

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 26 of 1976

TO AMEND the Joint Electoral Committees Regulation No. 8 of 1975 as amended.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914.

Amendment of
J.R. No. 8
of 1975

1. The Joint Electoral Committees Regulation No. 8 of 1975 as amended (hereinafter referred to as "the principal Regulation") is hereby amended by replacing all references to "central Government" elections and constituencies by references to "territorial" elections and constituencies.

New s.1 added
to principal
Regulation

2. (1) Section 1 of the principal Regulation is hereby re-numbered as section 1A and the following paragraph added at the end thereof -

"The decisions of the said Committees shall be valid only if not fewer than four members, including both Chairmen, are present. " .

(2) The following new section shall be inserted immediately before the said section 1A -

"Interpretation

1. In this Regulation, unless the context otherwise requires -

"election" includes a by-election;

"electoral roll" means the electoral roll established for the purpose of any election under the provisions of subsection (4) of section 10A;

"home district" means the district to which a person is considered, by reason of birth, residence or principal interests, to belong;

"roll" includes a supplementary roll;

"provisional electoral record" and "provisional electoral roll" mean, in the case of first elections in any municipality, rural community or territorial constituency, the provisional electoral record compiled in accordance with the provisions

of sections 2 to 10, and in the case of all subsequent elections, the existing electoral roll established for the purpose of the last preceding election or elections :

Provided that in the case of any subsequent election or by-election, the Resident Commissioners may, if they consider it necessary, direct that a new provisional electoral record shall be compiled in accordance with the provisions of sections 2 to 10;

"revision" means the procedure of verifying, completing, supplementing, correcting and bringing up to date the provisional electoral record or roll, in accordance with the provisions of subsection (4) of section 10A, for the purpose of establishing a definitive electoral roll. " .

Replacement of s.3 of principal Regulation

3. Section 3 of the principal Regulation is hereby repealed and replaced by the following section -

"Registration Officers

3. (1) Every Electoral Committee may appoint, in writing under the hands of the Co-Chairmen, any person to be a Registration Officer for the purposes of this Regulation.

(2) Every District Agent and Assistant District Agent shall be deemed ex officio to be a Registration Officer for the Electoral Committee or Committees within his administrative district. " .

Replacement of s.6 of principal Regulation

4. Section 6 of the principal Regulation is hereby repealed and replaced by the following section -

"Evidence of qualification for registration

6. Any person applying for registration on the provisional electoral roll may be required to furnish a declaration certifying that he or she is qualified as an elector. Such declaration shall be in the form prescribed in the First Schedule and shall be signed by two persons (not related to the applicant) approved by two Registration Officers as being persons of good character and having adequate knowledge of the facts in question. " .

Replacement
of s.7 of
principal
Regulation

5. Section 7 of the principal Regulation is hereby repealed and replaced by the following section -

"New qualification
and transfer of
registration

7. (1) Any person not having been registered or not having been qualified to be registered as an elector on the provisional electoral record, or whose registration has been annulled, may be registered on the provisional electoral record at the time of its revision in accordance with the provisions of section 10A, if he or she has the necessary qualifications :

Provided that in the case of any by-election in a territorial constituency, no elector shall be entitled to apply for his or her registration on the provisional electoral record or roll of the constituency in which the by-election is to be held unless -

(a) his or her home district is within the constituency in which the by-election is to be held; or

(b) he or she has resided within the said constituency for not less than six months immediately preceding the date fixed for polling (disregarding periods of temporary absence).

(2) At the time of the revision of the provisional electoral record or roll in accordance with the provisions of section 10A, any person registered as an elector may be transferred to any other provisional electoral roll or record if he or she has the necessary qualifications for such transfer :

Provided that in the case of a by-election, no such transfer shall be permitted, other than from one registration area to another in the same territorial constituency.

New s.8 (2)
added to
principal
Regulation

6. Section 8 of the principal Regulation is hereby amended by renumbering the section as subsection (1) and by adding thereafter the following new subsection -

" (2) A new electoral card may be issued to any person to whom an electoral card has been issued under the provisions of subsection (1) -

(a) if it is established, by means of a written declaration in the form prescribed in the Second Schedule, that the original electoral card has been lost or destroyed;

(b) if it is established upon production of the original electoral card that it is defaced or otherwise unfit for further use;

(c) if the Resident Commissioners have decided that the whole provisional electoral record shall be renewed and replacement electoral cards issued in accordance with the provisions of sections 2 to 10.

Every replacement electoral card issued pursuant to paragraph (c) shall be of a conspicuously different colour from the original electoral cards issued in that constituency or registration area.

Every replacement electoral card regularly issued shall be of the same validity as an original electoral card.

Every original electoral card surrendered upon the issue of a replacement electoral card shall be clearly cancelled and returned without delay to the Electoral Committee concerned which shall, after verification of the procedure, cause the same to be destroyed. "

Replacement
of s.9 of
principal
Regulation

7. Section 9 of the principal Regulation is hereby repealed and replaced by the following section -

"Offences

9. (1) Any person who shall wilfully resist, obstruct or hinder any member of an Electoral Committee or any Registration Officer in the lawful execution of his duties under this Regulation or any rules made thereunder shall be guilty of an offence punishable by a fine not exceeding 10,000 FmH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding three months or by both such fine and imprisonment.

(2) Any person who shall wilfully give any false information to any member of an Electoral Committee or any Registration Officer or wilfully make a false certificate, document or declaration under section 6 or 8, or fraudulently destroy or alter any electoral card issued to any person under the provisions of section 8, shall be guilty of an offence and liable upon conviction to the penalties prescribed in subsection (1).

(3) Any Registration Officer who shall knowingly register or cause to be registered as an elector any person who is not qualified to be so registered or shall knowingly issue or cause to be issued an electoral card under the provisions of section 8 to any person who is not entitled to such electoral card, shall be guilty of an offence and liable upon conviction to the penalties prescribed in subsection (1). "

Replacement
of s.10 of
principal
Regulation

8. Section 10 of the principal Regulation is hereby repealed and replaced by the following section -

"Electoral
Offices at
Vila and
Santo

10. (1) There shall be established at Vila and Santo an Electoral Office which shall be under the general supervision of the Resident Commissioners and of which the District Agents at Vila and Santo respectively shall be ex officio the Co-Superintendents. They may be replaced, as circumstances may require, by an Assistant District Agent.

(2) When each Electoral Committee has established a provisional electoral record within the area of its competence, it shall forward the same in the form of a list or by means of the duplicate copies of all electoral cards, or both, to the Electoral Office concerned.

(3) The Electoral Office at Santo shall have competence with respect to the islands of Espiritu Santo, Malo, Aore and Tutuba and such other areas as the Resident Commissioners may from time to time direct. The Electoral Office at Vila shall have competence with respect to all other parts of the New Hebrides.

(4) The functions of the Electoral Offices shall be to co-ordinate the provisional electoral record in each case, to prepare a sufficient number of copies thereof for publication and revision in accordance with the provisions of section 10A and to assist in such revision, generally to assist the Electoral Committees concerned and, where requested by the Co-Chairmen, to act in any matter on their behalf, together with such other functions as may be conferred on them by direction of the Resident Commissioners. Where appropriate, the members of the staff of each Electoral Office may be appointed as Registration Officers by the Electoral Committees concerned.

(5) The Electoral Offices shall prepare and issue the electoral rolls established in accordance with the provisions of subsection (4) of section 10A, for the purposes of polling at the prescribed polling stations. " .

New s.10A
added to
principal
Regulation

9. The principal Regulation is hereby further amended by inserting immediately after section 10 the following new section -

"Revision of
provisional
electoral
record and
establishment
of electoral
rolls

10A. (1) As soon as practicable after the publication of a joint decision of the Resident Commissioners fixing the date of any election, each Electoral Committee concerned shall cause the provisional electoral record to be made available for public inspection during normal business hours at the District Agencies and the appropriate Electoral Office and shall take all such other steps to cause the same to be made available for public inspection in the rural areas as may be reasonably practicable. In particular, every Registration Officer shall have in his or her possession a copy thereof for the purpose of notifying the public generally and for examination by any person upon request. Such period of publication of the provisional electoral record shall end on a date to be prescribed by joint decision of the Resident Commissioners being a date not later than 7 clear days before the commencement of polling, which date shall be deemed for all purposes to be the date of closure of the electoral roll.

(2) Any person may make application, orally or in writing, to any member of the Electoral Committee concerned, the appropriate Electoral Office or to any Registration Officer, respecting -

(a) the inclusion or omission of his name on the provisional electoral record;

(b) the correction of any particulars or information contained in any entry on such record;

(c) the deletion of the name of any other person from such record;

(d) the removal of the name of any person registered on a provisional electoral roll and the transfer of that name to another provisional electoral roll.

All applications made under paragraphs (c) and (d) above shall be referred for decision to the Electoral Committee concerned. Where any such application is made orally, the person to whom it was made shall record it in writing and forward it to the said Electoral Committee.

(3) Any person who has not previously been registered on the provisional electoral record may apply for his registration in accordance with the provisions of subsection (1) of section 7. Such application shall be granted if he or she has the necessary qualifications and an electoral card shall be issued to him or her.

All applications for transfer of registration under the provisions of subsection (2) of section 7, shall be referred by the Registration Officer who received them to the Electoral Committee concerned which shall decide upon the acceptance or refusal of the applications.

Every Registration Officer shall forward a written report to the Electoral Committee concerned of each application or representation which he or she has rejected.

(4) As soon as practicable after the ending of the period of publication of the provisional electoral record, the Electoral Committee concerned shall meet and shall consider the provisional electoral record together with all outstanding applications and representations concerning the record and the reports of the Registration Officers and the Electoral Office concerned. The Electoral Committee shall determine all such outstanding applications and representations and may upon further consideration of the decision of a Registration Officer upon any application or representation and all facts and subsequent representations relevant thereto, reverse such decision. The Electoral Committee shall thereupon establish the definitive electoral roll for the election or elections concerned. The master copy of each electoral roll shall be initialled at the foot of each page by the Co-Chairmen of the Committee; on the last page of

each roll the Co-Chairmen shall certify the number of pages and the total number of entries and shall sign and date their certificate in the presence of not fewer than two other members of the Committee. " .

Replacement
of First and
Second
Schedules to
principal
Regulation

10. The First and Second Schedules to the principal Regulation are hereby repealed and replaced by the First and Second Schedules to this Regulation.

Citation
and
commencement

11. This Regulation may be cited as the Joint Electoral Committees (Amendment) (No. 3) Regulation No. 26 of 1976 and upon its publication in the Condominium Gazette shall be deemed to have come into operation on the 26th day of August, 1976.

MADE at Vila this fourteenth day of September, 1976.

The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Acting Resident Commissioner

R. GAUGER

J.A. BURGESS

SECOND SCHEDULE

(section 8)

" DECLARATION OF LOSS OR DESTRUCTION OF ELECTORAL CARD

I, the undersigned, hereby declare that my electoral card issued at for the
..... Electoral Constituency, has been lost/destroyed (delete the word inapplicable).

I acknowledge that I understand that the making of a wilfully false declaration constitutes an offence punishable under the provisions of section 9 of the Joint Electoral Committees Regulation No. 8 of 1975 as amended.

Signature "