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CHAPTER 104

ELECTION OF THE PRESIDENT

JR 4 of 1980

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ELECTION OF THE PRESIDENT

To make provision for the election of the President of the Republic.

1. Writ for election of President

(1) Within 2 days of a vacancy occurring in the office of President of the Republic the Chief Justice shall issue a writ for election of the President.

(2) A writ for the election of the President shall be in accordance with Form A in Schedule 1 and shall state the day on which the electoral college provided for in Article 34 of the Constitution shall meet to elect the President.

(3) The day referred to in subsection (2) shall be a day not earlier than 2 weeks nor later than 3 weeks after the day of the vacancy occurring in the office of the President.

2. Notification of issue of writ and of election

As soon as practicable after the issue of the writ the Electoral Commission shall cause a notice to be published in the Gazette and exhibited throughout Vanuatu in such public places as it shall consider appropriate stating –

(a) that the writ has been issued;

(b) the day on which the election shall take place;

(c) the place or places where nomination papers must be lodged;

(d) the last day on which nomination papers may be lodged; and

(e) the place where the voting will take place.

3. Nomination papers

(1) A nomination paper for a candidate for election as President shall be in Form B in Schedule 1 and shall be subscribed by the signatures of ten persons who shall themselves be qualified to be elected as President of the Republic.

(2) The nomination paper shall be endorsed with the consent to nomination of the person named therein as a candidate for election as President.

4. Invalid nomination papers

The Electoral Commission may declare a nomination paper invalid only on the ground that –

(a) the particulars of the candidate or the persons who subscribed their signatures are not as required by law; or

(b) that the paper is not subscribed or endorsed as provided in section 3.

5. Resubmission of corrected nomination paper

Where the Electoral Commission considers that a nomination paper is invalid by reason only of a *bona fide* error it shall allow the paper to be resubmitted with the error corrected not less than 48 hours before publication of the list of candidates in accordance with section 7.

6. Withdrawal of candidature

A candidate for election as President may withdraw by notice in writing addressed and delivered to the Chief Justice not less than 5 days before the day fixed for the election.

7. Publication of list of candidates

Not less than 2 days before the day fixed for the election, the Electoral Commission shall publish in such manner as it shall consider appropriate a list of candidates for election as President.

8. Chief Justice returning officer

(1) The Chief Justice shall be the returning officer for election of President of the Republic and shall supervise the poll.

(2) The Chief Justice may appoint not more than two persons not entitled to vote in the Presidential election as assistant returning officers who may assist in supervising the poll and counting the votes.

9. Ballot papers and election arrangements

The Chief Justice shall cause ballot papers to be printed and supplied to all the members of the electoral college and make such other arrangements to ensure the secrecy of the ballot as he shall consider proper.

10. Declaration of result

After voting has taken place and the votes have been counted the Chief Justice shall announce to the electoral college –

(a) the number of electors present;

(b) the number of votes cast;

(c) the number of votes agreed as spoilt and invalid by the Chief Justice and two scrutineers elected by the college from amongst its members immediately prior to voting;

(d) whether or not a person has been elected in accordance with Schedule 1 of the Constitution;

(e) if a person has been elected, his name;

(f) if a person has not been elected the time and place of the meeting of the college.

11. Same procedure to apply to all meetings for election

If no person is elected at the first meeting of the electoral college the election at the next meeting or subsequent meetings shall also be conducted in accordance with sections 8, 9, 10 and 12.

12. Notification of election of President

(1) Forthwith upon the election of the President of the Republic the Chief Justice shall notify the Electoral Commission in writing in Form C in Schedule 1 of the name of the person elected.

(2) The Electoral Commission shall publish the election result in the Gazette without undue delay after it has received the notification provided for in subsection (1).

13. Oath of office

Before taking up the duties of his office the President shall in the presence of the Chief Justice, make the Oath contained in Schedule 2.

14. Regulations

The Prime Minister may by Order make such regulations not inconsistent with this Act of an administrative or procedural nature as he shall consider necessary to facilitate the operation of this Act.

SCHEDULE 1

FORM A

(section 1)

WRIT FOR ELECTION OF PRESIDENT OF THE REPUBLIC TO THE ELECTORAL COMMISSION

Whereas it is necessary to hold an election of the President of the Republic

NOW THEREFORE I

command you to make all necessary arrangements for the holding of such election in accordance with the law

AND I DIRECT that the poll be taken on the day of , 20

at

MADE under my hand this day of , 20 .

Chief Justice

FORM B

(section 3)

NOMINATION OF CANDIDATE FOR ELECTION AS PRESIDENT OF THE REPUBLIC

We the undersigned being persons qualified to be elected President of the Republic of Vanuatu HEREBY NOMINATE

.....

of .....

to be a candidate for election as President of the Republic and certify that to the best of our knowledge and belief he is qualified for election.

Signatures and names (the latter in block capital letters)

1. ..... 6. .....
2. ..... 7. .....
3. ..... 8. .....
4. ..... 9. .....
5. ..... 10. .....

Dated the ..... day of ....., 20.....

I ..... of .....
consent to nomination as a candidate for election as President of the Republic and declare I am qualified to be so elected.

Dated ..... Signature .....

FORM C

(section 12)

CERTIFICATE OF ELECTION OF THE PRESIDENT OF THE REPUBLIC

To the Electoral Commission.

I HEREBY CERTIFY that .....

was on the ..... day of ....., 20..... elected President of the Republic in accordance with the requirements of the Constitution.

Dated this day of , 20 .

Chief Justice

SCHEDULE 2

(section 13)

PRESIDENTIAL OATH

I ..... having been duly elected President of the Republic of Vanuatu SWEAR BY ALMIGHTY GOD that I will uphold and defend the Constitution and protect the rights of all people in the Republic of Vanuatu without fear or favour.

SO HELP ME GOD.

SWORN ON THE DAY OF , 20 .

Signed .....
PRESIDENT OF THE REPUBLIC

Signed .....
CHIEF JUSTICE