

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 26 of 1979

TO PROVIDE for elections to Regional Councils.

MADE by the Resident Commissioners under the Anglo-French Protocol of 1914 and the Exchange of Notes of 15th September 1977, as amended by the Exchange of Notes of 18th September 1979 between the Governments of the French Republic and the United Kingdom; and the Exchange of Notes of 23 October 1979 between the Governments of the French Republic and the United Kingdom, relating to the institution of regional government in the New Hebrides; and in accordance with the Joint Regulation No. 19 of 1979 relating to registration of voters and elections; and after consultation with the Council of Ministers.

PART 1. GENERAL

Constitution of
Regional Councils

1. (1) (a) The Regional Constituency of Santo shall be formed by the Constituency of Santo, Malo and Aoré and the Constituency of Luganville.
(b) The Regional Constituency of Tanna shall be formed by the Constituency of Tanna.
- (2) The Regional Councils of Santo and Tanna shall be composed of:
 - (a) Fifteen members elected by universal suffrage.
 - (b) Five custom chiefs elected by the 15 members elected under paragraph (a) above.
- (3) Elections to the Regional Councils of Santo and Tanna shall be held at the same time as elections to the Representative Assembly, the date of which is laid down in Joint Regulation No. 20 of 1979.

Application of
Election
Regulation 1979

2. (1) The provisions of Joint Regulation No.19 of 1979, relating to elections to the Representative Assembly, shall also be applicable to elections to Regional Councils, subject to the amendments made thereto by this Joint Regulation.
- (2) Unless expressly amended in any respect by this Joint Regulation, Joint Regulation No.19 of 1979 shall be read and construed in such manner as is calculated to best facilitate the organisation of elections to Regional Councils.

- (3) The provisions of sections 26, 28, 30 and the last seven words of 34 (2) of Joint Regulation No. 19 of 1979 shall be replaced by the following provisions:

PART II - CANDIDATES FOR ELECTION
TO REGIONAL COUNCILS

Lodgment of lists 3.
of candidates

- (1) Any political party wishing to declare candidates for election to that part of the Regional Councils composed of members elected by universal suffrage shall, in the person of an authorised agent, not later than a date laid before Polling day by Joint Decision of the Resident Commissioners, lodge with a District Agent:-
- (a) a declaration of candidature in the form set forth in Schedule I, Section I to this Regulation, containing the signature of all the candidates and a declaration to the effect that all the candidates fulfil the conditions of eligibility laid down in section 25 of Joint Regulation No.19 of 1979;
 - (b) a deposit of FWH 10,000;
 - (c) an illustration on paper of the political party's electoral symbol ; this provision does not apply to political parties who have already had such a symbol approved by the Minister of the proposal of the Electoral Office.
- (2) Every declaration of candidature of a list of candidates shall contain the signatures of not less than five sponsors being persons registered to vote in the Regional Council Constituency for which the list of candidates are standing for election and not being related to any of the candidates and being of good reputation.
- (3) The provisions of paragraphs (d) and (e) of section 24 of Joint Regulation No.19 of 1979 shall not be applicable to candidates for election to Regional Councils.

- (4) No person may be included in a list of candidates for election to a Regional Council unless he is registered to vote in a Constituency comprising the Regional Constituency in question.
- (5) A deposit paid under paragraph (b) of subsection (1) shall not be repaid unless at least one candidate on the list is elected, or the list of candidates is withdrawn not less than 7 days before Polling day.
- (6) Where a District Agent receives a Declaration of Candidature he shall deliver to the authorised agent of the candidates a receipt in the form set forth in Schedul. I, Part II and immediately forward the Declaration to the Electoral Committee.
- (7) Within twenty-four hours following the date mentioned in paragraph (1), each Electoral Committee shall prepare a summary of the lists of candidates it has received and forward a copy thereof to the Resident Commissioners and the Electoral Office.
- (8) Each Electoral Committee shall send with the documents mentioned in subsection 7 the written comments which it shall deem appropriate to make with respect to the validity of all of the candidatures.

Chiefly
Candidates

4.

- (1) Not later than a date to be set by the Resident Commissioners, any person wishing to stand as a candidate for election as one of the chiefly members of the Regional Council, as provided for in section 1(2) (b) shall lodge with a District Agent of the Region concerned:-
 - (a) a declaration of candidature in the form set forth in Schedule 1, section 3, containing his signature together with a declaration to the effect that the candidate fulfils the conditions of eligibility laid down in section 25 of Joint Regulation No.19 of 1979.
 - (b) a deposit of FNH 5,500.
- (2) Every custom chief candidature shall contain the signatures of not less than twenty-five sponsors being persons registered to vote in the Regional Council Constituency and not being related to the candidate and recognising the candidate to be a custom chief.

- (3) The provisions of paragraph (g) of subsection (1) and paragraph (d) and (e) of subsection (2) of section 24 of Joint Regulation No.19 of 1979 shall not be applicable to the candidatures of custom chiefs.
- (4) Only persons registered to vote in the Regional Council Constituency may stand for election as custom chiefs.
- (5) A deposit paid under subsection (1) shall not be repaid unless the candidate obtains at least one vote or withdraws his candidature not less than 3 days before polling day.
- (6) Where a District Agent receives a Declaration of Candidature he shall deliver to the candidate a receipt in the form set forth in Schedule I, Section 4, and shall immediately forward such Declaration to the Electoral Committee.
- (7) Within twenty-four hours following the date mentioned in subsection (1) each Electoral Committee shall draw up a final list of the candidatures received by the said Committee and forward a copy of this list to the Resident Commissioners.
- (8) Each Electoral Committee shall send with the documents mentioned in subsection (7) the written comments which it shall deem appropriate to make with respect to the validity of all the candidatures.

Death of
Regional
Councillor

5.

- (1) The references made to alternate members in Joint Regulation No.19 of 1979 shall not be applicable to elections to Regional Councils.
- (2) In the event of the death of a Regional Councillor elected by universal suffrage under the provisions of this Regulation, the non-elected candidate whose name first appeared on the list of candidates bearing the name of the deceased councillor shall without further formality become a member of the Regional Council in his place, but if there is no such non-elected candidate, a by-election shall be held.
- (3) In the event of the death or resignation of a custom chief elected under the provisions of this Regulation, a by-election shall be held.

PART III - ELECTIONS OF REGIONAL COUNCILS

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| Elections of Councillors | 6. | Election of the fifteen members elected by universal suffrage shall be made by a system of proportional representation allocating seats to lists on the basis of a single vote. |
| Lists to be complete | 7. | Only complete lists including an equal number of names as there are vacant seats shall be accepted. |
| Death or withdrawal of candidate | 8. | For the purposes of applying the provisions of section 7:-
(a) each candidate shall satisfy the required conditions of eligibility
(b) no provision shall be made for the replacement of any candidate dying after the time-limit for lodging candidatures has expired or of one or more candidates who do not satisfy the conditions of eligibility. List from which candidates are removed under the provisions of this paragraph shall remain valid, even though incomplete.
(c) no candidate may withdraw from a list after the expiry of the time-limit for lodging candidatures. |
| Allocation of seats | 9. | (1) Each valid list of candidates shall be allocated vacant seats in proportion to the number of votes cast for the list.
(2) Seats shall be allocated to candidates in the order of priority in which their names appear on the relevant list.
(3) Those candidates obtaining the greatest number of votes under the proportional representation system, in accordance with the greater remainder rule, shall be declared elected. |
| Count | 10. | (1) For the purpose of section 9(3), the electoral quota shall be fixed by dividing the total valid poll by the number of seats to be filled, the dividend being rounded down to the nearest whole number, whereupon, there shall be allocated to each list a number of seats equal to the whole number obtained by dividing the total number of votes validly cast for the list by the quota.
(2) Seats which have not been allocated under the provisions of subsection (1) shall be allocated in accordance with the greater remainder rule. |

For this purpose, seats shall be allocated successively to each list in the order in which each list has the greater remainder after dividing the votes cast for it in accordance with subsection (1).

Invalid ballot 11.
papers

- (3) In the event of there only remaining one seat to allocate and if two lists have the same remainder, the seat shall be allocated to the list which has received the greatest number of validly cast votes.
- (1) No ballot paper shall be counted as valid if it has been altered.
- (2) Handwritten ballot papers shall be counted as invalid.
- (3) Rules and regulations governing voting procedures and the counting and declaration of votes shall be those laid down in Schedule 5 of Joint Regulation No.19 of 1979, subject to the provisions of Schedule II to this Joint Regulation.

Election of 12.
chiefly
councillors

- (1) The fifteen Regional Councillors elected by universal suffrage shall elect five custom chiefs on a date to be fixed by Joint Decision of the Resident Commissioners, as soon as may be after the publication of the results of the election of these Councillors.
- (2) The District in which the Regional Council is situated shall be responsible for organising the election provided for in subsection (1).
- (3) A poll shall be taken by secret ballot and no person shall have more than one vote nor vote for more than one candidate. For this purpose:
 - (a) each of the fifteen Councillors shall have one vote which he shall cast in favour of the custom chief of his choice.
 - (b) the five custom chiefs obtaining the greatest number of votes cast be declared elected.
 - (c) if after a ballot one or more seats remain vacant a sufficient number of further ballots shall be held as provided above all the vacant seats are filled.
 - (d) in the event of there remaining only one seat to be filled, and if two candidates have the same number of votes, a second ballot shall be taken with votes being cast for these two candidates only. The candidate obtaining the greatest number of votes cast shall be declared elected.

Should both candidates once more obtain the same number of votes, the elder of the two shall be declared elected.

- (4) Each Councillor's vote is personal and may not be transferred by proxy.

Repeal 13.

Joint Regulation No.6 of 1978 providing for the establishment of Regional Authorities, is hereby repealed.

Short title 14.
and
commencement

This Joint Regulation may be cited as the Regional Council (Election) Regulation 1979 and shall come into operation on the date of its publication in the New Hebrides Government Gazette.

MADE at Vila this 25 day of October 1979.

Delegate Extraordinary
for the French Republic
in the New Hebrides

Her Britannic Majesty's
Resident Commissioner

J.J. ROBERT

A.C. STUART

SCHEDULE I - PART III

DECLARATION OF CANDIDATURE - CUSTOM CHIEF

To the District Agent

for: District

I, the undersigned:

address:

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declare myself a candidate for election as a custom chief
in the Regional Council.

I declare that I have not received the sentence of imprisonment
referred to in Section 25 (1) (b) of the Election Regulation, JR No.19
of 1979, or am an undischarged bankrupt. I further declare that I am
25 years old and registered to vote in the Regional Council area.

S P O N S O R S

We, the undersigned, registered to vote in the

Regional Council constituency, declare that we recognise

Mr to be a custom chief of

. area.

<u>NAME</u>	<u>SIGNATURE</u>	<u>ELECTORAL CARD No</u>
1
2
3
4
5
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7
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9
10
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13
14
15

SCHEDULE I - PART IV

REGIONAL COUNCILS (ELECTION) REGULATION 1979

R E C E I P T

RECEIVED FROM:
this day of 1979

(1) Declaration of Candidatures for the election of Custom
Chiefs of the Regional
Council to be held during the month of 1979.

(2) A deposit of FNH 5,000
New Hebrides Government Receipt No:
of

Signed:
British/French District Agent

for: District

SCHEDULE II

ELECTION OF CANDIDATES - RULES

- 1 - Rule 3 in Schedule 5 to Joint Regulation No.19 of 1979 shall be amended by replacing the word "candidate" by "list of candidates", wherever the word "candidate" appears.
- 2 - When elections to Regional Councils take place concurrently with elections to the Representative Assembly, the provisions of rule 10 in Schedule 5 to Joint Regulation No.19 of 1979 shall be amended as follows:
 - (1) paragraph (f) of sub-rule (2) shall be deleted;
 - (2) the following sub-rule (3) shall be added:
 - (3) After each voter has placed the envelope relating to elections to the Representative Assembly in the ballot box, the presiding officer or a polling clerk shall hand him a ballot paper for each list of candidates for election to the Regional Council, together with an envelope of a different appearance to that used for elections to the Representative Assembly.
On receipt of the ballot papers and envelope a voter shall:
 - (a) enter a polling booth provided for elections to the Regional Council;
 - (b) record his vote by placing the ballot paper corresponding to his chosen list of candidates in the envelope,
 - (c) leave all other ballot papers in the booth,
 - (d) present himself to the presiding officer or polling clerk who without it shall verify that the voter tenders one envelope,
 - (e) place the envelope in the ballot box, and
 - (f) leave the polling station without undue delay having carried out the formalities provided for in rule II.
- 3 - When elections to Regional Councils take place concurrently with elections to the Representative Assembly, the following procedure shall apply for the purposes of the formalities provided for in rules 17 to 23 in Schedule 5 to Joint Regulation No.19 of 1979:

"The presiding officer shall remove all envelopes from each box and separate those envelopes used for elections to the Regional Council. He then replaces the envelopes used for elections to the Regional Council in the ballot box, which is then closed, and supervises the counting of votes cast in respect of elections to the Representative Assembly. The ballot box is then re-opened and the votes cast in respect of elections to the Regional Council are counted".