PROVINCIAL GOVERNMENT ACT 1981

THE WESTERN PROVINCE AREA COUNCIL ELECTION REGULATIONS 1989

[Consolidation: This is a consolidation of the principal Regulations and amendments or intended amendments as at 1 October 1995. Errors in spelling or grammar or omissions of words in the Gazetted Regulations have been corrected in this Consolidation. This is not an authorised version of the Regulations.

The principal Regulations came into effect on 16 February 1990 upon Gazettal under LN 22/90.

The enactments consolidated are:

WP Area Council Election Regulations 1990

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Pursuant to section 6(1) of the Western Province Area Council Ordinance 1989, the Western Provincial Executive makes the following regulations:

1 Title and commencement - These regulations may be cited as the Western Province Area Council Election Regulations 1989 and shall come into force on the date the regulations are approved by the Western Provincial Assembly or the date the Western

Province Area Council Ordinance 1989 is gazetted whichever is the latest.

2. Interpretation - In these regulations, unless the context otherwise requires:

'Assembly" means the Western Provincial Assembly established in accordance with section 7 of the Provincial Government Act 1981;

"Election' means the election of Members to Area Councils under the Ordinance and these Regulations and includes any by-election;

"Election day" means the day appointed for the holding of elections under these Regulations;

'Election Officer" means and includes a Returning Officer, Assistant Returning Officer, Residing Officer or Polling Assistant;

Executive" means the Western Provincial Executive established in accordance with sections 21 and 22. of the Provincial Government Act 1981

'Ordinance" means the Western Province Area Council Ordinance 1989 and includes any Ordinance passed in amendment or in substitution therefore;

'Subward' means one of the areas within the boundaries of a Ward from which Members are elected to represent that Ward on at, Area Council;

"Voter" means a person registered as a voter in accordance with the Local Government (Registration of Voters) Regulations:

"Ward" means one of the electoral wards established within an Area Council area from which Members are elected to the Area Council.

3. Chief Election Officer - (I) The Provincial Secretary for the time being of Western Province is the Chief Election Officer.

(2) The Chief Election Officer is responsible for organising and holding Elections in accordance with these Regulations.

(3) The Chief Election Officer must appoint one Returning Officer for each Area Council

(4) The Chief Election Officer may delegate any powers or duties assigned to the Chief Election Officer under these regulations to other Provincial employees.

4. Election expenses - The costs and expenses of Elections must be paid from the Western Provincial Fund or from such other source as the Assembly by resolution approves.

5. Non-compliance with regulations - No Election is invalid or void by reason of non-compliance with these Regulations if it appears that the Election was conducted in accordance with the principles of these Regulations and that the non-compliance did not affect the results of the Election.

6. Register of Voters - Prior to an Election (but not prior to a by-election) the Chief Election Officer must ensure that the Register of Voters is up to date in accordance with the Local Government (Registration of Voters) Regulations as amended.

7. Qualification to vote - A person is qualified to vote at an Election if the person is registered as a Voter under the Local Government (Registration of Voters) Regulations as amended.

8. Nomination of candidates - (1) Any person who is qualified under section 7 of the Ordinance and wishes to stand as a candidate for election in a Subward may be nominated as a candidate for that Subward.

(2) Nomination of a candidate for election to represent a Subward must be made in the form set out in Schedule 1 and signed by S persons who are Voters in the Subward for which the candidate wishes to stand for election.

(3) A nomination fee of $50.00 must be paid to the Chief Election Officer for payment into the Provincial Fund. The nomination fee must be refunded to a candidate:

> (a) If the candidate revokes his or her nomination before the date of closure of nominations;

> (b) If the candidate is declared duly elected pursuant to these regulations.

(4) The nomination fee must be refunded to the next of kin of the candidate if the candidate dies before the Election day.

(5) No voter is permitted to nominate more than one candidate.

(6) No candidate is permitted to be nominated to represent more than one Subward.

(7) A candidate may by notice in writing served on the Chief Election officer revoke his or her nomination at any time before the Election day.

9. Procedure prior to election - (I) No less than 35 days prior to the Election day the Chief Election Officer must publish public notices: .

> (a) appointing the Election day;

> (b) appointing the Returning Officers and specifying the Area Council for which each Returning Officer is responsible;

(c) requiring the nomination, of candidates' forms to be delivered to the Chief Election Officer no later than, 4 o'clock in the afternoon of a day no later than 21 days before the Election day (the date of Closure of nominations)

(d) specifying the places where nomination forms may be obtained;

(e) specifying that only one member can be elected for each Subward.

(2) When the time and date of closure of nominations has passed the Chief Election Officer must check all nominations to ensure that each is a valid nomination in accordance with the Ordinance and these Regulations. No invalid nomination is acceptable.

(3) No less than 7 days before the Election day the Chief Election Officer for the Returning Officers must publish an appropriate public notice in every Subward listing:

(a) the names of all candidates validly nominated in that Subward;

(b) the symbol allotted to each of the candidates;

(c) a list of the voters who are registered to vote in that Subward and the name of the polling station to which each voter is assigned;

a statement that voting is by secret ballot:

(e) the location or each of the polling stations in that Subward;

(f) the times during which the polling stations will be open for voting on Election day;

(g) the polling station where the votes will be counted for that Subward;

(h) the day and time when the votes will be counted for that Subward.

(4) The Chief Election Officer must:

(a) nominate the polling stations in each Subward:

(b) provide sufficient ballot boxes for each polling station;

(c) provide sufficient ballot papers at each polling station to endure that every voter assigned to a poling station is able to vote:

provide each polling station with a current list of registered Voters in that Subward;

(e) do any other act or thing necessary for the proper conduct of the Election.

(5) The Returning Officers must:

(a) appoint sufficient persons as Election Officers to preside at the polling stations;

(b) appoint one of the Election Officers at each polling station to be the Presiding Officer in charge of that polling station;

(c) assign a symbol to each candidate;

clearly mark each of the ballot boxes with a candidates name and symbol and seal each box in such a way that it can only be opened by breaking the seal(s);

(e) appoint Election Officers to be Assistant Returning Officers to be responsible for counting votes in the Ward;

(f) do any other act or thing necessary for the proper conduct of the Elections in the Wards and Subwards.

10. Unopposed nomination - Wherein any Subward only one candidate is nominated the Returning Officer must declare that candidate to be the duty elected Area Council Member for that Subward.

11 Election Day Procedure - (1) On the election flay the Election Officer must:

(a) explain, if requested the method of voting;

(b) ensure that only registered Voters vote;

(c) ensure that Voters only vote once;

(d) mark each ballot paper with, an official mark before it is given to a Voter;

(e) mark the list of registered Voters to show that a Voter has voted;

(f) keep order at the polling station by

(i) restricting the admission of Voters to the polling station at any one time;

(ii) excluding from, the polling station any person who is not a Police Officer, Area Constable, candidate, candidate's polling agent or Voter casting a vote;

(iii) instructing any Police Officer or Area Constable or, in their absence any other person to remove any person who misconducts himself or herself during voting hours at or within the vicinity of a polling station.

(2) The Presiding Officer must, in the presence of the other Election Officer(s) immediately following the close of voting:

    (a) securely seal the ballot boxes;

    (b) complete the ballot paper account;

    (c) place the ballot paper account and unused ballot papers, spoiled ballot papers, counterfoils, the Register of Voters and any other papers relating to the Election in an envelope and seal it.

(3) The Presiding Officer must, as soon as practicable following the close of voting personally deliver the ballot boxes and the sealed envelope referred to in regulation 1 1(2)(c) to the place nominated as the Counting Office and the Assistant Returning Officer.

12. Counting of votes- (1) The Assistant Returning Officers are responsible for the counting and recording of ballot papers.

(2) No person other than the Assistant Returning Officer, Election Officers, a Police Officer or Area Constable, the candidates or the candidates' nominated counting agents are permitted to be present at the counting and recording of ballot papers but it is in the discretion of the Assistant Returning Officer who shall actually be present.

(3) The successful candidate in each Subward is that candidate who receives the highest number of votes.

(4)   (a) Where at the conclusion of the counting of ballot papers the Assistant Returning Officer ascertains that the number of votes cast in favour of   two or more candidates is equal the assistant Returning Officer must recount the voting papers;

    (b) if the recount confirms that the number of votes is equal the Assistant Returning Officer must report the fact of equality of votes to the Chief Election officer;

    (c) the Chief Election Officer must upon receipt of a report in terms of regulation 12(4)(b) order a new election to be held in that Subward as soon as possible.

(5) When the result of an Election is ascertained the Assistant Returning Officer must immediately declare the candidates elected to represent each Subward on the Area Council in the following terms:

"I declare……..to be the elected representative of Subward……. in Ward Number………on the Area Council."

(6) The Assistant Returning Officer must as soon as practicable after the declaration of the result report the result to the Chief Election Officer and forward the ballot papers and all papers mentioned in regulation I l(2)(c) to the Chief Election Officer.

13. Publication of Results - (1) The Chief Election Officer must publish a public notice of the results of the Election in each Subward.

(2) The Chief Election Officer must, as soon as practicable inform in writing the successful candidates of their election and return the nomination fee to such candidates.

(3) The Chief Election Officer must keep in safe custody all documents relating to the Election for six months from the dale of publication of the results as provided in Regulations 13(2) but such documents may be destroyed upon the expiration of that period.

14. Election Petitions - The Local Government (Election Petition) Rules apply to election petitions which *may* be filed in respect of Elections conducted under these regulations and the said Rules shall be construed with such modifications, adaptations, qualifications and exceptions as are necessary to bring them into conformity with these regulations.

15. Miscellaneous - Regulations 20, 26, 27. 28, 31, 36, 37, 38, 39 and 49 of the Provincial Assembly Election Regulations 1986 apply to and are hereby deemed to form part of these Regulations and have effect as If the same "ore written out n full herein subject only to such modifications and adaptations as are necessary to bring thorn into conformity with these regulations included but not limited to the following:

In Regulation 49 substitute "Chief Election Officer" for Minister".

16. Combined Elections - These Regulations apply to the elections or by-elections of Members to Area Councils PROVIDED HOWEVER that when an election of Members to Area Councils takes place at the same time as an election of Members to the Provincial Assembly section 6(2) of the Ordinance applies.

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SCHEDULE 1

Candidate Nomination and Consent Form

WE, the persons named below are registered Voters in Subward…….and WE HEREBY NOMINATE ……….as a candidate for election to be the Member to represent Subward

in Ward Number on the Area Council.
I, of

1. …………………………………………….of…………………
(Full name of person making nomination)   (Village)

(Signature)

2. …………………………………………….of………………….
(Full name of person making nomination)   (Village)

(Signature)

3. …………………………………………….of………………….
(Full name of person making nomination)   (Village)

(Signature)

I ……………………………………………. (print name)

HEREBY CONSENT to being nominated and to stand as a candidate for election to be the Member to represent Subward……….in Ward Number……….on the……….Area Council in the Election to be held on ……….19

I CONFIRM that:

I an, a Solomon Island citizen
I have attained the age of IS years
I am ordinarily resident in Subward……….
I am not under any acknowledgment of allegiance, obedience or adherence to a foreign power or state
I am, not a Member of Parliament
I am not a Member of the Western Provincial Assembly
I am not an undischarged bankrupt
I have never been certified as insane or of unsound mind under Solomon Islands law
I am not under sentence of death imposed by a court or under a sentence of imprisonment for a term of or exceeding 4 months (which includes a suspended sentence but not a sentence in lieu of a fine)
I have never been, convicted of any offence relating to elections
I understand that if I am a public officer or a Provincial employee, Member of Parliament or Member of the Western Provincial Assembly I must resign my post within 7 days of my election.

I ENCLOSE the nomination Fee of $50.00.

(Signature) (Date)