

REPUBLIC OF VANUATU

THE REPRESENTATION OF THE PEOPLE
(AMENDMENT) ACT No. 32 OF 1983

Arrangement of Sections

1. Amendment.
2. Commencement.

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(AMENDMENT) ACT No. 32 OF 1983

To amend the Representation of the People Act No. 13 of 1982.

BE IT ENACTED by the President and Parliament as follows :

AMENDMENT

1. The Representation of the People Act No. 13 of 1982 is amended,

- (a) in section 1 by deleting the definition of "Principal Electoral Officer" and substituting the following therefor:

"means the Principal Electoral Officer established by Article 18A of the Constitution and includes a deputy principal electoral officer";

- (b) by substituting the words "Principal Electoral Officer" for the words "Electoral Office" in,

- (i) the heading of Part 2;
- (ii) the marginal note to section 3;
- (iii) section 3(2);
- (iv) section 15(3);
- (v) section 16(4);
- (vi) section 22(1);
- (vii) section 64(1);
- (viii) schedule 2, part 1, rule 1;
- (ix) schedule 3, part 2, line 11;
- (x) schedule 5, rules 1(1) and (2); 3(2); 4(1) and (3) and 8(1)(g);

- (c) by repealing section 2 and substituting the following therefor:

"ORGANISATION AND ADMINISTRATION OF ELECTIONS BY THE PRINCIPAL ELECTORAL OFFICER

2. (1) The Principal Electoral Officer shall be responsible for the organisation and administration of elections subject to the powers of the Electoral Commission under the Constitution and this Act.

- (2) There shall continue to be an Electoral Office which shall be a public office and which shall be supervised by the Principal Electoral Officer.
- (3) There shall be one or more deputy Principal Electoral Officers responsible to the Principal Electoral Officer, who shall be public servants.
- (4) The Public Service Commission shall second to the Electoral Office such staff as in the opinion of the Principal Electoral Officer may be required for the effective discharge of his functions.
- (5) The Electoral Office shall be in Port Vila and the Principal Electoral Officer may establish branch offices."

(d) in section 3,

- (i) by repealing subsection (1) and substituting the following therefor:

"(1) The Principal Electoral Officer shall be responsible for the registration of electors and the conduct of elections";

- (ii) by repealing subsection (2)(k);

- (iii) by repealing subsection (2)(n) and substituting the following therefor:

"Such other duties as may from time to time be assigned by the Electoral Commission in accordance with its powers under the Constitution and this Act";

- (iv) by relettering paragraphs (l), (m) and (n) as (k), (l) and (m) in subsection (2);

(e) by adding a new Part 3A after Part 3 as follows:

"PART 3A - OVERSEAS POLLING STATIONS"

4A. Notwithstanding the provisions of Parts 3 and 5, the Electoral Commission acting on the advice of the Principal Electoral Officer given after consultation with both the Prime Minister and the Minister responsible for foreign affairs, and subject to the agreement of the foreign Government concerned, may designate one or more polling stations in a foreign country."

(f) in section 13(1) by adding the word "Electoral" immediately after the word "Principal" where it first appears;

(g) in section 15 by renumbering subsection (3) as subsection (4) and inserting the following as the new subsection (3) thereof:

"(3) Any person who is eligible for registration in the electoral list but whose name has not been included in the list may make an application before the end of the inspection period for the inclusion of his name in the list."

(h) in section 16(3) by substituting the words "another electoral officer" for the words "one other member of the Electoral Office";

(i) in section 17 by substituting the words "Electoral Commission and the Principal Electoral Officer" for "Minister";

(j) in section 19(1),

(i) by substituting a comma for the semi-colon in paragraph (d) and adding thereafter the following:

"District Council of Chiefs, Island Council of Chiefs and Area Council of Chiefs;"

(ii) by substituting the word "servants" for "officers" in paragraph (e);

(k) in section 21,

(i) by substituting the words "Electoral Commission" for "Minister on the advice of the Electoral Office" in subsection (1)(d);

(ii) by substituting the words "Principal Electoral Officer when receiving" for "Electoral Office when it receives" in subsection (5);

(iii) by substituting the word "him" for "the Electoral Office", and by deleting the words "and the Minister" in subsection (6);

(l) by repealing section 35 and substituting the following therefor:

"REPORT BY PRINCIPAL ELECTORAL OFFICER AND THE ELECTORAL COMMISSION

(1) Not later than 3 months after an election is held, the Principal Electoral Officer shall submit a report about the election to the Electoral Commission.

(2) The Electoral Commission shall not more than three months after receiving the report of the Principal Electoral Officer make a report to Parliament concerning the conduct of election which shall include a statement on the overall cost thereof, information on difficulties encountered and how they were dealt with and recommendations for improvements and changes in procedure for future elections."

(m) in section 36(1)(b) by substituting the words "the Principal Electoral Officer" for "an electoral officer";

(n) in section 60 by substituting the words "Public Prosecutor" for "Prosecutor General";

(o) in section 62 by substituting the words "Electoral Commission and the Principal Electoral Officer" for "Electoral Office";

(p) in sections 64(3) and (5) by substituting the words "the Electoral Commission or the Principal Electoral Officer" for "the Electoral Office";

(q) in Schedule 3, Part 2 paragraph (b) by substituting the reference "section 21(1)(b)" for "section 26";

(r) in Schedule 4, Part 1,

(i) by repealing paragraphs (a), (b) and (c) of rule 1(2) and substituting the following therefor:

"(a) occupation,

(b) health,

(c) religion, or,

(d) his presence outside his constituency because of:

(i) the serious illness or death of a member of his family;

(ii) his health;

(iii) his occupation;

(iv) his holidays;

(v) his involvement in a conference connected with his occupation;

(vi) his involvement in a national or international amateur sports tournament."

(ii) by adding the word "apply" immediately after the word "shall" in the first line of rule 1(3);

- (iii) by inserting in the second line of rule 1(4) after the word "occupation" and before the word "shall" the following:

"or by reason of his presence outside his constituency because of his occupation or involvement in a conference connected with his occupation,"

- (iv) by inserting in the second line of rule 1(5) after the word "health" and before the word "shall" the following:

"or by reason of his presence outside his constituency because of his health,"

- (v) by adding a new sub-rule (6A) after sub-rule (6) of rule 1 as follows:

"(6A) A person who is unable to vote by reason of his presence outside his constituency because of the serious illness or death of a member of his family shall accompany his application with a certificate signed by a person of standing in his community certifying that such person is related to the sick or deceased person and is unable to vote in person.";

- (vi) by adding a new sub-rule (6B) after the new sub-rule (6A) of rule 1 as follows:

"(6B) A person who is unable to vote by reason of his presence outside his constituency because of his being on holidays shall accompany his application with a certificate signed by his head of department, superior officer, manager or other person to whom he is responsible certifying that such person is unable to vote in person.";

- (vii) by adding a new sub-rule (6C) after the new sub-rule (6B) of rule 1 as follows:

"(6C) A person who is unable to vote by reason of his presence outside his constituency because of his involvement in a national or international amateur sports tournament shall accompany his application with a certificate signed by the head of the appropriate Vanuatu body certifying that he is unable to vote in person.";

(s) in Schedule 4, Part 2, Form A, Application To Vote by Proxy,

(i) by adding the following new paragraphs to clause 2:

(d) my presence outside my constituency because of the serious illness/death of a member of my family,

(e) my presence outside my constituency because of my being on holidays,

(f) my presence outside my constituency because of my involvement in a national/an international amateur sports tournament,

(g) my presence outside my constituency because of my involvement in a conference connected with my occupation";

(ii) by deleting the words "delete whichever is not applicable" and substituting therefor the words "tick whichever is applicable" in clause 2;

(iii) by repealing clause 3 and substituting the following therefore:

"3. I enclose a certificate signed by

* (a) my head of Department,

(b) my superior officer,

(c) my manager/a person to whom I am responsible,

(d) my medical doctor/a medical officer,

(e) my dresser/my nurse,

(f) my Minister/Priest/Sister/Leader of religion,

(g) a person of standing in my/the community,

(h) the chairman/head of the Vanuatu body responsible for the national/international amateur sports tournament.

* (tick whichever is applicable)";

(t) in Schedule 5, Election of Candidates Rules, by substituting "Officer" for "Office" in rule 2(1), line 2;

(u) in Schedule 6, by substituting "Registrar" for "Chief Registrar".

ENCEMENT

This Act shall come into force on the day of Assent.