

1980

Explanatory Note

The Basic Law on Election of the President of Vanuatu is contained in Articles 32, 33, and 85 of the Constitution.

The purpose of this law is to provide the detailed procedure for Election of the President.

Although the law is of a procedural nature some points should be noted. Section 3 provides that any 10 persons qualified to be elected as President may nominate a candidate. This allows the people of the country to participate in the election if they so wish.

The election of the First President is provided for by the adaptations contained in Schedule 3. In paragraph 2 of the Schedule the Day of his election has to be not later than 3 weeks before the Day of Independence.

14 ~~APRIL~~ ^{MARCH} 1980

W.H. LINI
CHIEF MINISTER

DRAFTMANS NOTE

The Resident Commissioners Joint Regulation bringing this Resolution into force as a law will provide that this resolution will be cited as The Election of the President Regulation and that it will come into force when published in the New Hebrides Gazette.

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THE ELECTION OF THE PRESIDENT REGULATIONARRANGEMENT OF SECTIONS

1. Writ for election of President.
2. Notification of issue of writ and of election.
3. Nomination papers.
4. Invalid nomination papers.
5. Resubmission of corrected nomination paper.
6. Withdrawal of candidature.
7. Publication of list of candidates.
8. Chief Justice Returning Officer.
9. Ballot papers and election arrangements.
10. Declaration of result.
11. Same procedure to apply to all meetings for election.
12. Notification of Election of President.
13. Oath of office.
14. Election of First President.
15. Orders.

SCHEDULES

1. FORM A Writ of Presidential Election
FORM B Nomination of Presidential Candidate
FORM C Certificate of Election
2. Presidential Oath
3. Adaptations for Election of First President of the Republic

RA3/D/3-P
13 March 1980
Original : English

DRAFT RESOLUTION

RESOLUTION NO OF 1980

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

The Representative Assembly of the New Hebrides at its sitting on the 1980 hereby resolves and decides in accordance with Article 23 of the Schedule to the Exchange of Notes of the 15th September 1977 to adopt the following measures :-

1. (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 32 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. As soon as practicable after the issue of the writ the Electoral Commission shall cause a notice to be published in the New Hebrides Gazette and exhibited throughout the New Hebrides 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. (1) A nomination paper for a Presidential Candidate shall be in Form B in Schedule 1 and shall be subscribed by the signatures of 10 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 presidential candidate.

Writ for
election
of
President.

Notification 2.
of issue of
and of
election.

Nomination
papers.

4. 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. 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. A Presidential candidate 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. 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 Presidential candidates.
8. (1) The Chief Justice shall be 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. 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. 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 2 scrutineers elected by the college from among 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 next meeting of the college.
11. 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.

- Notification of Election of President. 12. (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 Vanuatu Gazette without undue delay after it has received the notification provided for in subsection (1).
- Oath of office. 13. 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.
- Election of First President. 14. The provisions of this Regulation shall apply to the election of the first President of the Republic pursuant to Article 85 of the Constitution with the adaptations contained in Schedule 3.
- Orders. 15. The Prime Minister may make such orders not inconsistent with this Regulation of an administrative or procedural nature as he shall consider necessary to facilitate the operation of this Regulation.

SCHEDULE 1 FORM A Section 1

WRIT OF PRESIDENTIAL ELECTION BY HIS LORDSHIP THE CHIEF JUSTICE OF THE REPUBLIC OF VANUATU
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 198
at

MADE under my hand this day of 198

Chief Justice

ELECTION OF THE PRESIDENT REGULATION

JOINT REGULATION OF 1980

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.....198

I.....of.....

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

ated..... Signature.....

FORM C

CERTIFICATE OF ELECTION

OF THE PRESIDENT OF THE REPUBLIC

OF VANUATU

To the Electoral Commission.

I HEREBY CERTIFY that.....

.....was on the.....

day of.....19 elected President of the Republic in accordance with the requirements of the Constitution.

Dated this day of 198

Chief Justice.

SCHEDULE 2

PRESIDENTIAL OATH

Section 13

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 198

Signed.....
PRESIDENT OF THE REPUBLIC

Signed.....
CHIEF JUSTICE

SCHEDULE 3

Section 14

ADAPTATIONS FOR ELECTION OF FIRST PRESIDENT OF THE REPUBLIC

1. The Electoral College shall be that provided for in Article 85 of the Constitution.
2. The writ for the election of the First President shall be issued by the Chief Minister to the Clerk of the Electoral Office appointed in accordance with section 2 (3) of the Election Regulation 1979 not less than 6 weeks before the Day of Independence. The day of election given therein shall be not earlier than 2 weeks nor later than 3 weeks after the date of the issue of the writ.
3. The Clerk of the Electoral Office shall carry out the functions of the Electoral Commission.
4. The notice referred to in Section 12 shall be addressed and delivered to the Chief Minister.
5. A person not entitled to vote appointed by the Chief Minister shall carry out the functions of the Chief Justice referred to in sections 6,8,9,10, 12 and 13.