



# SOLOMON ISLANDS GAZETTE

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Friday 18<sup>th</sup> November,

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## EXTRA ORDINARY GAZETTE

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**THE NATIONAL PARLIAMENT (ELECTORAL PROVISIONS)  
REGULATIONS 2005**

**ARRANGEMENT OF REGULATIONS**

**REGULATION:**

1. SHORT TITLE
2. BALLOT PAPER DRAW
3. INFORMAL BALLOT PAPERS
4. REJECTED BALLOT PAPERS
5. PROCEDURES FOR COUNTING AND RECORDING VOTES
6. RECOUNT OF BALLOT PAPERS

**THE NATIONAL PARLIAMENT (ELECTORAL  
PROVISIONS) ACT  
(Cap.87)**

**THE NATIONAL PARLIAMENT (ELECTORAL PROVISIONS)  
REGULATIONS 2005**

IN exercise of the power conferred upon the Minister by section 88 of the National Parliament (Electoral Provisions) Act, the Minister hereby makes the following regulations -

**1.** These Regulations may be cited as the National Parliament (Electoral Provisions) Regulations 2005.

**2.** (1) The Returning Officer shall determine the order of candidates on the ballot paper in accordance with these Regulations.

(2) The Returning Officer shall publish a notice stating the place, date and time when the order is to be determined within seven-days of the publication of a notice under section 24 of the Act.

(3) The order shall be determined as soon as is practicable after the expiry of the time published for the close of nominations under section 25(1)(b) of the Act.

(4) The Returning Officer shall, at that place, date and time, before all persons present at that place -

- (a) present the list of candidates in such order as the Returning Officer considers appropriate;
- (b) read out the list of candidates;
- (c) present an empty ballot box for inspection;
- (d) close and seal the empty ballot box to prevent it being opened without breaking the seal;

Short Title

Ballot paper draw  
- sections 38, 88,  
Schedule 4

- (e) present equally sized unmarked papers such that there is one paper for each candidate;
- (f) write the name of the candidate appearing first on the Returning Officer's list on the first paper, present the paper for inspection, then fold the paper in half and in half again before placing the paper in the empty ballot box; write the name of the candidate which appears second on the Returning Officer's list on the second paper, present the paper for inspection, then fold the paper in half and half again before placing the paper in the ballot box; and so on until all candidates have been allocated one paper in the draw;
- (g) rotate the ballot box and permit any other person present, who wishes to do so, to rotate the ballot box;
- (h) open the ballot box;
- (i) cause a public officer, who is blindfolded and has been blindfolded since before the opening of the ballot box, to take the papers out of the ballot box one by one and, as each paper is taken out, to pass it to another public officer, who will call out the name on the paper and present the paper for inspection;
- (j) present the ballot box for inspection once all names have been called; and
- (k) prepare a list of the names called out in accordance with subparagraph (i) set out in the order in which they were called out in accordance with subparagraph (i).

(5) Subject to subregulation (6), the order in which the names are set out in the list prepared in accordance with subregulation 4(k) is the order of candidates on the ballot paper determined by the Returning Officer under this regulation.

(6) If a candidate withdraws his or her nomination within the time provided for in section 25(1)(c) of the Act, that candidate shall be omitted from the ballot paper such that the order of candidates remains the same as provided in subregulation 4(k) save for that candidate.

(7) The decision of the Returning Officer as to the order of candidates on the ballot paper is final.

(8) Any error or mistake incurred in determining the order of candidates on the ballot paper is not a ground for voiding the election.

**3.** In addition to section 50 of the Act, a ballot-paper will be informal and shall not be counted if:

- (a) it does not contain a mark in one box; or
- (b) it contains a mark in more than one box

**4.** (1) In addition to the requirements of s 51 of the Act, the Returning Officer shall:

- (a) endorse the word “Rejected” on any ballot paper which is informal; and
- (b) add to the endorsement the words “rejection objected to” if an objection to his or her decision is made by any counting agent.

(2) In addition to the requirements of s 52 of the Act, the Returning Officer shall include in his or her statement the number of ballot papers rejected due to informality.

**5.** (1) The procedures for counting and recording votes shall be conducted in the manner set out in this regulation.

(2) Each Returning Officer, with the assistance of any Assistant Returning Officer(s), shall:

- (a) exhibit for the inspection of candidates and their counting agents each ballot box received from a presiding officer;
- (b) record the condition of the ballot box when it was received;
- (c) record the number of ballot papers in the ballot box by:
  - (i) removing the ballot papers from the box;
  - (ii) counting, but not inspecting, them; and
  - (iii) recording the number of ballot-papers removed from the box;

Informal ballot  
papers - sections  
50, 88

Rejected ballot  
papers -  
sections 51, 52, 88

Procedures for  
counting and  
recording votes -  
sections 48, 88

- (d) arrange all rejected ballot papers in separate parcels according to the reason for which they were rejected and, arrange unrejected ballot papers under the names of the respective candidates by placing in a separate parcel all those on which a mark is indicated for the same candidate;
- (e) count and record the number of votes given for each candidate on all unrejected ballot papers;
- (f) undertake a fresh count of all the ballot papers removed from the ballot box and correct any error or mistake in the admission or rejection or allocation of ballot papers;
- (g) make out and sign a statement (which may be countersigned by any Assistant Returning Officer or public officer present) setting out the number of votes given for each candidate and the number of rejected ballot papers removed from the ballot box.

(3) The Returning Officer shall then deal with the ballot papers removed from the ballot box in accordance with s 54 of the Act and in addition to those requirements indorse on each packet a description of the contents thereof, and permit any public officer or Assistant Returning Officer present, if they so desire, to countersign the indorsement.

**6.** (1) At any time after all the counted ballot papers have been sealed up and before the declaration of the result for an election, a Returning Officer:

Re-count of ballot papers - sections 48, 88.

- (a) may, on the request of any candidate setting forth the reasons for the request, or of the Returning Officer's own motion; or
- (b) shall, if directed by the Electoral Commission;

re-count the ballot papers contained in any packet, except for the sealed packet of tendered ballot papers, in accordance with the regulation.

(2) Before re-counting any ballot papers, the Returning Officer shall provide notice of the date, time and place fixed for the re-count.

(3) At the time and place fixed for the re-count and in the presence of any candidates and their counting agents who attend and of a public officer, the Returning Officer shall open every sealed packet of ballot papers to be re-counted and count the votes in the packets.

(4) A packet containing ballot papers to be re-counted shall be opened without destroying or rendering illegible any writing on the packet and the contents of the packet shall not be mixed with ballot papers from any other packet.

(5) After the votes in a packet have been counted, the Returning Officer shall replace the ballot papers in their original cover, reseal and refasten the cover, place the resealed packet in a new cover, and seal and fasten the new cover.

(6) The Returning Officer conducting the re-count may reverse any decision in relation to the admission or rejection or allocation of any ballot paper.

(7) The Returning Officer shall write on the new cover a statement of the fact and date of the re-count of the votes in the cover and, along with any public officer or Assistant Returning Officer who chooses to add their signatures, shall sign the statement.

Dated at Honiara this eighteenth day of November, 2005.

HON. NELSON KILE  
Minister for Home Affairs