

REPUBLIC OF VANUATU

BILL FOR THE ELECTORAL (AMENDMENT) ACT NO. OF 2025

Explanatory Note

This Bill amends the Electoral Act No 16 of 2023 (“the Act”).

After the implementation of the Electoral Act No. 16 of 2023 in the Snap General Election of 2025, Provincial Government Elections in Penama, Malampa, Shefa, and Tafea provinces, and multiple by-elections and new policy initiatives, the Electoral Office has identified several legislative deficiencies and procedural irregularities that impacted electoral delivery.

To ensure that the Act continues to support credible and efficient elections, it is important that these amendments be made. These should strengthen operational clarity, enhance oversight mechanisms, and improve the overall integrity and transparency of Vanuatu’s electoral processes.

The main amendments to the Act are as follows:

1. paragraph 6(1)(a) is amended to allow the President to prescribe the number of seats in a constituency; and
2. subsection 8(1) is amended to specify that the 70% threshold is of the votes obtained by the person who has secured the last seat in the multi-member constituency; and
3. subsection 36 (1) is amended to provide that subject to Article 28(4) of the Constitution, the President, acting on the advice of the Electoral Commission, after the consultation with the Prime Minister, is to determine the date for a general election for Parliament; and
4. subsection 46(1) is amended to include a representative of the Village Council of Chiefs, Area Council of Chiefs, Island Council of Chiefs and National Council of Chiefs as persons who may nominate candidates for election; and
5. section 70(3) is being repealed as it is no longer necessary; and.
6. to provide that any distribution of handouts and gifts to influence voters during the election period is prohibited.

Minister of Internal Affairs



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BILL FOR THE ELECTORAL (AMENDMENT) ACT NO. OF 2025

An Act to amend the Electoral Act No. 16 of 2023.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Electoral Act No. 16 of 2023 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF THE ELECTORAL ACT NO. 16 OF 2023

1 After paragraph 6(1)(a)

Insert

“(aa) prescribe the number of Members of Parliament to be elected in respect of each parliamentary constituency; and”

2 Subsection 8(1)

Repeal the subsection, substitute

“(1) In this section, **threshold number** means a number, subject to subsection (2), being 70% of the number of votes:

- (a) for a single constituency - of the candidate who was declared the winning candidate for a seat by the Commission.
- (b) for a multi-member constituency - of the candidate who won the last seat.”

3 Paragraph 17(1)(a)

Repeal the paragraph, substitute

“(a) a person (the first mentioned person) directly or indirectly promises, offers or gives a benefit to another person or gives a gift to another person; and”

4 Subsection 36(1)

Repeal the subsection, substitute

“(1) Subject to subarticle 28(4) of the Constitution, the President, on the advice of the Electoral Commission, after consultation with the Prime Minister, is to determine the date for a general election for Parliament.

5 Subsection 46(1)

Repeal the subsection, substitute

- “(1) If a person intends to stand as a candidate for election in a constituency, the person must be nominated as a candidate by the following persons:
- (a) in the case of a candidate representing a custom movements- 3 Chiefs who are either members of a Village Council of Chiefs, Area Council of Chiefs or Island Council of Chiefs of that constituency and who have been approved by the Malvatumauri Council of Chiefs; or
 - (b) 5 voters who are registered in and reside in that constituency at the time of the nomination.”

6 Section 70

Repeal the section.