hereby apply for the issue of a proxy to ..... of ..... who is entitled to vote at the same polling station.

2. I cannot attend at the polling station on polling day by reason of –

*(a) my occupation;
(b) my health;
(c) my religion;
.....
.....

(delete whichever is not applicable and give particulars and details stating how your attendance is prevented)

1. I enclose a certificate from my –

*(a) head of department;
(b) superior officer;
(c) manager, etc.;
(d) medical officer;
(e) dresser or nurse;
(f) minister of religion, sister;
(g) other responsible person.

(delete whichever is not applicable)

Dated this ..... day of ..... 20 .....

…….....
Signature of Applicant

NOTE: THIS APPLICATION MUST BE ACCOMPANIED BY THE APPLICANT'S ELECTORAL CARD.

NOTIFICATION TO APPLICANT TO VOTE BY PROXY
(to be detached from application form and delivered to proxy)

To: .....……

*1. Your application to vote by proxy has been rejected because
.....
.....
.....

*2. Your application to vote by proxy has been accepted but the person is not named on the roll for .....…..... and you are requested to nominate another person who is on that roll.

*3. Your application to vote by proxy has been approved and the proxy form and your electoral card have been delivered to, or made available for collection by .....……..

Date: ..... Signed: .....
Electoral Officer

Delete whichever is not applicable

FORM B

Local Government Council Elections Rules

VANUATU GOVERNMENT
PROXY FORM
(cover)

Registration area no. .....

Name .....

Polling station letter .....

Polling station name .....

VALID ONLY FOR THE ..... election .....

Official stamp and date of voting

PROXY FORM
(Inside page)

Name .....

First name .....

Sex .....

Date of birth or age .....

Address .....

*Registered as a voter at .....

Electoral card no. .....

IS HEREBY AUTHORISED TO VOTE AS PROXY ON BEHALF OF –

Name .....

First name .....

Sex .....

Date of birth .....

Address .....

*Registered as a voter at .....

Electoral card no. .....

Given at ..... Date .....

By ..... Signature of .....

Electoral officer for .....

**The proxy must be qualified as a voter and registered on the same electoral register as the voter giving the proxy.*

SCHEDULE 3

(Rule 16)

Local Government Council Election Rules

ELECTION OF CANDIDATES RULES

ARRANGEMENT OF RULES

1. One polling station in each polling district
2. Polling clerks
3. Authorised representatives of candidates
4. Equipment at polling stations
5. Notices for guidance of voters
6. Opening of polling station
7. Resolution of difficulties and statement of objections and decisions
8. Regulation of admission to polling station
9. Keeping of order in polling station
10. Voting
11. Polling clerk's duties in respect of person who has voted
12. Replacement of spoilt ballot papers
13. Report on persons suspected of personation
14. Assistance to disabled voters
15. Members of public to be admitted to observe count
16. Counting of votes
17. Void ballot papers
18. Recounts
19. Declaration of votes and report on voting
20. Notification of votes cast for each candidate to Minister
21. (Repealed)
22. Declaration by Electoral Commission of candidates elected
23. (Repealed)
24. (Repealed)
25. Declaration by Electoral Commission of eldest candidates elected

1. One polling station in each polling district

(1) The Principal Electoral Officer shall determine the location of one polling station in each polling district.

(2) The Electoral Office shall be responsible for its installation.

2. Polling clerks

(1) An electoral officer shall appoint such number of polling clerks to assist the returning officer as may be necessary.

(2) The oldest polling clerk shall act as returning officer during the absence or incapability of the returning officer.

3. Authorised representatives of candidates

(1) A candidate or political party may nominate in writing to the electoral officer not less than 24 hours before polling an authorised representative for each polling station who may attend during voting and counting and who may require any comment, dispute or protest to be included in the report by the returning officer made under rule 19(2).

(2) Subject to subrule (3) the Electoral Office shall issue each authorised representative nominated under subrule (1) with a letter of authority and an identification badge or identification card.

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

(4) A returning officer shall not permit to remain in a polling station any person who claims to be an authorised representative of a candidate but who cannot produce a letter of authority.

(5) A list of all authorised representatives of candidates shall be displayed at all polling stations.

4. Equipment at polling stations

(1) Each electoral officer shall be provided by the Electoral Office with such number of ballot boxes, ballot papers and envelopes bearing official markings as shall be necessary for them to supply to returning officers for the purpose of carrying out their duties.

(2) Each ballot box shall have 2 padlocks with dissimilar keys and shall be so constructed that when locked ballot papers can be put therein but cannot be withdrawn.

(3) The Electoral Office shall also provide each electoral officer with –

(a) lists of authorised representatives provided for in rule 3(5) for each polling station;

(b) 2 copies of the electoral roll for each polling station in which the station is established;

(c) sufficient copies of the electoral laws;

(d) enough polling booths to enable voters to vote in secrecy;

(e) sufficient tally sheets for recording the votes cast for each candidate; and

(f) sufficient numbers of any notices required by law to be displayed in polling stations.

5. Notices for guidance of voters

A notice in legible print giving descriptions in English, French and Bislama for the guidance of voters in voting shall be exhibited inside and outside each polling station.

6. Opening of polling station

The returning officer shall open the polling station over which he presides on polling day and at the time provided for in the notice referred to in rule 8(4) of the Local Government Council Elections Rules.

7. Resolution of difficulties and statement of objections and decisions

(1) A returning officer shall endeavour to amicably resolve all difficulties that may arise during the poll giving reasons for his decisions.

(2) A written statement of all authorised representatives' objections and decisions thereon together with any relevant document initialed by the returning officer and a polling clerk shall be included in the report made by the returning officer under rule 19(2).

8. Regulation of admission to polling station

(1) The returning officer shall regulate the number of voters to be admitted to a polling station at the same time and shall exclude all other persons except –

(a) the polling clerks;

(b) officials of the Electoral Office;

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

(d) police officers on duty;

(e) companions of disabled voters;

(f) press representatives and other persons authorised by the Electoral Office.

(2) All persons authorised to be in a polling station shall wear an identification badge or carry an identification badge or carry an identification card.

9. Keeping of order in polling station

(1) It shall be the duty of the returning officer to keep order at his polling station.

(2) If a person misconducts himself at a polling station or fails to obey the lawful orders of the returning officer he may by order of the returning officer be removed.

(3) A person removed in accordance with subrule (2) shall not without the permission of the returning officer re-enter the polling station.

(4) The power conferred by this rule shall not be exercised so as to prevent a voter who is otherwise entitled to vote at a polling station from having the opportunity of voting at that polling station.

10. Voting

(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

(f) leave the polling station without undue delay after the completion of the formalities referred to in rule 11.

11. Polling clerk's duties in respect of person who has voted

After each voter has voted a polling clerk shall –

(a) in those polling districts where it is required, place an indelible mark on the thumb nail of the voter which shall so far as possible be indelible for the period of the poll;

(b) stamp and endorse on the electoral card of the voter the date of election;

(c) place his signature or initials opposite the name of the elector in the margin of the second electoral roll; and

(d) return the card to the elector.

12. Replacement of spoilt ballot papers

A voter who satisfies the returning officer that he has inadvertently spoilt a ballot paper may on surrendering it obtain another.

13. Report on persons suspected of personation

If before a voter leaves a polling station a candidate or his authorised representative or a polling clerk informs the returning officer he has reasonable cause to believe that the voter has committed the offence of personation and agrees to substantiate the accusation in a court the returning officer shall report the matter to the Principal Electoral Officer.

14. Assistance to disabled voters

(1) Any person suffering from a physical disability may be granted permission by a returning officer to be accompanied into a polling station by a person of his choice to assist him in voting.

(2) The granting of permission under this rule shall be recorded in the report made by the returning officer under rule 19(2).

15. Members of public to be admitted to observe count

A returning officer shall allow as any members of the public to observe a count as can do so without hindering counting.

16. Counting of votes

(1) Immediately after a poll is closed the returning officer shall administer the counting of the votes which shall be done by -

(a) opening the ballot box or boxes;

(b) the returning officer removing all envelopes from each box;

(c) the returning officer taking the ballot papers from the envelopes;

(d) the returning officer reading out the name on each ballot paper;

(e) the polling clerks recording the number of votes cast for each candidate on 2 tally sheets provided for that purpose.

(2) If the number of envelopes is found to be more or less than the marginal signatures or initials made in the roll in accordance with rule 1 l(c), the discrepancy shall be stated in the report provided for in rule 19(2).

17. Void ballot papers

Any ballot paper which –

(a) by any writing or mark thereon identifies the voter;

(b) is not in an envelope or is in a non-official envelope; or

(c) is in an envelope containing more than 1 ballot paper;

shall be void and not counted.

18. Recounts

On the close of counting or on a recount a candidate or his authorised representative may request the returning officer to conduct a recount and further recounts but the returning officer may refuse to do so if in his opinion the request is unreasonable.

19. Declaration of votes and report on voting

(1) When a returning officer is satisfied that the count or recounts are complete he shall declare counting of votes completed and formally announce the votes cast for each candidate.

(2) Immediately after declaring the counting of votes completed the returning officer shall complete the official report on polling which shall state –

(a) the number of registered voters;

(b) the number of voters who voted;

(c) the number of void ballot papers;

(d) the number of valid votes cast for each candidate;

(e) such other matters as these rules provide shall be included; and

(f) such other matters as the Principal Electoral Officer shall direct may be included.

(3) The report shall be made in duplicate in French, English or Bislama.

(4) It shall be signed by the returning officer and the polling clerks. It shall be countersigned by such of the candidates as may be present at the count.

(5) After it has been signed the report shall be placed in a sealed envelope.

(6) The returning officer shall also seal in separate packets the counted and void ballot papers and endorse on each packet -

(a) a description of its contents;

(b) the date of polling; and

(c) the name and number of the polling station.

(7) The packets referred to in subrule (6) shall, immediately after they have been sealed and endorsed, be signed on the outside by the persons referred to in subrule (4).

(8) The report and the sealed packets referred to in subrule (6) shall be delivered to the electoral officer responsible for the constituency in which the poll was taken by the returning officer or by a person instructed by him.

20. Notification of votes cast for each candidate to minister

When an electoral officer has received all the reports provided for in rule 19 including reports from any polling stations where a new poll has been held under the provisions of rule 14 of the Local Government Council Election Rules he shall notify the Minister of the number of votes cast for each candidate in the constituencies for which he is responsible.

21. *(Repealed)*

22. Declaration by Electoral Commission of candidates elected

(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.

23. *(Repealed)*

24. *(Repealed)*

25. Declaration by the Electoral Commission of oldest candidate elected

Should two or more candidates in a constituency receive the same number of votes so that if one of them only had received that number of votes he would have been declared elected under rule 23 the Minister shall declare the eldest elected.

Table of Amendments (since the Revised Edition 1988)

1 Amended by Order 14 of 1996
3 Amended by Order 16 of 2000
4 Substituted by Order 14 of 1996, then by Order 16 of 2000
4(1)(b) Amended by Order 19 of 2005
5 Substituted by Order 14 of 1996
6 Substituted by Order 14 of 1996
7 Amended by Order 14 of 1996
8 Substituted by Order 14 of 1996
14(4) Amended by Order 14 of 1996
17 Amended by Order 14 of 1996
19-27 Amended by Order 14 of 1996
20 Repealed by Order 63 of 1987
33 Amended by Order 14 of 1996
Sched 1 Substituted by Order 14 of 1996, then by Order 16 of 2000; amended by Order 19 of 2005
Sched 3:
Rule 21 Repealed by Order 14 of 1996
Rule 22 Substituted by Order 14 of 1996
Rule 23, 24 Repealed by Order 14 of 1996
Rule 25 Amended by Order 14 of 1996
Annex Repealed by Order 14 of 1996