

[Legal Notice No. 13]

**PROVINCIAL ASSEMBLIES AND HONIARA CITY COUNCIL  
ELECTORAL ACT 2024  
(No. 14 of 2023)**

**PROVINCIAL ASSEMBLIES AND HONIARA CITY COUNCIL  
ELECTION REGULATIONS 2024**

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**PROVINCIAL ASSEMBLIES AND HONIARA CITY COUNCIL  
ELECTION REGULATIONS 2024**

The Electoral Commission, under section 13 of the *Provincial Assemblies and Honiara City Council Electoral Act 2023*, make the following Regulations:

**PART 1            PRELIMINARY MATTERS**

**1            Citation**

These Regulations may be cited as the *Provincial Assemblies and Honiara City Council Election Regulations 2024*.

**2            Commencement**

These Regulations commence on publication in the Gazette.

**3            Definitions**

In these Regulations:

“**Act**” means the *Provincial Assemblies and Honiara City Council Electoral Act 2023*;

“**assistant returning officer**” means a person appointed as such under regulation 12;

“**CEO**” means the Chief Electoral Officer appointed under section 57A of the Constitution;

“**Commission**” means the Electoral Commission established by section 57 of the Constitution;

“**counting agent**” means a person appointed under regulation 49;

“**Court**” means the High Court;

“**election**” means:

- (a) an election for one or more members of a Provincial Assembly or the Honiara City Council; and
- (b) includes the nomination of candidates, the voting and the counting of votes;

“**election manager**” means the election manager appointed under section 25 of the *Electoral Act 2018*;

“**elector**” means a person who is registered as an elector under Part 4 of the *Electoral Act 2018*;

“**Electoral Office**” means the Electoral Office established by section 18 of the *Electoral Act 2018*;

“**electoral official**” means any of the following:

- (a) a returning officer, assistant returning officer, presiding officer or polling assistant; and
- (b) the Commission and the CEO; and
- (c) any other electoral officer appointed to assist with the polling or counting of votes processes;

“**polling agent**” means a person appointed under regulation 27 or 47;

“**register of electors**” means the register of electors mentioned in section 49 of the *Electoral Act 2018*;

“**Registrar**” means the Registrar of Political Parties within the meaning of the *Political Parties Integrity Act 2014*;

“**respective Minister**” means the Minister responsible for the Provincial Assemblies or the Honiara City Council whichever applies;

“**returning officer**” means a person appointed under regulation 11;

“**staff member**” means a staff member of the Electoral Office;

“**Act**” means the *Provincial Assemblies and Honiara City Council Electoral Act 2023*;

“**ward**” means:

- (a) in the case of a Provincial Assembly election, an electoral ward constituted in accordance with section 7 of the *Provincial Government Act 1997*; or
- (b) in the case of a Honiara City Council election, an electoral ward of the City Council specified in the Schedule of the *Honiara City Act 1999*.

#### 4 **Colour of ballot papers**

The colour of ballot papers will be determined by the Commission and the colour of a tendered ballot paper must be of a colour different from that of a

normal ballot paper.

**5 Register of electors**

For the purposes of any elections held under these Regulations, the register of electors kept by the Commission under the *Electoral Act 2018* shall be the register to be used.

**6 Election expenses**

Any expenses or costs properly incurred by an election official in connection with the conduct of an election under these Regulations shall be charged on the Consolidated Fund.

**7 Protection from liability**

The following officials are not civilly nor criminally liable for an act done or omitted to be done in good faith, in the exercise of a power or performance of a function under these Regulations:

- (a) the Chief Electoral Officer;
- (b) a member of the Commission;
- (c) an electoral official;
- (d) a staff member;
- (e) a police officer.

**8 Non-compliance with Regulations**

- (1) This regulation applies if it is established during a hearing of an election petition that, in relation to the election concerned, there was:
  - (a) a failure to comply with the time required for doing anything under these Regulations; or
  - (b) an omission or irregularity in filling out a form required under these Regulations; or
  - (c) a lack of or defect in the appointment of an electoral official or polling or counting agent; or
  - (d) an absence of, or mistake or omission or breach of duty by, an electoral official before, during, or after polling.
- (2) The Court must not declare the election invalid only because of any of the matters mentioned in sub regulation (1) if the Court is satisfied that:
  - (a) the conduct of the election substantially complied with the Provincial Assemblies and Honiara City Council Electoral Act 2023, these Regulations and any other written law; and
  - (b) the matter or the matters in sub regulation (1) did not affect the result of

the election.

## **PART 2 CONDUCT OF ELECTION**

### **9 Appointment of election date**

- (1) Subject to sections 5 and 12 of the Act, whenever an election for a member or members of a Provincial Assembly, or Provincial Assemblies, or of the Honiara City Council becomes necessary, the respective Minister shall, on the advice of the Electoral Commission, appoint a date for the holding of such election by notice in the Gazette.
- (2) The notice setting an election date must be published at least 56 days before the election date.

### **10 Nomination period and place**

- (1) The period during which nominations of candidates for election must be made:
  - (a) begins the day after an election date has been set; and
  - (b) ends at least 42 days before the election date.
- (2) The Commission must, by Gazette notice, declare places to be nomination places where nominations can be made in person.

### **11 Appointment of Returning Officer**

- (1) The CEO may appoint a returning officer for the Province or part of the Province, or the City Council area, in which the elections is to be held.
- (2) The function of the returning officer is to conduct elections in that province or part of the province or in the City Council area.
- (3) A returning officer is subject to the general directions of the CEO, but is not subject to any direction in relation to:
  - (a) whether the nomination of a candidate is valid; or
  - (b) whether a ballot paper is valid.

### **12 Assistant Returning Officer**

- (1) The returning officer in a Province or part of a Province or City Council area, may appoint any fit and proper person to be an assistant returning officer.
- (2) The function of an assistant returning officer is to assist the returning officer to conduct elections in a Province or part of a Province or Honiara City.
- (3) The assistant returning officers are subject to the directions of the appointing returning officer but not subject to any direction relating to whether a ballot paper is valid.

**13 Presiding officers and polling assistants**

- (1) The returning officer may, with the approval of the election manager, appoint:
  - (a) a person to be the presiding officer; and
  - (b) polling assistants for the polling station; and
  - (c) any other officials who may be appointed to support the polling process.
- (2) The function of a presiding officer is to manage the conduct of an election at the polling station.
- (3) A presiding officer is subject to the general directions of the appointing returning officer.
- (4) The function of a polling assistant is to assist the presiding officer to manage the conduct of the election at the polling station.
- (5) Polling assistants are subject to the directions of the presiding officer.
- (6) A presiding officer:
  - (a) may authorise a polling assistant to carry out at a polling station any function or power of the presiding officer under these regulations; but
  - (b) must not authorise a polling assistant to carry out the power to order the removal of a person from the polling station.

**14 Nomination of candidates**

- (1) Subject to this regulation, any person wishing to stand as a candidate for election in an electoral ward may be nominated as a candidate for that electoral ward if the person:
  - (a) is qualified under section 9 of the Act; and
  - (b) is not disqualified under section 10 of the Act, if applying for a Provincial Assembly seat, and section 11 of the Act, if applying for a Honiara City Council seat.
- (2) The nomination shall:
  - (a) be made in Form 1 in the Schedule for Provincial Assembly candidates or Form 2 in the Schedule for Honiara City Council candidates and these forms must be signed by at least three persons who are electors in the electoral ward for which the candidate wishes to stand; and
  - (b) be accompanied by a Consent in Form 3 in the Schedule and signed by the candidate.
- (3) The nomination must be accompanied by the nomination fee of \$2,500.
- (4) No elector shall nominate more than one candidate and no candidate shall be nominated for more than one electoral ward.

**15 Ballot paper draw**

- (1) The sequence in which the names of candidates in a ward will appear on the ballot paper for that ward must be decided in accordance with the procedures prescribed in subregulation 3.
- (2) On the day the nomination period closes, the returning officer for the ward must publish a notice:
  - (a) fixing the place, date and time (which must not be later than 7 days after the nomination period ends) at which the sequence will be decided; and
  - (b) inviting any person who wishes to be present to attend.
- (3) The returning officer must, before the persons present:
  - (a) present the list of candidates for the ward in the order the returning officer considers appropriate; and
  - (b) read out the list; and
  - (c) present an empty ballot box for inspection; and
  - (d) close and seal the empty ballot box to prevent it being opened without breaking the seal; and
  - (e) present unmarked papers of the same shape and size so that there is one paper for each candidate; and
  - (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 appearing 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; and
  - (g) rotate the ballot box and permit any other person present, who wishes to do so, to rotate the ballot box; and
  - (h) open the ballot box; and
  - (i) require 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; and
  - (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 paragraph (i) set out in the order in which they were called out.

- (4) Subject to sub regulation 5, the order in which the names are set out in the list prepared under sub regulation 3(k) is the sequence of candidates on the ballot paper for the ward.
- (5) If a candidate withdraws his or her nomination within the time provided for in regulation 18, the candidate must be omitted from the ballot paper so that the order of candidates remains the same as specified in sub regulation 3 except for that candidate.

## **16 Form of ballot paper**

The ballot paper for an election must be in accordance with Form 4 in the Schedule.

## **17 Photographs and symbols on ballot paper**

A ballot paper must include, alongside a candidate's name:

- (a) a photograph of the candidate's face; and
- (b) if the candidate is an independent candidate who elects to be represented by a symbol, a symbol allocated by the returning officer for the ward; and
- (c) if the candidate is representing a political party, the party symbol registered under the *Political Parties Integrity Act 2014*.

## **18 Withdrawal of nomination**

- (1) A candidate may withdraw his or her nomination by written notice to the returning officer signed by the candidate ("notice of withdrawal").
- (2) The candidate must give notice to the returning officer within 48 hours after the end of the nomination period.
- (3) The withdrawal takes effect when the notice is received by the returning officer.
- (4) A notice of withdrawal is not effective:
  - (a) if it reduces the number of candidates in a constituency to zero; or
  - (b) if:
    - (i) the notice is one of 2 or more notices of withdrawal that together reduce the number of candidates in a ward to zero; and
    - (ii) either:
      - (A) the notices were received at the same time; or
      - (B) it is impossible to determine which of the notices was received first.
- (5) An assistant returning officer residing within the ward for which the candidate

has been nominated:

- (a) may accept a notice of withdrawal if the officer is satisfied that difficulty of communication will prevent the notice of withdrawal being given to the returning officer within 48 hours after the end of the nomination period; and
- (b) must, as soon as possible, inform the returning officer of the notice of withdrawal.

## **19 Refund of nomination fee**

No fees paid pursuant to regulation 14(3) shall be refundable unless the candidate in respect of whom the fee has been paid:

- (a) is not able to be nominated because the candidate's nomination has been rejected by the returning officer; or
- (b) revokes his nomination before the date of closure of nomination; or
- (c) dies on or before the election day.

## **20 Validity of nomination**

- (1) The returning officer must decide whether a nomination received for the ward is valid:
  - (a) if the nomination is received at least 24 hours before the end of the nomination period, as soon as possible after the nomination is received; or
  - (b) otherwise within 24 hours after the end of the nomination period.
- (2) The returning officer may decide that a nomination is invalid on one or more of the following grounds:
  - (a) that the proposed candidate:
    - (i) is not qualified for election under section 9 of the Act; or
    - (ii) is disqualified from election under section 10 of the Act for candidates seeking membership of a Provincial Assembly, or section 11 of the Act for candidates seeking membership of the Honiara City Council; or
    - (iii) is already nominated in another ward;
  - (b) that the nomination was not made in accordance with the requirements of regulation 14;
  - (c) that any of the nominators are not eligible to nominate the proposed candidate.
- (3) If the returning officer decides that the nomination of a person is invalid:

- (a) the officer must:
    - (i) record the decision and the reasons for it on the nomination form; and
    - (ii) give the person or any of the person's nominators a copy of the form with the decision recorded as soon as possible; and
  - (b) the person may be nominated again within the nomination period; and
  - (c) the person, or the political party the person represents, may lodge a complaint about the decision to the Commission.
- (4) A complaint lodged with the Commission in accordance with sub regulation (3)(c) will be dealt with by the Commission in accordance with the processes set out in section 30 of the *Electoral Act 2018*.

## **21 Candidate representing political party**

- (1) A candidate representing a political party must:
- (a) be a registered member of the political party under the *Political Parties Integrity Act 2014*; and
  - (b) together with his or her nomination form, give the returning officer a certificate signed by the Registrar certifying that the candidate:
    - (i) is a registered member of the political party; and
    - (ii) is a candidate of the political party at the election.
- (2) The nomination of a candidate representing a political party cannot be amended to change the status of the candidate so that the candidate is an independent candidate or represents another political party.
- (3) The candidate may withdraw his or her nomination and be nominated again under a different status during the nomination period.

## **22 Notice of election**

- (1) The returning officer must publish a notice of election in the relevant electoral ward at least 14 days before the election date.
- (2) The notice must state the following:
- (a) the polling date and the hours for voting;
  - (b) the full name and address of each candidate and his or her nominators;
  - (c) a photograph of the face of each candidate and the symbol (if any) allocated to each candidate on the ballot paper;
  - (d) the location of each polling station;
  - (e) a list of the electors assigned to vote at each polling station

**23 Unopposed candidates**

If only one candidate is nominated in a ward, the returning officer for the ward must:

- (a) on polling day, declare the candidate to have been elected; and
- (b) in writing, notify the elected candidate, and the Commission of the election.

**24 Death of candidate**

- (1) This regulation applies if a candidate dies:
  - (a) after the end of the nomination period; and
  - (b) before polling day.
- (2) The returning officer for the ward must report the death to the Commission.
- (3) The Commission must request the relevant Minister to cancel the election and appoint a new election date, on the advice of the Commission, for the ward.
- (4) The process under these regulations for the conduct of the election begins again, with a reduced nomination period set by the Commission.
- (5) A new nomination is not required for a candidate whose nomination was valid at the time of the cancellation of the election.

**25 When voting must take place**

Voting must take place for an election in a ward if more than one candidate is nominated in the ward.

**26 Arrangements for voting**

The returning officer must:

- (a) ensure a sufficient number of polling stations are provided in the ward; and
- (b) ensure that a list of electors assigned to vote at each polling station is prepared by the Electoral Office; and
- (c) provide each presiding officer with sufficient numbers of ballot papers with counterfoils; and
- (d) ensure each polling station has:
  - (i) polling booths for recording votes; and
  - (ii) a way for voters to mark ballot papers; and
  - (iii) copies of the register of electors that contains the list of electors assigned to vote at the polling station; and
- (e) do anything else necessary for the proper conduct of the election.

**27 Polling agents**

- (1) A candidate may, not later than 10 days before polling day, appoint up to 2 persons to be the candidate's polling agents for each polling station.
- (2) The appointment is not effective until the candidate has given the returning officer written notice of the appointment, stating the name and address of each polling agent and their assigned polling station.
- (3) The function of a polling agent is to observe the election process in a polling station in the candidate's ward.
- (4) Only one polling agent for a candidate is permitted in a polling station at any time.
- (5) The returning officer must before polling begins, give each presiding officer for a polling station in the ward the name of each polling agent assigned to the polling station.

**28 Display of candidates' names, photographs and symbols**

The presiding officer must display in a conspicuous place at the polling station, a list of the names of candidates along with their photographs and symbols.

**29 Arrangements for persons with disabilities**

The returning officer must ensure that appropriate arrangements are made for electors with disabilities or other special needs to cast their votes, including by ensuring polling stations and polling booths are accessible.

**30 Ballot boxes**

- (1) The presiding officer at a polling station must ensure that the polling station has a sufficient number of ballot boxes.
- (2) Immediately before the voting begins at the polling station, the presiding officer must:
  - (a) show the electors who are present an empty ballot box to be used when the voting begins, so that they may see that the box is empty; and
  - (b) then close, seal and secure the empty ballot box, in a way that will prevent the box being opened without breaking the seal.
- (3) If the ballot box in use is full, the presiding officer must:
  - (a) securely seal it to prevent the addition of any ballot paper into it; and
  - (b) then follow the procedures in sub regulation (2) for the next ballot box to be used.
- (4) The presiding officer must ensure that:
  - (a) only one ballot box is used at any given time; and

- (b) each full and empty ballot box is placed conspicuously within the polling station in clear view of polling officials and other persons entitled to be in the polling station.

### **31 Hours of voting**

- (1) The hours of voting on polling day are from 7am to 4pm, subject to sub regulations (2) and (3).
- (2) The Commission may at any time prior to or on polling day approve other hours of voting for a particular constituency or constituencies, ward or wards.
- (3) If, at the end of the voting hours, an elector who has not voted is standing in the line to vote (even if the elector is outside the polling station in the line) or is inside the polling station, the presiding officer must allow the elector to vote.

### **32 Persons entitled to be in polling stations**

- (1) Only the following persons are entitled to be in a polling station during polling hours:
  - (a) any elector assigned to vote at the station under regulation 26(b);
  - (b) the returning officer and any assistant returning officer for the ward;
  - (c) the presiding officer and any polling assistant for the polling station;
  - (d) a polling agent assigned to the polling station;
  - (e) a police officer on duty at the polling station;
  - (f) a person accredited by the Commission to monitor or observe the election;
  - (g) any other person who, in the presiding officer's opinion, has lawful reason to be in the polling station.

### **33 Ballot paper account**

The presiding officer for a polling station must:

- (a) before voting begins, fill in an account in the approved form (a "ballot paper account") recording:
  - (i) the total number of ballot papers at the station; and
  - (ii) the total number of tendered ballot papers at the station; and
- (b) when the voting ends, complete the ballot paper account in accordance with regulation 43(3).

### **34 Official mark**

- (1) The returning officer for a ward must prepare a list of official marks that may be used to mark ballot papers before they are issued.

- (2) The returning officer must give the list to the presiding officer for each polling station in the ward.

### **35 Issuing ballot papers**

- (1) An elector must personally cast his or her vote at the polling station the elector is assigned to under regulation 26(b).
- (2) Before giving a person a ballot paper, the presiding officer or a polling assistant:
  - (a) must ask the person the following questions:
    - (i) “Are you the person whose name and photograph are on the register of electors as follows [reading out loud to the person the name of the elector on the register]?”;
    - (ii) “Have you already voted at this election?”; and
  - (b) must be satisfied of the following:
    - (i) that the person is an elector registered in the ward who has been assigned to vote at the polling station under regulation 26(b);
    - (ii) of the identity of the person;
    - (iii) that the person has not already voted.
- (3) Immediately after the process under sub regulation (2), the presiding officer or a polling assistant must:
  - (a) call out the name of the elector; and
  - (b) place a mark against the name of the elector on the register of electors; and
  - (c) subject to sub regulation (4), mark with indelible ink one finger on either of the elector’s hands; and
  - (d) mark the ballot paper with an official mark; and
  - (e) give the ballot paper to the elector and direct the elector to go to a polling booth.
- (4) The presiding officer or polling assistant may dispense with the requirement under sub regulation (3)(c) if it is reasonably necessary to do so because the elector has a physical disability.

### **36 Recording of votes generally**

Subject to regulation 37 below, an elector who receives a ballot paper must:

- (a) go immediately into a polling booth; and
- (b) secretly record his or her vote on the ballot paper by placing one mark inside the square opposite the name of the candidate the elector wishes

to vote for; and

- (c) fold and insert the marked ballot paper into the ballot box before leaving the polling station.

### **37 Recording of votes by electors with disabilities**

If an elector is unable to cast his or her vote because of a physical disability, the presiding officer must, in the presence of the elector and a witness chosen by the elector:

- (a) ask the elector the name of the candidate the elector wishes to vote for, and confirm the answer; and
- (b) record the elector's vote as required by regulation 36(b); and
- (c) fold and insert the marked ballot paper into the ballot box.

### **38 Spoilt ballot papers**

- (1) This section applies if an elector:
  - (a) accidentally deals with his or her ballot paper in a way that renders it invalid ("spoils" the ballot paper); and
  - (b) returns the ballot paper to the presiding officer; and
  - (c) satisfies the presiding officer that the ballot paper has been spoilt by accident.
- (2) The presiding officer must:
  - (a) first, cancel and retain the spoilt ballot paper; and
  - (b) then, give the elector a new ballot paper.

### **39 Tendered ballot papers**

- (1) This regulation applies if an elector applies for a ballot paper after another person has voted under the same name.
- (2) The presiding officer must give the elector a tendered ballot paper in accordance with the procedure specified in regulation 36.
- (3) A tendered ballot paper must be of a colour different from a normal ballot paper.
- (4) The presiding officer must enter the name of the elector on a list of electors who have been given tender ballot papers (the "tendered votes list").
- (5) The tendered votes list is admissible in a legal proceeding.

### **40 Conduct in polling stations**

- (1) The presiding officer at a polling station is responsible for keeping order at the polling station.

- (2) The presiding officer may order that a person be removed from the polling station if the person:
  - (a) behaves in a disorderly manner or otherwise disrupts voting; or
  - (b) is not entitled to be in the polling station; or
  - (c) fails to obey an order of the presiding officer.
- (3) A police officer or any other person authorised by the presiding officer may remove the person from the polling station.
- (4) The person must not re-enter the polling station during polling day, unless permitted by the presiding officer.
- (5) The powers in this section must not be exercised to prevent the casting of vote of an elector entitled to vote at that polling station unless the elector's behavior is so disorderly that allowing the elector would threaten the conduct of voting at the polling station.

#### **41 Complaints during voting**

- (1) An elector or polling agent at a polling station may complain to the presiding officer during the hours of voting about:
  - (a) an alleged breach of a voting procedure at the polling station; or
  - (b) a person engaging in a campaign activity at or in the vicinity of the polling station; or
  - (c) interference with the rights of an elector or polling agent at the polling station.
- (2) The presiding officer must:
  - (a) record the complaint in the approved form; and
  - (b) immediately decide the complaint; and
  - (c) record the decision, including the reasons for the decision; and
  - (d) if the presiding officer is satisfied that the complaint is substantiated, immediately take appropriate action to remedy the cause of the complaint.

#### **42 Protested and invalidated votes**

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

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

#### **43 Presiding officer’s functions at close of voting**

- (1) Immediately after voting closes at a polling station, the presiding officer must, in the presence of each polling agent at the station:
  - (a) parcel or secure the items mentioned in subregulation (2) into separate packets; and
  - (b) securely seal each packet to prevent anything else being inserted into it.
- (2) The items are:
  - (a) each ballot box used at the polling station, unopened and securely sealed; and
  - (b) the marked copies of the register of electors; and
  - (c) all unused ballot papers; and
  - (d) the counterfoils of all used ballot papers; and
  - (e) all spoilt ballot papers; and
  - (f) all unused tendered ballot papers; and
  - (g) the tendered votes list; and
  - (h) the protested votes list and the invalidated votes list; and

- (i) any completed forms recording an admission of impersonation under sub regulation 42(4); and
  - (j) any other document recording events at the polling station.
- (3) The presiding officer must:
- (a) complete the ballot paper account showing the number of ballot papers issued to the officer and accounting for them as follows:
    - (i) the number of unused ballot papers;
    - (i) the number of spoiled ballot papers;
    - (ii) the number of used tendered ballot papers;
    - (iii) the number of unused tendered ballot papers;
  - (b) give all packets and the ballot paper account to the returning officer of that ward.

### **PART 3                    PRE-POLL VOTING**

#### **44                    Appointment of date and officials for pre-poll voting**

- (1) The Commission may, if it is considered appropriate, by notice:
  - (a) set:
    - (i) dates and times earlier than polling day at which pre-poll voting will be conducted; and
    - (ii) the date by which applications for pre-poll voting must be made, must be at least 7 days before the date for that particular pre-poll voting; and
    - (iii) declare the place or places at which pre-poll voting is to be conducted (a “pre-poll voting place”).
  - (b) The Commission must appoint a presiding officer for each pre-poll voting place (a “pre-poll presiding officer”).

#### **45                    Electors eligible for pre-poll voting**

An elector is eligible to vote in pre-poll voting (an “eligible elector”) if the elector:

- (a) is an electoral official who will be engaged in the conduct of the election on polling day; or
- (b) is a police officer who will be on duty on polling day; or
- (c) belongs to a class of electors prescribed by regulation to be so eligible.

**46 Application for pre-poll voting**

- (1) A person may apply to vote in pre-poll voting.
- (2) The application must be:
  - (a) in the approved form; and
  - (b) made to a pre-poll presiding officer by the date set under regulation 44(1)(a)(ii);
- (3) The pre-poll presiding officer must:
  - (a) if the officer is satisfied that the person is an eligible elector approve the application; or
  - (b) otherwise refuse the application.

**47 Polling agents for pre-poll**

A candidate's polling agent is entitled to be present at a pre-poll voting place nominated by the Commission.

**48 Conduct of pre-poll voting**

- (1) Subject to this regulation, pre-poll voting is to be conducted in accordance with regulations 31 to 43;
- (2) In addition to a ballot paper, an eligible elector must be given an envelope showing the elector's ward.
- (3) When pre-poll voting is completed, the pre-poll presiding officer for a pre-poll voting place must, in the presence of any polling agents:
  - (a) open the ballot box and remove the sealed envelopes from the box; and
  - (b) sort the sealed envelopes into the wards written on the envelopes; and
  - (c) in the approved form, record the number of envelopes, and
  - (d) parcel the sealed envelopes and the completed approved form into a packet for each ward; and
  - (e) seal and secure the packet; and
  - (f) immediately send each packet to the returning officer for the ward.
- (4) The election manager must give each packet to the returning officer for the relevant ward.

**49 Counting agent**

- (1) A candidate may, not later than 10 days before polling day, appoint a person to be the candidate's counting agent at the counting centre.
- (2) The appointment is not effective until the candidate has given the returning officer written notice of the appointment, stating the name and address of

each counting agent.

- (3) The function of a counting agent is to observe the counting of votes in the candidate's ward.
- (4) The counting agent for a candidate is permitted in a counting centre at any time.
- (5) If a counting agent dies or is incapable of performing his or her duties, the candidate may appoint another agent in his or her place and shall give to the returning officer a notice thereof in accordance with sub regulation (2).
- (6) The requirements of sub regulation (1) and (2) may be dispensed with if the returning officer is satisfied that it is not reasonably practicable for the candidate to comply with those requirements.

## **50 Campaign period**

The campaign period for an election begins on the date of publication of the election date and ends 24 hours before the election date.

## **51 Meaning of "campaign activity"**

- (1) A "*campaign activity*" is any activity that is intended, calculated or likely to:
  - (a) affect the result of an election; or
  - (b) influence an elector in relation to the casting of his or her vote at an election.
- (2) Without limiting sub regulation (1), a campaign activity may be any of the following:
  - (a) conducting a demonstration or procession;
  - (b) making or publishing a statement, speech or advertisement;
  - (c) conducting a public opinion poll;
  - (d) distributing anything (including a document that imitates a ballot paper) that has on it:
    - (i) the names of candidates and any direction or indication as to the candidate a person should vote for; or
    - (ii) anything else intended, calculated or likely to influence a person's vote;
  - (e) displaying the name of a candidate or political party, emblem, slogan, logo or symbol;
  - (f) distributing ribbons, streamers, rosettes, or items of a similar nature in a candidate's or political party's colours;
  - (g) making oral representations to a person.

- (3) The following are not campaign activities:
  - (a) broadcasting or publishing an advertisement as a community service, other than an advertisement broadcast or published by or on behalf of a candidate or political party;
  - (b) broadcasting or publishing news in relation to an election by a news organisation.

## **52 Campaign expenses**

- (1) Within 90 days after the publication of an election result under regulation 62, a candidate in the election must submit to the CEO a statement of account specifying:
  - (a) all expenses incurred by the candidate in relation to the candidate's campaign for election; and
  - (b) the source of all funds (including the amount received from each source) used to meet those expenses.
- (2) A candidate whose election campaign expenses exceed \$50,000 commits an offence.
- (3) A candidate who fails to comply with sub regulation (1) commits an offence.

## **53 Statement of account**

- (1) For regulation 52, the statement of account of a candidate's campaign expenses must be in the approved form.
- (2) The statement of account must be accompanied by a statutory declaration by the candidate declaring that the candidate has not received a campaign donation from:
  - (a) a person who was not a citizen of Solomon Islands at the time of the donation; or
  - (b) a company that, at the time of the donation, had at least one shareholder who was not a citizen of Solomon Islands.
- (3) The statement of account shall become the property of the Electoral Commission as soon as it is received by the CEO.
- (4) The CEO may request further information or supporting document from the candidate in relation to the candidate's campaign expenses or donations.
- (5) The CEO may, in consultation with the Auditor-General, appoint a person who is a registered company auditor under the *Accountants Act 2010* to audit the statement of accounts.

## **54 Arrangement for counting of votes**

- (1) The Commission must:

- (a) fix a place, date and time for the counting of votes for the electoral ward that the returning officer is responsible for; and
  - (b) inform the candidates or counting agents of this.
- (2) Upon commencement of the counting of the votes, the returning officer shall, so far as is practicable, proceed continuously with the counting until all the votes cast in the electoral ward have been counted.
- (3) The returning officer may allow reasonable breaks during the counting to allow for refreshments.

**55 Persons who may be present during counting**

The following persons are entitled to be in a counting centre and be present during each process under this Part:

- (a) the election manager;
- (b) the returning officer and assistant returning officers for the relevant wards;
- (c) a counting agent assigned to the counting centre;
- (d) a police officer on duty at the counting centre;
- (e) a person accredited by the Commission to monitor or observe the election;
- (f) any other person permitted by the returning officer.

**56 Verification of ballot papers**

- (1) Before opening a ballot box, the returning officer for a ward must first verify ballot papers cast during pre-poll voting by:
- (a) opening the packet received from the election manager containing the sealed envelopes; and
  - (b) comparing the number of sealed envelopes on the packet against the number recorded on the form attached to the packet to ensure that all the envelopes recorded are accounted for; and
  - (c) opening the sealed envelopes and removing the ballot papers; and
  - (d) placing the ballot papers into a sealed and secured packet marked “Pre-Poll Ballots” to be opened only during the counting of votes.
- (2) For each ballot box received from a polling station, the returning officer must:
- (a) open the ballot box and remove the ballot papers from inside the box; and
  - (b) while keeping them face down at all times, count and record in the approved form the number of ballot papers in the box.

- (3) The returning officer must:
  - (a) open the following packets:
    - (i) unused ballot papers;
    - (ii) spoiled ballot papers;
    - (iii) the tendered votes list; and
  - (b) compare the ballot papers account against the following:
    - (i) the number of ballot papers recorded under sub regulation (2)(b);
    - (ii) the number of unused ballot papers and spoiled ballot papers in the packets opened under paragraph (a);
    - (iii) the tendered votes list opened under paragraph (a); and
  - (c) immediately reseal the opened packets; and
  - (d) prepare a statement in the approved form recording the results of the comparison under paragraph (b); and
  - (e) as soon as practicable, store the ballot papers in the ballot box from which they were removed and reseal it.
- (4) The returning officer must, on request, give a counting agent the statement prepared under sub regulation (3)(d).
- (5) The returning officer may open the following documents if they are required for the purposes of verification or reconciliation in terms of the number of ballot papers issued:
  - (a) the sealed packet containing the marked copy of the register of electors; and
  - (b) the sealed packet containing the counterfoils of used ballot papers.
- (6) The returning officer may authorise a presiding officer or an assistant returning officer to:
  - (a) assist in the process of verifying ballot papers; or
  - (b) conduct the process of verifying ballot papers.
- (7) The votes for a ward may only be counted after the verification of ballot papers has been completed under this regulation for all the polling stations in the ward.

## **57 Invalid ballot papers**

- (1) Subject to sub regulation (2), a ballot paper is valid and must be counted if the voter's intention is clear from the paper.
- (2) The following ballot papers are invalid and must not be counted:

- (a) a ballot paper without a vote or an official mark;
  - (b) a ballot paper with any writing or marking that may identify the elector who cast the ballot paper;
  - (c) a ballot paper that does not clearly show the voter's intention.
- (3) If there is a question in relation to the validity of a ballot paper, the returning officer must decide whether it is valid, and the returning officer's decision is final.
- (4) A counting agent may object to a decision of the returning officer that a ballot paper is invalid.
- (5) For each ballot paper not counted, the returning officer must:
- (a) write "rejected" on the ballot paper; and
  - (b) if the rejection was objected to by a counting agent – write "rejection objected to" on the ballot paper.
- (6) The returning officer must:
- (a) prepare a statement in the approved form, showing the number of ballot papers rejected under the following heads:
    - (i) ballot papers without a vote or an official mark;
    - (ii) ballot papers with any writing or marking that may identify the elector who cast the ballot paper;
    - (iii) ballot papers that do not clearly show the voter's intention; and
    - (iv) give a copy of the statement to a counting agent who requests it.

## **58 Counting of votes**

- (1) The returning officer for a ward must:
- (a) re-open all the ballot boxes for the ward that have been resealed under regulation 56(3)(e) and remove all the ballot papers; and
  - (b) remove all the pre-poll ballot papers for the constituency from the pre-poll ballot packet sealed under regulation 56(1)(d); and
  - (c) mix all the ballot papers together and make batches of ballot papers for the purpose of counting; and
  - (d) sort the ballot papers in each batch into one lot for valid ballot papers, and another lot for invalid ballot papers; and
  - (e) for each batch, count the number of ballot papers (with their faces upwards) cast in favour of each candidate; and
  - (f) for each batch, record in the approved form the number of votes cast for each candidate; and

- (g) add and record in the approved form the total number of votes from all batches cast for each candidate; and
  - (h) count and record the number of invalid ballot papers.
- (2) The counting of votes must, as far as is practicable, proceed continuously.
  - (3) The returning officer may authorise a presiding officer to assist in or conduct any process under sub regulation (1).
  - (4) When the count is completed, the returning officer must, in separate lots, parcel the counted ballot papers and the invalid ballot papers and securely seal the parcels.

## **59 Complaints during counting process**

- (1) A counting agent may complain to the returning officer during the counting process about:
  - (a) an alleged breach of any counting procedure; or
  - (b) alleged interference with the rights of the candidate or counting agent; or
  - (c) any other alleged irregularity at the counting centre.
- (2) The returning officer must:
  - (a) record the complaint in the approved form; and
  - (b) immediately decide the complaint; and
  - (c) record the decision, including the reasons for the decision; and
  - (d) if the officer is satisfied that the complaint is substantiated – immediately take appropriate action to remedy the cause of the complaint.

## **60 Declaration and notification of elected candidate**

When the counting of votes is completed for a ward, the returning officer must:

- (a) declare the candidate who has the majority of votes cast to be elected; and
- (b) in writing, notify the elected candidate and the CEO of the full results of the election.

## **61 Equality of votes**

- (1) This regulation applies if, after counting the votes under regulation 58, two or more candidates in a ward have an equal highest number of votes.
- (2) The returning officer must:
  - (a) recount the votes cast for those candidates; and

- (b) if the votes are still equal after the recount, report the matter to the CEO.
- (3) The Commission must, in writing, advise the respective Minister to appoint an election date, based on the Commission's advice, for a fresh election in that ward.

## **62 Publication of election results**

The CEO must:

- (a) send a copy of a notice received from a returning officer under regulation 60(b) to the respective Minister; and
- (b) as soon as practicable, publish the notice in the Gazette.

## **63 Requirements for publication of notices**

- (1) This regulation applies to any requirement under these regulations for a notice to be published by an electoral official.
- (2) The official must publish the notice in a manner he or she considers appropriate to:
  - (a) ensure that the notice is widely seen; and
  - (b) to bring the notice to the attention of the persons to whom it is directed.
- (3) Without limiting sub regulation (2), the official may publish a notice in any of the following:
  - (a) the Gazette;
  - (b) a newspaper or magazine;
  - (c) at a public place;
  - (d) on a website;
  - (e) in any other way considered appropriate.
- (4) If a provision of these regulations requires an official to publish a notice in the Gazette, the official must publish the notice in the Gazette.

## **64 Forms**

- (1) A reference in these regulations to a form by number is a reference to a form of that number in the Schedule.
- (2) The CEO may approve additional forms for these regulations.

## **65 Custody of election documents**

- (1) The CEO must:
  - (a) ensure that any document relating to the conduct of an election is kept in safe custody; and

- (b) on the date fixed under sub regulation (2), destroy the following documents:
  - (i) all used and unused ballot papers;
  - (ii) all spoiled ballot papers;
  - (iii) all used and unused tendered ballot papers;
  - (iv) any other document authorised by the Commission to be destroyed.
- (2) Despite subregulation (3), the CEO must fix a date at least 6 months after the election results are published under regulation 62(b) to destroy the documents.
- (3) If an election petition has been filed in relation to the election, the CEO must not destroy any document relating to the petition until it has been finally determined by the Court.
- (4) The CEO must not destroy a document that may be required for study or research.
- (5) Information used for study or research:
  - (a) may only be used for statistical or analytical purposes; and
  - (b) must not be used in a way that discloses the identity, personal information or vote of any person.

## **66 Remuneration**

An electoral official is entitled to the remuneration fixed by the Commission after consulting the Permanent Secretary responsible for finance.

## **67 Power to defer part of an election**

- (1) This regulation applies if the Commission is satisfied that by reason of flood or storm or any other cause whatsoever, whether natural or man-made, it is not or will not be reasonably possible to:
  - (a) conduct an election in all or part of a ward in accordance with a date set under regulations 9 or 10; or
  - (b) complete the counting of votes immediately following an election.
- (2) The Commission may do any of the following:
  - (a) advise the respective Minister to appoint a new election date;
  - (b) set a new date for the last day of the nomination period;
  - (c) if an election has taken place, direct that the counting of votes be deferred or suspended to a later specified date.
- (3) A date set under sub regulation (2)(a) or (b):
  - (a) must be within 14 days after the date originally set; and

- (b) is taken to be the date set under regulations 9 or 10 (as the case may be).

## **PART 4 OFFENCES**

### **68 Misleading information or document**

- (1) In this regulation:

“*misleading information*” means information that is misleading in a material particular or because of the omission of a material particular.

- (2) A person commits an offence if:
- (a) the person gives information to an electoral official under these regulations; and
  - (b) the person knows or is reckless as to whether the information is misleading.

Maximum penalty: 50,000 penalty units or imprisonment for 5 years, or both.

- (3) A person commits an offence if:
- (a) the person gives a document to an electoral official under these regulations; and
  - (b) the person knows or is reckless as to whether the document contains misleading information.

Maximum penalty: 50,000 penalty units or imprisonment for 5 years, or both.

- (4) Sub regulation (2) does not apply if the person, when giving the document:
- (a) draws the misleading aspect of the document to the attention of the electoral official; and
  - (b) to the extent to which the person can reasonably do so, gives the electoral official the information necessary to remedy this misleading aspect of the document.

### **69 Confidentiality of information**

- (1) A person commits an offence if the person:
- (a) obtains information while exercising a power or performing a function under these regulations by any of the following:
    - (i) the CEO;
    - (ii) a member of the Commission;
    - (iii) an electoral official;
    - (iv) a staff member;

- (v) a police officer; and
- (b) engages in conduct that results or is reasonably likely to result in the disclosure of the information to a person other than a person mentioned in paragraph (a).

Maximum penalty: 50,000 penalty units or imprisonment for 5 years, or both.

- (2) Sub regulation (1) does not apply if the person discloses the information:
  - (a) for the exercise of the person's powers or the performance of the person's functions; or
  - (b) for the administration of these regulations; or
  - (c) for legal proceedings arising out of the operation of these regulations; or
  - (d) with the consent of the person to whom the information relates.

## **70 Protection of register**

A person who alters any information in the register of electors without authorisation under this Act commits an offence.

Maximum penalty: 50,000 penalty units or imprisonment for 5 years, or both.

## **71 Duty of employers to release electors**

- (1) An employer commits an offence if:
  - (a) an elector employed by the employer requests to be released at a reasonable time to vote at an election; and
  - (b) the employer:
    - (i) does not release the elector; or
    - (ii) releases the elector but reduces the elector's remuneration for the time spent by the elector voting.

Maximum penalty: 10,000 penalty units

- (2) This regulation binds the Crown.

## **72 Failure to comply with direction or requirement**

- (1) A person commits an offence if the person fails to comply with a direction or requirement of an electoral official given or made under these regulations

Maximum penalty: 20,000 penalty units or imprisonment for 2 years, or both.

## **73 Obstructing or threatening an electoral official**

A person commits an offence if the person obstructs or threatens an electoral

official acting in an official capacity.

Maximum penalty: 20,000 penalty units or imprisonment for 2 years, or both.

**74 Impersonating an electoral official**

A person commits an offence if the person falsely represents, by words or conduct, that the person is an electoral official.

Maximum penalty: 20,000 penalty units or imprisonment for 2 years, or both.

**75 Fraudulent voting**

A person commits an offence if the person:

- (a) votes more than once at an election; or
- (b) impersonates an elector (living or dead) for the purpose of voting at an election; or
- (c) votes at an election knowing that he or she is not entitled to do so under the Provincial Assemblies and Honiara City Electoral Act 2023 or these regulations; or
- (d) induces another person to vote at an election knowing that that other person is not entitled to do so under the Act these regulations.

Maximum penalty: 50,000 penalty units or imprisonment for 5 years, or both.

**76 Interfering with voting**

A person commits an offence if the person, without lawful authority:

- (a) interferes with an elector who is casting his or her vote; or
- (b) attempts to obtain information on the candidate for whom an elector is about to vote or has voted; or
- (c) enters into a polling booth while another person is in the booth, or
- (d) obstructs or unnecessarily delays proceedings at a polling station, including by obstructing access to the polling station.

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

**77 Interfering with ballot papers and ballot boxes**

A person commits an offence if the person, without lawful authority:

- (a) removes a ballot paper from a polling station; or
- (b) forges a ballot paper; or
- (c) defaces a ballot paper completed by another person; or

- (d) destroys a ballot paper; or
- (e) supplies a ballot paper to another person; or
- (f) destroys, takes, opens or interferes with a ballot box or packet of ballot papers.

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

## **78 Display, publication and distribution of false material**

A person commits an offence if:

- (a) the person displays, publishes or distributes material (or causes material to be displayed, published or distributed), and
- (b) the material falsely appears to have been issued by the Commission, the CEO or an electoral official.

Maximum penalty: 20,000 penalty units or imprisonment for 2 years, or both.

## **79 Engaging in campaign activity outside campaign period**

A person who engages in a campaign activity in relation to an election outside the campaign period for the election commits an offence.

Maximum penalty: 20,000 penalty units or imprisonment for 2 years, or both.

## **80 Campaign expenses and donations**

- (1) A candidate whose election campaign expenses exceed \$50,000 commits an offence under regulation 52(2).

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

- (2) A candidate who fails to comply with the requirements of regulation 52(1) commits an offence.

Maximum penalty:

- (a) 20,000 penalty units or 2 years imprisonment, or both; and
- (b) 100 penalty units for each day the offence continues.

- (3) A candidate commits an offence if the candidate accepts a campaign donation from:

- (a) a person who is not a citizen of Solomon Islands; or
- (b) a company with at least one shareholder who is not a citizen of Solomon Islands.

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

- (4) In this regulation, “campaign donation” means any transfer of property made,

otherwise than by will, without consideration or with inadequate consideration that is intended to be used, or is used, solely or substantially for a purpose related to an election.

## **81 Election bribery**

- (1) A person commits an offence if:
- (a) the person directly or indirectly promises, offers or gives a benefit to another person; and
  - (b) the person does so with the intention of influencing the other person to:
    - (i) vote or refrain from voting at an election; or
    - (ii) vote in a particular way at an election; or
    - (iii) influence a third person to vote, refrain from voting or vote in a particular way at an election.

Maximum penalty: 150,000 penalty units or imprisonment for 15 years, or both.

- (2) Sub regulation (1) does not apply in relation to a declaration of policy or a promise of action by a candidate as a campaign activity.
- (3) A person commits an offence if:
- (a) the person directly or indirectly solicits, accepts or receives a benefit for himself or herself, or another person; and
  - (b) the person does so with the intention that he or she will be influenced to:
    - (i) vote or refrain from voting at an election; or
    - (ii) vote in a particular way at an election; or
    - (iii) influence a third person to vote, refrain from voting or vote in a particular way at an election.

Maximum penalty: 150,000 penalty units or imprisonment for 15 years, or both.

- (4) A person commits an offence if the person gives another person money or any other item with the intention that the money or item be used as a benefit in the commission of an offence under sub regulation (1).

Maximum penalty: 150,000 penalty units or imprisonment for 15 years, or both.

- (5) It is a defence to a prosecution for an offence against sub regulation (1) or (3) if the defendant proves that the defendant promised, offered, gave, solicited, accepted or received the benefit:
- (a) in accordance with custom; and

- (b) openly, in the course of a traditional exchange of gifts; and
- (c) for the benefit of a community or group of people and not for an individual.

## **82 Undue influence**

A person commits an offence if the person directly or indirectly, by violence, intimidation, threat or physical restraint, attempts to influence another person to:

- (a) vote or refrain from voting at an election; or
- (b) vote in a particular way at an election.

Maximum penalty: 50,000 penalty units or 5 years imprisonment, or both.

## **83 Inciting election boycott**

- (1) This regulation applies to a person who has customary authority or religious influence over a group of people.
- (2) The person commits an offence if the person issues or causes to be issued a direction that, having regard to the nature and extent of the person's authority or to a probable consequence of non-compliance with the direction, is likely to cause a group of persons to refrain from voting in an election.

Maximum penalty: 30,000 penalty units or 3 years imprisonment, or both.

## **84 Effect of certain offences**

- (1) This regulation applies if a person is convicted of an offence against any of the following:
  - (a) regulation 75 (fraudulent voting);
  - (b) regulation 81 (election bribery);
  - (c) regulation 82 (undue influence).
- (2) The person is disqualified for 5 years from the date of the conviction:
  - (a) from being registered as an elector; or
  - (b) from voting at an election; or
  - (c) from being elected as a member of a Provincial Assembly or Honiara City Council.

## **PART 5 ELECTION PETITION**

### **85 Election petition**

- (1) An "*election petition*" is a petition to the Court in which a person complains that a member of a Provincial Assembly or of the Honiara City Council was not validly elected.

- (2) The following persons are entitled to file an election petition:
  - (a) an elector in the ward to which the petition relates;
  - (b) a candidate for the election in the ward.
- (3) An election petition must be filed within 30 days after the result of the election is published under regulation 62(b).
- (4) The Court may, when hearing an election petition, order the returning officer for the ward to do any of the following:
  - (a) produce any invalid ballot papers;
  - (b) open and produce a sealed, or unsealed if opened during the counting process, a packet of counterfoils of used ballot papers;
  - (c) produce any counted ballot papers;
  - (d) produce any tendered ballot papers and the tendered votes list.
- (5) Without limiting the circumstances in which the Court may find that an election is void, the Court must declare the election of a candidate void if it finds that the candidate was not qualified for election or was disqualified at the time of the election.

## **86 Procedures and rules for petition**

- (1) The Court:
  - (a) must hear and decide a petition under this Part in open court;
  - (b) may dismiss a petition without a hearing if:
    - (i) the petition is frivolous or vexatious; or
    - (ii) there are insufficient grounds to warrant the hearing of the petition.
- (2) The Court must decide a petition under this Part within 12 months after it is filed.
- (3) The decision of the Court on a petition under this Part is final.
- (4) The Chief Justice may, subject to these regulations, make rules of practice and procedure in relation to petitions under this Part.
- (5) Subject to rules made under subsection (4):
  - (a) the procedure at the hearing of an election petition, must (as near as possible) be the same (and the Court has the same powers, jurisdiction, and authority) as if it were a civil action; and
  - (b) witnesses:
    - (i) may be summoned and sworn in the same manner as in the hearing of a civil action; and

- (ii) are subject to the same penalties for perjury.
- (6) The Court must give a certificate of its decision on a petition under this Part to the Commission and the respective Minister.

## **PART 6 MISCELLANEOUS**

### **87 Local Government (Election Petition) Rules**

Until such time that rules are made under regulation 86 as to the questioning of elections held under these regulations, the Local Government (Election Petition) Rules shall apply to election petitions in respect of such elections and the said rules shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with these Regulations.

### **88 Repeal**

The following Regulations are repealed:

- (a) *Provincial Government (Election) Regulations 2010 (L.N. 148 of 2010);*
- (b) *Honiara City Council (Elections) Regulations 1999 (L.N. 167 of 1999).*

## **SCHEDULE**

### **FORM 1**

Regulation 14(2)(a)

### **CANDIDATE NOMINATION FORM**

*[Provincial Assembly Candidates]*

Electoral Ward for which the candidate seeks election:

Date of Election: ..... / ..... / .....

### **Conditions for Nomination**

1. I, the undersigned, am the candidate to whom this nomination paper refers, and I hereby state that I am willing to stand as a Member for the Provincial Assembly in the above Electoral Ward.
2. I also hereby state that I am qualified, and not disqualified for election to the Provincial Assembly in accordance with the law now in force in the Solomon Islands, that is to say:
  - (a) I am a citizen of Solomon Islands;
  - (b) I have attained the age of 21 years;
  - (c) I am a registered elector in the relevant Province;
  - (d) I am not the Speaker for the relevant Provincial Assembly;
  - (e) I am not a member of the National Parliament;
  - (f) I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
  - (g) I am not holding, or acting in, any public office nor am I a provincial government officer of any province;

- (h) I am not an undischarged bankrupt under Solomon Islands law;
- (i) I have not been certified insane or otherwise adjudged to be of unsound mind under Solomon Islands law;
- (j) I am not under sentence of death imposed by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed by such a court or substituted by competent authority for some other sentence imposed by such a court;
- (k) I am not disqualified from membership of Parliament or a Provincial Assembly or from registration as an elector or from voting at elections under Solomon Islands law relating to offences connected with elections.

<b>Candidate details</b>			
Full name: First Name:		Middle Name:	Surname:
<i>(As it will appear on the ballot paper)</i>			
Address:		Phone No.:	
Description (Occupation):			
Affiliation:	Independent:	Political Party <i>(where applicable):</i>	Party Name:
Date:		Signature:	
<b>Nominator details and declaration</b>			
We, the undersigned, are the nominators of the candidate, and are electors for the Electoral Ward for which this candidate seeks election.			
<b>Nominator 1</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:
<b>Nominator 2</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:
<b>Nominator 3</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:

Returning Officer use only		
Date Rec'd: / /	Time Rec'd: : (am / pm)	Nomination number:
Symbol:		Symbol colour:
Receipt Number:	RO signature:	
If Nomination is rejected, tick box and state reason: <input type="checkbox"/> REJECTED:	REASON/S:	

**FORM 2**  
Regulation 14(2)(a)  
**CANDIDATE NOMINATION FORM**

*[Honiara City Council Candidates]*

Electoral Ward for which the candidate seeks election:

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Date of Election: ..... / ..... / .....

<b>Conditions for Nomination</b>
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1. I, the undersigned, am the candidate to whom this nomination paper refers, and I hereby state that I am willing to stand for election to the Honiara City Council as a Member for the above Electoral Ward.
2. I also hereby state that I am qualified, and not disqualified for election to the Honiara City Council in accordance with the law now in force in the Solomon Islands, that is to say:
  - (a) I am a citizen of Solomon Islands;
  - (b) I have attained the age of 21 years;
  - (c) I am a registered elector in the relevant Electoral Ward;
  - (d) I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
  - (e) I am not holding, or acting in, any public office;
  - (f) I am not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;
  - (g) I have not been certified insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;
  - (h) I am not under sentence of death imposed by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed by such a court or substituted by competent authority for some other sentence imposed by such a court;
  - (i) I am not an employee of the City Council;
  - (j) I am not disqualified from membership of the National Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections;

Candidate details		
Full name: First Name:	Middle Name:	Surname:
<i>(As it will appear on the ballot paper)</i>		

Address:		Phone No.:	
Description (Occupation):			
Date:		Signature:	
<b>Nominator 1</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:
<b>Nominator 2</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:
<b>Nominator 3</b>	Full Name:		
	Address:		Phone No.:
	Description (Occupation)		
	I am registered as a voter in the.....Village in the..... .....Ward. Voters ID number:.....		
	Date:		Signature:
<b>Returning Officer use only</b>			
Date Rec'd: / /		Time Rec'd: : (am / pm)	Nomination number:
Symbol:		Symbol colour:	
Receipt Number:		RO signature:	
If Nomination is rejected, tick box and state reason: <input type="checkbox"/> REJECTED:		REASON/S:	

**FORM 3**

Regulation 14(2)(b)

**CONSENT FORM***[Provincial Assemblies and Honiara City Council Candidates]*

I, (Mr./Mrs./Ms.):..... hereby;

(write candidate's name in full - First name, Middle name, Surname)

- 1) give consent to my candidacy for the contested seat stated below; and

2) will fulfill all requirements required of me to be a candidate.

Contested Election:  Provincial  Council  
(tick appropriate box)

Contested Seat: .....  
(name of ward contesting)

To be signed by the candidate in the presence of the Returning Officer:

Candidate's Signature: ..... Candidate's Name ..... Date: .....  
(DD/MM/YYYY)

Returning Officer's Signature ..... Returning Officer's Name ..... Date: .....  
(DD/MM/YYYY)

**FORM 4**  
Regulation 16  
**BALLOT PAPER**

[Provincial Assemblies and Honiara City Council elections]

WARD OF .....

**PUT A MARK IN THE BOX OF YOUR CHOICE**

**VOTE FOR ONE CANDIDATE ONLY**

<b>NAME OF CANDIDATE</b>	<b>PHOTOGRAPH OF CANDIDATE</b>	<b>SYMBOL OF CANDIDATE (IF ANY)</b>	<b>MARK ONLY 1 BOX BELOW</b>

.....  
OFFICIAL MARK

Made this twenty-second day of January 2024.

**TAEASI SANGA**  
**ELECTORAL COMMISSION**