

[Legal Notice No. 94]

**PROVINCIAL GOVERNMENT (ELECTION) (AMENDMENT)  
REGULATIONS 2019**

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IN exercise of the powers conferred by section 12 of the *Provincial Government Act 1997*, the Minister for Provincial Government and Institutional Strengthening makes the following Regulations:

**1. Citation**

These Regulations may be cited as the *Provincial Government (Election) (Amendment) Regulations 2019*.

**2. Commencement**

These Regulations commence on the date of publication in the *Gazette*.

**3. *Provincial Government (Election) Regulations 2010 amended***

These Regulations amend the Provincial Government (Election) Regulations 2010 (LN No. 148 of 2010) ("*Principal Regulations*").

**4. Regulation 2 amended**

Regulation 2 of the Principal Regulations is amended by inserting the following definitions in alphabetical order:

**"polling assistant"** means a person who is appointed polling assistant under regulation 19(c);

**"presiding officer"** means a polling assistant who is appointed presiding officer for a polling station under regulation 19(d);

**5. Regulation 11 amended**

Regulation 11 of the Principal Regulations is amended by repealing regulation 11(4) and substituting:

"(4) A candidate may, by written notice to the Returning Officer, withdraw his or her nomination within 48 hours after the end of the nomination period.

- (4A) The notice:
- (a) must be signed by the candidate; and
  - (b) takes effect when it is received by the Returning Officer.”

## 6. Regulation 23 repealed and substituted

The Principal Regulations are amended by repealing regulation 23 and substituting:

### “23. Hours of voting

- (1) Subject to subsection (2) and (3), the hours of voting on polling day are from 7 am to 5 pm.
- (2) The Returning Officer may approve other hours of voting on polling day for one or more electoral wards.
- (3) The Returning Officer must allow an elector who has not voted to vote if, at the end of voting hours, the elector is:
  - (a) inside the polling station; or
  - (b) standing in the line to vote (even if the elector is in line outside the polling station).”.

## 7. Regulation 24 amended

Regulation 24 of the Principal Regulations is amended by deleting regulation 24(c) and substituting:

- “(c) before providing an elector with a ballot paper, the polling assistant must:
  - (i) ask the elector if the elector has already voted for any of the candidates for his electoral ward at a polling station within the electoral ward; and
  - (ii) call out the number, name and description of the elector as contained in the copy of the register of electors; and

- (iii) mark the front of the ballot paper with the official mark referred to in regulation 19(e)(iii); and
- (iv) not place a mark on the counterfoil which would identify the elector; and
- (v) place a mark against the number of the elector on the copy of the register of electors so as to indicate that the elector has been provided with an ordinary ballot paper, but without indicating the number of that ballot paper.”.

## **8. Regulation 27 repealed and substituted**

The Principal Regulations are amended by repealing regulation 27 and substituting:

### **“27. Protested and invalidated votes**

- (1) This regulation applies if a polling agent at a polling station suspects that a person is impersonating an elector for the purpose of voting.
- (2) The polling agent must inform the presiding officer of the suspicion.
- (3) The presiding officer must advise the person that the person is suspected of impersonating an elector for the purpose of voting and ask the person if he or she is impersonating the elector.
- (4) If the person denies to the presiding officer that he or she is impersonating an elector:
  - (a) the person is still entitled to cast his or her vote (if they have not already voted); and

- (b) the presiding officer must record:
  - (i) “protested against impersonation” against the person’s name in the marked copy of the register of electors; and
  - (ii) the elctor’s name and identification number on a list (“the protested votes list”).
  
- (5) If the person admits to the presiding officer that he or she is impersonating an elector, the presiding officer must:
  - (a) not allow the person to vote; and
  - (b) record the admission in the approved form, which must be signed by the person and witnessed by the presiding officer; and
  - (c) record “refused vote for impersonation” against the person’s name in the marked copy of the register of electors; and
  - (d) record the elector’s name and identification number on a list (“the invalidated votes list”); and
  - (e) refer the person to a police officer; and
  - (f) give the police officer a copy of the signed admission form.
  
- (6) The protested votes list, the invalidated votes list and the admission form are admissible in a legal proceeding arising out of the election.”

**9. Regulation 28 amended**

Regulation 28 of the Principal Regulations is amended by repealing regulation 28(3) to (5) and substituting.

- “(3) The tendered ballot paper must not be deposited in a ballot box, but the elector to whom the tendered ballot paper was provided must either:
- (a) record his vote by placing a mark in the box in the ballot paper corresponding to the candidate for whom the elector wishes to vote; or
  - (b) call the presiding officer aside and inform him privately of the name of the candidate of his choice and request the presiding officer to record the elector’s vote by placing a mark in the box in the tendered ballot paper corresponding to the candidate for whom the elector wishes to vote.
- (4) The presiding officer must:
- (a) if requested to do so under subsection (3)(b), record the elector’s vote in accordance with that paragraph; and
  - (b) when the elector’s vote has been recorded on the elector’s tendered ballot paper, deposit the tendered ballot paper in a separate packet; and
  - (c) enter the name of the elector on a list of electors who have been given tendered ballot papers (“the tendered votes list”).
- (5) The Returning Officer must not count the tendered ballot paper, but the name of the elector and his or her number shown in the registre of electors must be entered on the tendered votes list.
- (6) The tendered votes list is admissible in a court proceeding arising out of the election.”.

**10. Regulation 50 repealed and substituted**

The Principal Regulations are amended by repealing regulation 50 and substituting:

**“50. Application of provisions of Electoral Act 2018**

Sections 108 to 110, 112 to 123 and 126 to 129 of the *Electoral Act 2018* (No. 6 of 2018), with the modifications set out in Schedule 2, apply as part of these Regulations.”.

**11. Schedule 2 repealed and substituted**

The Principal Regulations are amended by repealing Schedule 2 and substituting:

**“Schedule 2 — Modifications to sections 108 to 129 of *Electoral Act 2018***

*(Regulation 50)*

For applying sections 109 to 110, 12 to 123 and 126 to 129 of the *Electoral Act 2018* as part of these Regulations:

- (a) references to the Electoral Act 2018 in any of those sections have effect as references to these Regulations; and
- (b) a reference to a provision of the Electoral Act 2018 in any of those sections has effect as a reference to the corresponding provision of these Regulations; and
- (c) reference to Parliament in any of those sections have effect as references to a Provincial Assembly; and
- (d) references to a member of Parliament in any of those sections has effect as references to a member of a Provincial Assembly; and
- (e) references to a constituency or electoral constituency in any of those sections have effect as references to an electoral ward; and

- (f) references to the Governor-General in any of those sections have effect as references to the Minister; and
- (g) references to the Constitution in any of those sections have effect as references to the *Provincial Government Act 1997* or the *Provincial Government (Election) Regulations 2010* (as the case requires); and
- (h) references to the Commission, a member of the Commission, a staff member of the Commission, the Chief Electoral Officer or an electoral official in any of those sections have effect as references to the Returning Officer or other election officer, as the case requires; and
- (i) references to a court in any of those sections have effect as references to the High Court; and
- (j) references to polling booths in any of those sections have effect as references to voting compartments; and
- (k) references to ballot papers in any of those sections have effect as references to ordinary ballot papers; and
- (l) references to invalid ballot papers in any of those sections have effect as references to rejected ballot papers.”.

MADE IN HONIARA this fifth day of November, 2019.

HON. COMMINS ASTON MEWA  
MINISTER FOR PROVINCIAL GOVERNMENT AND  
INSTITUTIONAL STRENGTHENING