

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 30 of 1975

TO PROVIDE for the election of the members of the Representative Assembly.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914 and of the Exchange of Notes between the Governments of the United Kingdom and the French Republic made at Paris the twenty-ninth day of August 1975 establishing the Representative Assembly of the New Hebrides.

PART I - ELECTION OF REPRESENTATIVES OF THE PEOPLE

Electoral  
rolls,  
interpretation

1. (1) The election of the representatives of the people to the Representative Assembly shall be by secret ballot based on electoral rolls prepared in accordance with the Joint Electoral Committees Regulation No. 8 of 1975 as amended (hereinafter referred to as "the Regulation").

(2) In this Regulation, unless the context otherwise requires -

"constituency" means the electoral area for the election of one or more representatives of the people to the Representative Assembly as defined in accordance with Article 2 of and the Schedule to the Exchange of Notes between the Governments of the United Kingdom and the French Republic made at Paris the 29th day of August 1975 establishing the Representative Assembly of the New Hebrides;

"registration area" means an area within a constituency for the purposes of the registration of electors under the provisions of the Regulation and of voting in elections for the Representative Assembly as defined in maps approved by the Resident Commissioners deposited for public inspection at the offices of the District Agents and such other places as they may think fit.

Disqualifications from voting

2. (1) The following persons shall not be entitled to vote -

- (a) persons who have been sentenced by any court in the New Hebrides to a term of imprisonment, whether suspended or not, of more than twelve months for any offence and have not been granted a total remission of the sentence:

Provided that if at the date of the closing of the electoral roll three years or more have elapsed since the end of the term of imprisonment or the end of the period of suspended sentence, the person concerned shall not be so disqualified;

- (b) persons who are lawfully detained in a mental hospital under the provisions of the Joint Mental Hospital Regulation No. 2 of 1965;
- (c) persons who are undischarged bankrupts;
- (d) persons who have at any time within four years immediately preceding the election been convicted of an electoral offence.

(2) For the purposes of paragraph (a) of subsection (1), two or more terms of imprisonment which are required to be served

consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

Preparation,  
revision, etc.  
of rolls

3. (1) The electoral roll for each registration area within every constituency shall be closed on a date to be prescribed by the Resident Commissioners by joint decision, being a date not earlier than one calendar month before the date fixed for the commencement of polling.

(2) The electoral rolls shall be prepared by the appropriate Electoral Committee established under the provisions of section 1 of the Regulation showing the names of all persons registered as qualified to vote at the elections and shall be revised before closure in accordance with the provisions of subsection (3).

(3) Copies of the electoral rolls shall be made available for inspection by the public at the District Agents' offices during normal business hours for a period of one month prior to the date fixed in accordance with subsection (1) for the closure of the rolls. The District Agents may also make such further arrangements as they may consider necessary for the publication of the rolls to interested persons. During such period any person may, after examining the rolls, make representations regarding the inclusion or omission of any name. Such representations may be made to any District Agent, who shall if necessary put them in writing and forward them to the Co-Superintendents of the Electoral Office established by the Resident Commissioners at Vila or Santo, or may be made in writing by the person making the representations direct to the said Co-Superintendents. The Co-Superintendents of the Electoral Office shall

investigate every such representation and their decision thereon respecting the addition or removal of any name, which shall be determined not later than twenty-four hours before the time fixed for the commencement of polling, shall be final.

Date of elections

4. The date of the elections shall be fixed by the Resident Commissioners by joint decision, which shall be published not less than two months before the polling is due to commence. The places at which and the time during which polling shall take place shall be prescribed by the two District Agents of the relevant District. Nothing in this section shall be construed so as to prevent the appointment of different dates for the voting in an election in different constituencies and different registration areas within the New Hebrides or the establishment of more than one polling station at the same place.

Presiding officers at polling places

5. Every polling station shall be presided over by a person appointed as presiding officer jointly by the District Agents.

Conduct of voting

6. (1) The presiding officer of each polling station shall ensure that voters conduct themselves in an orderly manner. The voters shall not concern themselves with any matter other than the electoral procedure and in particular shall not hold any discussion or deliberations within fifty metres in all directions of the polling station.

(2) No person other than a candidate shall within any polling station where voting is in progress or on any public way within a

distance of fifty metres of any such polling station wear or display any card, symbol, favour or other emblem indicating support for a particular candidate or political party.

Appointment  
of polling  
clerks

7. The District Agents shall appoint two persons to be polling clerks for each polling station in the constituency concerned. They may also appoint alternate polling clerks. In any circumstances, notwithstanding periods of absence of any one person appointed by the District Agents under section 5 or this section, the polling station shall be manned by two of the persons so appointed by the District Agents during the whole of the period of polling.

Represent-  
atives of  
candidates

8. (1) Any candidate or political party may nominate in writing to the District Agents concerned, not less than seven clear days before polling, a representative or his alternate for each polling station who may attend the electoral proceedings and if necessary require any comment, protest or dispute concerning the proceedings to be included in the report of the returning officer under section 36. The District Agents shall issue to such representative a form of receipt for the nomination:

Provided that any such representative who must be an elector in that constituency may be so authorised for more than one polling station.

(2) Every such representative shall satisfy the presiding officer that he is authorised as a representative of a candidate or political party by producing the receipt issued to him by the District Agents at the time of the polling.

(3) A list containing the names of such representatives of the candidates shall be displayed at all polling stations in the relevant constituency.

Presiding officer to resolve difficulties

9. The presiding officer shall resolve any difficulties which may arise during voting and shall give reasons for any decisions which he may make.

Report

10. A written statement of all representations and objections and the decisions thereon together with all relevant documents initialled by the presiding officer and polling clerks shall be included in the report of the returning officer under section 36.

Copy of roll to be at polling station

11. Throughout the period of voting a copy of the definitive electoral roll shall remain on the table at which the polling clerks are seated.

Voters to be on roll and have electoral card

12. No person shall be permitted to vote unless his name is on the roll of electors and he produces to the presiding officer a valid electoral card issued to him under the provisions of section 8 of the Regulation.

Ballot papers

13. (1) In the case of an urban constituency comprising French, British and New Hebridean representation, the names of candidates shall be shown on three separate ballot papers of different colours according to such representation, in such manner as shall be prescribed by joint decision of the Resident Commissioners:

Provided that, unless the context otherwise requires, references in this

Regulation to sets of three ballot papers shall include references to sets of fewer than three ballot papers in any case where by reason of the application of subsection (1) of section 16 a poll is taken in fewer than three electoral categories.

(2) In the case of all rural constituencies there shall be a separate ballot paper for each candidate bearing only the name, photograph and symbol of that candidate. The voting papers shall be of a colour chosen by the candidate or his party in order of their declaration of candidature, subject to the approval of the Resident Commissioners. If no suitable colours remain to be chosen the ballot papers shall be white.

Declaration  
etc. of  
candidates

14. (1) Every candidate for election shall declare himself or herself in writing in the form prescribed in the Schedule not less than one month before the date fixed for the elections. His or her candidature shall be endorsed by five persons registered as electors in the registration area who are not related to him or her. The form shall be presented in turn to both District Agents concerned, the second of whom shall issue a receipt for the papers and shall forward them to the Electoral Office at Vila.

(2) The list of candidates shall be published at the District Agents' Offices and (save in the case of first elections) the Representative Assembly Office at least two weeks before the dates fixed for elections.

(3) In any case where a candidature sponsored by a political party shall be declared by the Resident Commissioners to be invalid for reasons not involving fraud

or bad faith, or where a candidate sponsored by a political party dies after the declaration of his candidature and more than fourteen days before the date fixed for elections, another candidate sponsored by the same party may declare himself or herself in the prescribed manner in replacement thereof within 48 hours of such declaration of invalidity or notification of such death, notwithstanding that the period of limitation prescribed in subsection (1) has expired.

(4) Every candidate shall lodge with the District Agents a deposit which shall be repaid to him only in the event that he is successful in his candidacy or obtains such proportion or minimum number of the votes validly cast in his constituency or electoral category as shall be prescribed by the Resident Commissioners by joint decision. A receipt shall be issued for the deposit. The Resident Commissioners shall prescribe further details of the procedure to be adopted for the lodging and reimbursement of the deposit as may be necessary.

(5) Every candidate shall be required to adopt, with the approval of the Resident Commissioners, a simple, easily recognisable electoral symbol which shall be printed next to his or her name on the ballot paper for identification by voters:

Provided that in the case that any political party shall sponsor more than one candidate for election, such political party may obtain approval of a symbol which may be used with respect to each and every candidate for election sponsored by such political party.

(6) Every candidate for election shall, if so required, supply a clearly defined and recent photo of himself or herself in full face, or allow any person nominated by the Resident Commissioners or the District Agents, to take a suitable photograph of him or her.

Ineligibility  
of certain  
persons

15. The following persons, shall not be eligible as candidates while they exercise their functions -

- (a) the Resident Commissioners, the deputies to the Resident Commissioners, the District Agents and Assistant District Agents;
- (b) heads of departments of the Joint and national Administrations and their deputies;
- (c) Magistrates and Judges;
- (d) members of the Police Force;
- (e) public accounting officers of the Joint and national Administration;
- (f) any person holding such other office incompatible with membership of the Assembly as may be prescribed by Joint Regulation.

Method of  
election and  
notice of  
poll

16. (1) If at the close of the period for nomination of candidates or upon the withdrawal of a candidature at any subsequent date, the number of candidates standing nominated is equal to and does not exceed the number of members required to be elected in any constituency or in the case of an urban constituency, in any electoral category in the constituency, the District Agents shall forthwith publicly

declare each of those persons to be elected and shall also declare the result in accordance with the provisions of subsection (2) of section 3<sup>1</sup>.

(2) If the number of candidates referred to in subsection (1) exceeds the number of members to be elected a poll shall be taken in accordance with the provisions of this Part and the public notice of declarations of candidature given in accordance with section 14 shall include a notice of a poll, which shall state the day on which and the hours during which the poll will be taken together with the situation of each polling station, the description of voters entitled to vote at each polling station and all necessary information concerning the electoral procedure.

Voting by  
ballot

17. The votes at the poll shall be cast by secret ballot, the results shall be ascertained by counting the votes given to each candidate and subject to the provisions of subsection (1) of section 3<sup>1</sup> the candidates corresponding in number to the number of members required to be elected who receive the greatest number of votes shall be declared to be elected.

Place of  
registration  
of electors

18. Subject to section 7 of the Regulation, every elector shall be registered in the registration area in which he or she is normally resident at the date of the closure of the electoral roll.

Place of  
voting

19. Every elector (including an elector voting by proxy) shall vote at any prescribed polling station within the registration area in which he or she is registered as an elector:

Provided that in any rural constituency such elector may vote at any other polling station in that rural constituency notwithstanding that it is not in the same registration area.

Polling station in charge of presiding officer

20. (1) During the poll each polling station shall be in the charge of the presiding officer assisted by two or more polling clerks.

(2) A presiding officer may delegate to any polling clerk all the powers conferred on him by this Part.

(3) Any presiding officer or polling clerk may be paid such reasonable remuneration and expenses for his services as the Resident Commissioner may prescribe by joint rules.

Adjournment of poll etc.

21. (1) Where the electoral proceedings at any polling station are interrupted or obstructed by any disorder or other circumstances which in the opinion of the presiding officer and at least one polling clerk makes it temporarily impossible to continue the taking of the poll, the presiding officer may suspend the proceedings until the re-establishment of normal conditions. He shall then re-open the proceedings until the time of the closing of the poll. The reasons for such suspension of the proceedings shall be recorded in the report of the returning officer under section 36.

(2) Where the electoral proceedings in any registration area are interrupted or obstructed by any circumstances beyond the control of the presiding officer of the nature of public disaster or emergency, which in his opinion make it impossible to hold the taking of the poll, he may adjourn the

proceedings and inform the District Agents thereof. The District Agents shall report such adjournment to the Resident Commissioners.

(3) Where the electoral proceedings are adjourned under the provisions of subsection (2), the taking of the poll shall be deemed to be annulled with respect to each polling station concerned. New polling shall be held on a day and during the hours to be fixed by joint decision of the Resident Commissioners.

(4) If in the opinion of the presiding officer and at least one polling clerk within one hour before the time fixed for the close of polling, there are more electors waiting at the polling station than can reasonably be expected to be able to vote before the said time, the presiding officer may in his discretion and with the consent of the District Agents, if the same can be practicably obtained, extend the polling period by a period not exceeding one hour. Any such extension of the polling period shall be recorded in the report of the returning officer made under section 36.

Equipment of  
polling places

22. (1) Each presiding officer shall be provided with an empty ballot box locked with two padlocks having dissimilar keys for locking the lid of the box together with such sufficient number of ballot papers and envelopes as in the opinion of the District Agents or their representatives may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be put therein but cannot be withdrawn therefrom without the box being unlocked.

(3) Each polling station shall be provided with -

- (a) in the case of urban constituencies, such number of polling booths as may be necessary in which voters may mark their votes on ballot papers screened from observation;
- (b) in the case of rural constituencies, such number of polling booths as may be necessary in which voters may place a ballot paper in an envelope free from observation;
- (c) in the case of urban constituencies, indelible pencils or ball-point pens to enable voters to mark their votes on the ballot papers; and
- (d) a copy of the electoral roll for the constituency and of the electoral laws.

(4) A notice giving directions in English, French and Pidgin for the guidance of voters in voting shall be printed in clearly legible characters and exhibited in a conspicuous place outside and inside every polling station and in every polling booth therein.

(5) Before issuing any ballot paper or papers to an intending voter, the presiding officer shall draw the attention of such voter to the notice referred to in subsection (4) and shall ensure that he or she understands the same; if necessary or if requested by the voter, the presiding officer shall orally explain the contents of the notice in clear, simple terms.

Admission  
to polling  
station

23. The presiding officer shall not permit the number of persons who are in the polling station at the same time for the purpose of voting to exceed five persons preparing to vote, voting or having voted, and shall exclude all other persons except -

- (a) the appointed polling clerks;
- (b) the Resident Commissioners, the District Agents and the Assistant District Agents;
- (c) any police officer or constable on duty, when requested to enter by the presiding officer;
- (d) any candidate or representative of a candidate appointed in accordance with section 8;
- (e) the companion of a disabled voter;
- (f) press representatives duly authorised by the Resident Commissioners.

Sealing of  
ballot boxes

24. Immediately before the commencement of the poll, the presiding officer shall, in the presence of all persons who are lawfully in the polling place, unlock the ballot box and show the same to be empty. He shall then lock the lid of the box and keep it so locked throughout the whole period of voting. He shall retain one key and hand the remaining key to a polling clerk.

Method of  
voting

25. (1) In the urban constituencies, each elector may vote for a number of candidates equal to but not exceeding the number of seats to be filled in the constituency concerned as prescribed by the provisions of the Schedule to the Exchange

of Notes referred to in subsection (2) of section 1. Each elector must vote for at least one candidate on each ballot paper.

(2) In the rural constituencies, each elector may vote for one candidate only, whatever the number of seats to be filled in the constituency concerned.

Ballot papers  
to be placed  
in envelopes

26. (1) For the purpose of casting votes, in the case of urban constituencies, each set of three ballot papers, and in the case of rural constituencies, one ballot paper, shall be placed in an envelope.

(2) The envelopes shall be of a uniform type, opaque, unburned and officially printed or marked in a manner approved by the Resident Commissioners.

Voting  
procedures

27. (1) Upon entering the polling station and after having established his identity and qualification to vote, each elector shall, in the following order

(a) in the case of an urban constituency -

- (i) take an envelope and one set of three ballot papers being one each of the colours prescribed by joint decision of the Resident Commissioners in accordance with the provisions of subsection (1) of section 13;
- (ii) without leaving the polling station go into a polling booth in order to record his vote;
- (iii) record his vote by placing a cross on the right-hand side opposite the name and symbol of each candidate of his preference in

each of the three ballot papers, provided that he shall not vote for more candidates in each case than there are seats to be filled and shall not fail to vote for at least one candidate on each ballot paper;

- (iv) place the ballot papers inside the envelope;
- (v) present himself to the presiding officer of the polling station who shall without touching it verify that he tenders only one envelope;

- (vi) place the envelope in the ballot box;

(b) in the case of a rural constituency -

- (i) take one ballot paper for each candidate for election and one envelope;
- (ii) without leaving the polling station go into the polling booth in order to record his vote;
- (iii) record his vote by placing the ballot paper bearing the name and symbol of the one candidate of his preference inside the envelope;
- (iv) leave all other ballot papers within the polling booth;
- (v) present himself to the presiding officer of the polling station who shall without touching it verify that he tenders only one envelope;
- (vi) place the envelope in the ballot box.

(2) After each elector has voted, a polling clerk shall place his signature or initials opposite the name of the elector in the margin of the electoral roll and rule out his or her name, which shall indicate that such registered elector has voted in that election at that polling station. He shall also endorse on the electoral card of the elector the date of the election in the place provided thereon for such purpose.

Spoiled  
ballot papers

28. A voter who has inadvertently dealt with any ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and proving to his satisfaction the fact of the misadventure, obtain another ballot paper in place of the ballot paper so returned.

Challenge  
and arrest  
of voter

29. (1) If at the time a person applies for a ballot paper for the purpose of voting, or after he has applied for a ballot paper for that purpose and before he has left the polling station, a candidate, representative of a candidate, or polling clerk declares to the presiding officer that he has reasonable cause to believe that that person has committed an offence of personation and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer or constable to arrest that person and the order of the presiding officer shall be sufficient authority for the police officer or constable so to do.

(2) The person against whom a declaration is made under this section shall not be allowed to vote.

(3) A person arrested under the provisions of this section shall be taken as soon as practicable, in the case of a non-New Hebridean, before the District Agent of the nationality of the person arrested, or, in the case of a New Hebridean, before the District Agent of the Power controlling the division of the Police Force to which the police officer belongs. The District Agent will immediately set in train the official procedure prescribed by the Rules of Procedure for the Courts of First Instance made by the Joint Court on 29th April 1927.

Voting by  
disabled  
persons

30. Any person suffering from a physical disability which is obvious or is verified by a medical certificate and who is thereby incapable of voting by his own means may request from the presiding officer permission to be accompanied into the polling booth by another person of his choice. The granting of such permission shall be recorded in the report of the returning officer under section 36.

Keeping of  
order in  
polling station

31. (1) It shall be the duty of the presiding officer to keep order at his polling station.

(2) If any person misconducts himself in a polling station or fails to obey the lawful orders of the presiding officer, he may if necessary, by order of the presiding officer, be immediately removed from the polling place by a police officer or constable and the person so removed shall not, without the permission of the presiding officer, again enter the polling place during the polling day:

Provided that the powers conferred by this rule shall not be exercised so as to

prevent any person who is otherwise entitled to vote at a polling station from having an opportunity of voting at that polling station.

Procedure for  
counting votes

32. (1) The public shall be admitted to the count of votes so long as the presiding officer considers that their admission will not hinder or obstruct the count.

(2) The District Agents, shall appoint a suitably qualified person to be returning officer at each polling station. A presiding officer appointed under section 5 may be appointed returning officer and every District Agent and Assistant District Agent shall be ex officio a returning officer.

(3) Whether polling in the territory takes place on the same day or on different days the ballot papers at each polling station shall be counted immediately polling has closed in the following manner under the supervision of the returning officer -

(a) the ballot box shall be unlocked and opened and the number of envelopes counted by the presiding officer and polling clerk in the manner prescribed in paragraph (b). If the number is more or less than the number of marginal signatures or initials recorded in accordance with subsection (2) of section 27, the discrepancy shall be stated in the report made under section 36;

(b) the presiding officer shall take the ballot paper from each envelope, unfold it and read it aloud. The two polling clerks shall record the votes cast for each two candidates on individual tally sheets prepared for this purpose.

Void ballot  
papers

33. (1) The following shall be considered  
as void ballot papers -

- (a) in the case of urban constituencies,
  - (i) any ballot paper which does not indicate clearly the names of the candidates in favour of whom the vote has been cast;
  - (ii) any ballot paper revealing the name of the elector;
  - (iii) any ballot paper without an envelope or in a non-official envelope;
  - (iv) any ballot paper or envelope bearing marks enabling identification of the elector;
  - (v) any ballot paper or envelope bearing insulting or any remarks about a candidate or any other person;
  - (vi) any ballot paper revealing that the elector has voted for more than the number of candidates required to be elected;
  - (vii) any ballot paper on which no vote has been cast for any candidate;

Any single ballot paper to which any of the foregoing causes of invalidity attaches shall render the whole set of three ballot papers of which it forms part void:

Provided that, where on a ballot paper the voter is required to vote for two or more candidates, and by reason of his placing one of his crosses in such a position that it does not clearly indicate which of two candidates the voter intended to choose

but the other cross or crosses marked by him clearly indicate the candidate or candidates that the voter intended to choose, such ballot paper shall not be considered to be void.

(b) in the case of rural constituencies,

- (i) any ballot paper revealing the name of the elector;
- (ii) any ballot paper without an envelope or in a non-official envelope;
- (iii) any ballot paper bearing marks enabling identification of the elector;
- (iv) any ballot paper bearing insulting or any remarks about a candidate or any other person;
- (v) any ballot paper in envelopes containing more than one ballot paper.

(2) All void ballot papers and envelopes shall be attached to the report and signed by the presiding officer, the polling clerks and the returning officer.

Determination  
of poll

34. (1) The number of candidates in each rural constituency, and the number of candidates in each section of representation in the urban constituencies, equal to the number of candidates required to be elected in such constituency or electoral category, who have obtained the highest number of votes shall be declared to have been elected. If two or more candidates obtain an equal number of votes permitting them to be elected, the older or oldest shall be declared elected.

(2) When polling in the territory has taken place on different days, the results of the polling at each polling station shall not be published at the close of counting. The report of the returning officer under section 36, together with the ballot papers, envelopes and other documents required under the provisions of this Part to be attached thereto, shall be enclosed in a sealed envelope or package and conveyed by safe means by the returning officer to the Co-Chairmen of the appropriate Electoral Committee as soon as may be practicable.

(3) The Co-Chairmen shall, after the date fixed by the Resident Commissioners for the close of polling for the whole territory determine the overall results of polling for each constituency and notify the same to the Resident Commissioners for publication.

Publication  
of results

35. The Resident Commissioners shall as soon as practicable after the notification of the results of the polling by the Co-Chairmen of all Electoral Committees cause the same to be published locally in such manner as to them may seem appropriate and by official notification in the Condominium Gazette.

Report on  
polling

36. (1) An official report on the polling shall be made in either English or French by the returning officer of each polling station and submitted to the Co-Chairmen of the Electoral Committee concerned. If the returning officer is neither a presiding officer nor a polling clerk he or she shall not be admitted to the polling station until the start of the count.

(2) The said report shall indicate the number of registered electors, the number of persons who have voted, the number of void ballot papers, the number of valid votes, the number of valid votes obtained by each candidate and all other information required by this Regulation. The report shall be signed by the returning officer, the presiding officer and the polling clerks. It shall be countersigned by any candidates or their representatives who are present.

Offences in connection with nomination and voting without right

37. (1) Any person who -
- (a) votes at an election in any polling station knowing that he is not entitled or has ceased to be entitled to vote at that place; or
  - (b) votes at an election more than once in any registration area or areas; or
  - (c) votes at an election by virtue of his or her qualification as an elector of the representatives of the people as well as by virtue of any other qualification as an elector under this Regulation; or
  - (d) except where casting a vote by proxy votes at an election as some other person (whether that other person is living or dead or is a fictitious person); or
  - (e) declares himself as a candidate at an election, knowing that he is not duly qualified therefor in accordance with the provisions of this Regulation; or

(f) falsely, and with the intention of preventing any person from casting his vote, declares to the presiding officer that such other person has committed the offence of personation

shall be guilty of an offence punishable upon conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

(2) For the purposes of subsection (1), a person who has applied for a ballot paper for the purposes of voting in person shall be deemed to have voted.

Bribery etc.  
at election

38. Any person who shall, directly or indirectly, by means of any gift or favour, of money or valuable consideration, by any promise or favour of public or private employment or any other particular advantage, make with a view to influencing the vote of any elector or electors, obtain or attempt to obtain his vote or their votes, or who shall watch him or them voting or attempt to persuade him or them to abstain from voting shall be guilty of an offence punishable on conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

Undue  
influence

39. Every person who shall directly or indirectly by himself or by any other person on his behalf, make use of, or threaten to make use of, any force, violence or restraint,

or inflict or threaten the infliction by himself or by or through any other person, of any injury, damage, harm, or loss, or in any other manner practise intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting, or by reason of such person having voted or refrained from voting, at any election, or who shall by abduction, duress, or any fraudulent device or contrivance, impede, prevent or otherwise interfere with the free exercise of the right to vote of any person or shall thereby compel or induce any person, either to give or to refrain from giving his vote at any election, shall be guilty of an offence punishable upon conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

Disorderly  
conduct at  
election

40. (1) Any person who at any election behaves in a violent, offensive, disorderly or insulting manner shall be guilty of an offence punishable upon conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

(2) Any person who, at any time after the period of polling has commenced, publicly makes or broadcasts, within the limits of any registration area, any speech, address or harangue which is calculated or intended to persuade or induce any person to vote or refrain from voting, or to vote or refrain from voting for any candidate,

shall be guilty of an offence punishable upon conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

Offences relating to ballot papers and secrecy of ballot

41. Any person who at an election -

- (a) interferes with a voter when recording his vote or otherwise misconducts himself in a polling place; or
- (b) obtains or attempts to obtain in a polling place, information as to the candidates for whom any voter is about to vote or has voted; or
- (c) communicates at any time to any person any information obtained in a polling place as to the candidate for whom any voter is about to vote or has voted; or
- (d) directly or indirectly induces any voter to display his ballot paper after he has marked the same, so as to make known the name of any candidate for whom he has voted; or
- (e) forges or fraudulently defaces or destroys or counterfeits any ballot paper; or
- (f) without authority supplies any ballot paper to any person; or
- (g) fraudulently puts into any ballot box any paper other than a ballot paper which he is authorised by law to put in; or

(h) fraudulently takes out of any polling place any ballot paper; or

(i) without due authority takes, destroys, opens or otherwise interferes with any ballot box or ballot paper then in use for the purposes of an election,

shall be guilty of an offence punishable upon conviction by a fine not exceeding 20,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or by imprisonment for a term not exceeding six months or by both such fine and imprisonment.

PART II - ELECTION OF REPRESENTATIVES OF  
CUSTOMARY CHIEFS

Constitution  
of electoral  
college

42. (1) The representatives of the customary chiefs shall be elected indirectly to the Representative Assembly by an electoral college of chiefs, which shall be divided into four sections, that is to say, one section for each administrative district.

(2) The list of electors in each section of the electoral college of chiefs shall be established by joint decision of the Resident Commissioners upon the recommendations of the District Agents concerned.

Election  
of members

43. The electoral college of chiefs shall elect four members of the Representative Assembly, namely, one member from amongst their own number by each section of the college.

Eligibility  
for election

44. Any member of the electoral college shall be eligible for election to the Representative Assembly as a representative

of the customary chiefs by a section of the electoral college who resides within the administrative district concerned.

Returning  
officers

45. The District Agents shall be ex officio the returning officers for each section of the electoral college:

Provided that where any District Agent is for any reason unable to perform his functions as a returning officer an Assistant District Agent or any other person duly appointed by the Resident Commissioners may act in his place.

Notice of  
election

46. Each section of the electoral college shall meet for the purpose of electing one member of the Representative Assembly on such date and at such time and place as the Resident Commissioners shall by joint decision prescribe, which decision shall be published not less than fourteen clear days before such date.

Quorum and  
consequence  
of absence  
thereof

47. (1) If at the time and place fixed for the election less than two thirds of the members of the section shall be present, the returning officers shall adjourn the election from time to time and for such time not exceeding in the aggregate forty-eight hours as they may see fit so as to allow absent members the opportunity to attend.

(2) Upon the expiration of forty-eight hours from the time of the election notified under section 46, the returning officers shall -

(a) if not less than one half of the members of the section are present, forthwith proceed to hold the election; or

(b) if less than one half of the members of the section are present, forthwith countermand the election and submit a report thereof to the Resident Commissioners.

(3) Upon receipt of a report under paragraph (b) of subsection (2), the Resident Commissioners in their discretion may -

(a) appoint a date, time and place for the section to meet and elect a member of the Representative Assembly and the section meeting in pursuance of such directions shall be deemed to have been duly adjourned and to have duly met under and in accordance with the provisions of subsection (1);

(b) proceed de novo under the provisions of section 46:

Provided that in exercise of their powers under paragraph (a) of this subsection, the Resident Commissioners shall not appoint any date later than the tenth day next following the date appointed for the holding of the election under section 46.

Method of  
election

48. (1) Each section of the electoral college shall meet at the appointed time and place in the presence of the returning officers in order to discuss the election of one member and if possible to agree unanimously thereon within a reasonable period. The returning officers shall take no part in the discussions of the section.

(2) If the section shall after a reasonable period reach a unanimous decision upon the election of

a member, the electors shall inform the returning officers of their decision.

(3) In the case that the returning officers are informed that a unanimous choice has been made they shall in the presence of all electors call upon each elector individually to confirm that he agrees to the election of the member named.

(4) If the returning officers are satisfied that a member has been duly elected by unanimous decision, such member shall be thereby elected and the results of such election shall be declared, notified to the Resident Commissioners, and published in accordance with the provisions of section 57.

(5) If the section is unable to agree within a reasonable period upon the election of a member then an election by secret ballot shall forthwith be held under the supervision of the returning officers.

(6) Before the electors of the section proceed with the holding of an election by secret ballot they shall agree the names of the candidates that shall be voted upon.

Election by  
secret ballot

49. (1) For the purpose of holding an election by secret ballot in accordance with the provisions of the last preceding subsection, the returning officers shall provide a ballot box and a screened polling area together with such numbers of blank sheets of paper to be used as ballot papers and indelible pencils or ball-point pens as may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be placed therein but cannot be withdrawn save as provided in section 51.

## Voting

50. (1) Each elector of the section on receiving his blank ballot paper shall proceed to the screened polling area and there write on his blank ballot paper the name of the candidate chosen by him from the list of candidates agreed by the section in accordance with subsection (6) of Section 48 and no other name. The elector shall make no other mark or writing on the ballot paper and shall after folding it place it in the ballot box in the presence of the other electors of the section.

(2) If an elector, by reason of any disability is unable to cast his vote in accordance with the provisions of subsection (1), he shall call the returning officers aside and tell them, no other person being near or within hearing, the name of the candidate for whom he wishes to vote and the returning officers shall record the vote of the elector by one of them writing on the ballot paper the name of the candidate for whom the elector wishes to vote and by both initialling the same.

Counting of  
votes

51. After the voting is completed the returning officers shall in the presence of the electors of the section present open the ballot box, withdraw the ballot papers and count the votes in such manner as to preserve the secrecy of the vote of each elector.

## Invalid votes

52. A ballot paper which has been filled up or otherwise dealt with in a manner

contrary to the provisions of this Part shall be invalid and no vote thereon shall be counted.

Candidate  
with absolute  
majority  
elected

53. (1) Where the number of candidates voted upon is greater than two, the returning officers having completed the count shall forthwith announce the names of the candidates and the votes cast for each candidate.

(2) If any candidate has received more than half the votes that would have been cast if each elector present had cast a valid vote, the returning officers shall declare that candidate to have been elected as a member of the Representative Assembly as a representative of the customary chiefs, they shall as soon as possible notify such declaration to the Resident Commissioners for publication in accordance with the provisions of section 57.

(3) If no candidate is elected in accordance with the preceding subsection, the two candidates with the greatest number of votes shall be voted upon in accordance with the provisions of the next following section.

Further poll  
where no  
candidate has  
absolute  
majority

54. Where only two candidates have been nominated or remain to be voted upon, the returning officers, having completed the count shall forthwith announce the name of the candidate for whom the greater number of votes has been given and shall declare such candidate to have been elected a member of the Representative Assembly as a representative of the customary chiefs. They shall as soon as possible notify such declaration to the Resident Commissioners for publication in accordance with the provisions of section 57.

Equality  
of votes

55. (1) In the event of equality of votes in a ballot where there are more than two candidates the following provisions shall apply -

(a) if two candidates have an equal number of votes for the first place on the ballot a further ballot shall be conducted in accordance with section 54 upon the names of those two candidates.

(b) If two or more candidates have an equal number of votes for the second place on the poll a further ballot shall be conducted in accordance with section 54 upon the names of the candidate with the highest number of votes and the elder of the two candidates having the second highest number of votes.

(c) If more than two candidates have an equal number of votes for the first place a ballot under section 54 shall be held between the two eldest candidates.

(2) In the case of an equality of votes in a ballot where there are only two candidates, the elder of them shall be declared to have been elected.

Report of  
returning  
officers

56. (1) The returning officers shall upon the completion of the counting and after the result has been declared by them make out a formal report on the election to which the ballot papers and any other relevant documents shall be annexed. The report shall be signed by the returning officers and countersigned by at least three electors of the section present. The report

shall be forwarded to the Resident Commissioners who shall retain the same for not less than twelve months.

Notification  
and  
publication  
of results

57. As soon as practicable after the conclusion of the elections in all the sections, the Resident Commissioners shall cause the results to be published locally in such manner as to them may seem appropriate and by official notification in the Condominium Gazette.

PART III - ELECTIONS OF REPRESENTATIVES OF  
ECONOMIC INTERESTS BY CHAMBER OF COMMERCE  
ELECTORAL COLLEGE

Election of  
represent-  
atives of  
economic  
interests by  
Chamber of  
Commerce  
electoral  
college

58. Six persons, namely, three subject to British jurisdiction and three to French jurisdiction within the New Hebrides, duly qualified in accordance with section 59, shall be elected by the electoral college constituted by sections 3 and 4 of the Joint Chamber of Commerce Regulation No. 14 of 1962 (as amended) to be members of the Representative Assembly as representatives of economic interests.

Eligibility  
for election

59. Any person who is a member of the Chamber of Commerce electoral college, is twenty-five years of age or more and has been engaged for not less than two years within the New Hebrides in any of the activities which confer the right to registration on the electoral lists of the Chamber of Commerce shall be eligible to be elected in accordance with the provisions of this Part to the Representative Assembly.

Notice of  
election

60. The election of representatives of economic interests by the electoral college

of the Chamber of Commerce shall be held upon such date and at such time and place as the Resident Commissioners shall by joint decision prescribe, which decision shall be published not less than one month before such date.

Method of voting

61. Each elector shall cast his vote for not more than six candidates, that is to say, three candidates subject to British jurisdiction and three candidates subject to French jurisdiction.

Declaration of candidatures

62. Every candidate for election shall declare himself to the Co-Chairmen of the Electoral Committee for the Vila Town Area not less than fourteen clear days before the date fixed for the election and his candidature shall be endorsed by three persons who are electors of the Chamber of Commerce. The list of candidates shall be published at the District Agents' offices in each administrative district at least ten clear days before the date of the election.

Particulars to be supplied by candidates

63. Every declaration of candidature shall contain the full name and address of the candidate, full particulars of his eligibility for election as a representative of the Chamber of Commerce.

Method of election and notice of poll

64. (1) If at the close of the period for declaration of candidatures or upon the withdrawal of any candidature subsequent to that date, the number of candidates standing nominated is equal to and does not exceed the number of members required to be elected to the Assembly or to the Assembly, the Co-Chairmen of the Electoral Committee

for the Vila Town Area shall forthwith publicly declare each of those persons to be elected and shall also declare the result in accordance with the provisions of section 75.

(2) If the number of candidates referred to in subsection (1) exceeds the number of members to be elected to the Assembly a poll shall be taken in accordance with the provisions of this Part and the public notice of candidates given in accordance with subsection (1) of section 62 shall include a notice of the poll, which shall state the day on which and the hours during which the poll will be taken together with the situation of the polling station and all other necessary information.

#### Voting

65. (1) The votes of electors shall be cast on a single ballot paper which shall be divided into two parts, one containing the names of candidates subject to British jurisdiction and the other containing the names of candidates subject to French jurisdiction in the New Hebrides.

(2) Every elector shall cast his or her vote by making a cross with an indelible pencil or ball-point pen in the blank space provided for this purpose at the righthand side of the six candidates of his or her choice.

(3) The Co-Chairmen of the said Electoral Committee shall cause the ballot papers to be printed in sufficient numbers and sent to the polling stations at Vila and Santo.

Polling  
stations

66. There shall be a polling station in each of the towns of Vila and Santo established by the District Agents and supervised on polling day by a presiding officer assisted by two literate members of the electoral college who are not candidates for election. The polling stations shall remain open for eight consecutive hours. The provisions of sections 7, 20 and 31 shall apply to such polling stations.

Presiding  
officer and  
polling  
assistants

67. (1) The polling at each polling station shall be under the supervision and control of a presiding officer appointed by the District Agents jointly.

(2) If there are more than two electors present who volunteer to assist the presiding officer the youngest and the oldest of them shall be appointed.

Use of  
envelopes  
in voting

68. (1) Every vote shall be cast by placing a cross in the space provided at the right-hand side of the names of the candidates of the elector's choice and placing the ballot paper in an envelope.

(2) Such envelope shall be supplied by the Resident Commissioners and shall be of a uniform type, opaque, unglued and marked with a stamp authorised by the District Agents.

(3) The said envelopes shall be sent to each polling station in sufficient time before the election and shall be equal in number to the number of electors on the nominal roll.

(4) Each presiding officer shall immediately ensure that the number of envelopes corresponds exactly with the

number of names on the nominal roll and shall acknowledge receipt of the said envelopes; he shall on polling day make them available in the polling station to the electors.

(5) Before polling begins, the polling officers shall also verify that the number of envelopes corresponds exactly with the number of persons registered on the nominal roll.

(6) If for any reason the number of envelopes shall be deficient, the presiding officer shall replace them by others of a uniform type and shall mark them with an official stamp.

(7) The presiding officer shall record any such substitution of envelopes in the official report made in accordance with section 72 and a sample stamped envelope of the type used shall be attached thereto.

Voting  
procedure

69. (1) On entering the polling station, every elector shall, after having established his identity to the satisfaction of the presiding officer, in the following order -

- (a) take one envelope and one ballot paper;
- (b) without leaving the voting room withdraw unaccompanied to the screened polling area where he shall mark a cross in the space provided on the righthand side of each of the names of the candidates of his or her choice and place the ballot paper folded in the envelope;
- (c) show the presiding officer, who shall satisfy himself without touching it, that he carries only one envelope;

(d) place the envelope in the ballot box.

(2) After each elector has voted, a mark shall be made opposite his name on the nominal roll by one of the polling assistants.

Counting  
of votes

70. After polling has closed, the votes shall be counted in the following manner -

- (a) the ballot box shall be opened and the number of envelopes counted; if the number is greater or smaller than the number of marginal marks on the list of electors, such discrepancy shall be recorded in the official report;
- (b) one of the polling assistants shall take the ballot paper from each envelope and shall read it aloud;
- (c) the other polling assistant shall mark the names written on the ballot papers on individual tally sheets prepared for this purpose.

Void ballot  
papers

71. Votes cast in an election under this Part for representatives of economic interests shall be invalid in the circumstances specified in paragraph (a) of subsection (1) of section 33.

Declaration  
of votes

72. (1) At the close of counting of the votes, the presiding officer shall declare the number of votes cast for each candidate. He shall prepare a report in triplicate in English or French, which shall be signed by him and countersigned by the two polling assistants and shall forward two copies thereof to the Electoral Commission for the Vila Town Area retaining the third copy for his own records.

(2) The report shall show the number of persons registered on the nominal roll, the number of persons voting, the number of void ballot papers, the number of valid votes and the number of votes cast in favour of each candidate together with all other information required by this Part.

Electoral  
disputes

73. Every elector shall be entitled to challenge the regularity of the voting procedure by making a written or verbal complaint to the Co-Chairmen of the Electoral Disputes Committee in accordance with the provisions of section 94.

Determination  
of polling

74. The Co-Chairmen of the Electoral Committee for the Vila Town Area shall collate the reports from the polling stations in Vila and Santo together with the votes counted in accordance with section 82 and determine the overall results of the elections. The overall results shall be determined by ascertaining the three candidates subject to British jurisdiction and the three candidates subject to French jurisdiction who have in each case gained the highest number of votes.

Declaration  
of results

75. The Co-Chairmen of the said Electoral Committee shall then forthwith declare the results of the elections and notify the same to the Resident Commissioners for publication in the manner provided by section 57.

Provision  
for electors  
unable to  
vote in  
person

76. Any elector who will be unable to vote in person or at the polling station at Vila or Santo on the day prescribed for the election in accordance with section 60 may send a written application to the Co-Chairmen of the Electoral Committee for

the Vila Town Area not less than 21 clear days before the date of the election that he be allowed to vote in accordance with the provisions of section 78:

Provided that the said Co-Chairmen may at their discretion accept such application up to ten clear days before the said date if they consider that the proper conduct of the election will not be affected thereby.

Notification  
of date of  
polling

77. (1) Every such elector shall be sent a written notification that his name has been registered on the nominal roll and shall be informed of the location of the nearest polling station prescribed under the provisions of section 4 and the date on which polling for election of representatives of the people will take place at such polling station.

(2) The Electoral Committee for the Vila Town area shall furnish to each of the polling stations mentioned above the appropriate number of voting papers.

Method of  
voting

78. On the date notified to him such elector shall cast his vote by attending the polling station notified to him, and on entering such polling station shall, after having established his identity to the satisfaction of the presiding officer -

(a) take from the presiding officer an envelope containing one ballot paper, a smaller voting envelope and a large envelope;

(b) without leaving the voting room withdraw unaccompanied to the screened polling area where he shall mark on the ballot paper a cross in the space provided on the right hand side of each of the names of the candidates of his or her choice and place the ballot paper folded in the voting envelope;

- (c) show the presiding officer, who shall satisfy himself without touching it that he carries only one voting envelope;
- (d) in the presence of the presiding officer place the voting envelope in the larger envelope; and
- (e) hand the larger envelope to the presiding officer, who shall thereupon seal it.

Counting of  
votes

79. (1) Every sealed envelope containing such a vote shall be kept in safe custody by the presiding officer of the polling station concerned until polling has closed at that station and shall on the close of the counting of the votes be sent unopened with the report made under Section 36 to the Electoral Committee for the District in which the polling station is situated. The Co-Chairmen of the Electoral Committee shall, at the closure of polling in that District open all such sealed envelopes and count the votes so cast in the presence of two electors.

(2) The Co-Chairmen of the Electoral Committee shall, after counting the votes submit a report to the Co-Chairmen of the Electoral Committee for the Vila Town Area which shall be collated with the reports received by them in accordance with Section 74.

PART IV - ELECTION OF REPRESENTATIVES OF  
ECONOMIC INTERESTS BY THE COMMITTEES OF THE  
FEDERATIONS OF CO-OPERATIVE SOCIETIES

Election of  
members by  
electoral  
college of  
committees of

80. (1) Three members shall be elected to the Representative Assembly as representatives of economic interests by an electoral college comprising the members of the Committees of the New Hebridean Co-operative Federation Limited

co-operative  
societies  
federations

and of the Syndicat des Co-opératives Autochtones  
Sous Contrôle Français sitting together.

(2) Any person who has been approved by the  
Committee of the Federation or Syndicat, as the  
case may be, shall be eligible for election as a  
member of the Representative Assembly by the  
said electoral college who is twenty-five years  
of age or more and has belonged for not less  
than two years to any registered and active  
co-operative society.

(3) At least one member of a co-operative  
society within the membership of each of New  
Hebridean Co-operative Federation Limited and  
the Syndicat des Co-opératives Autochtones Sous  
Contrôle Français shall be elected.

Notice of  
election

81. The election of representatives of  
economic interests by the electoral college of  
the said federations of co-operative societies  
shall be held upon such date and at such time  
and place in Vila as the Resident Commissioners  
shall by joint decision prescribe, which  
decision shall be published not less than one  
month before such date.

Returning  
officers

32. The District Agents for Central  
District No. 1 shall be ex officio the  
returning officers for the electoral college:

Provided that if either District  
Agent is for any reason unable to perform his  
functions as a returning officer an Assistant  
District Agent may act in his place.

Quorum and  
consequence

83. (1) If at the time and place fixed for  
the election fewer than two-thirds of the  
members of the electoral college are present,  
the returning officers shall adjourn the  
election from time to time and for such time  
not exceeding in the aggregate forty-eight  
hours as they may see fit so as to allow  
absent members the opportunity to attend.

(2) Upon the expiration of forty-eight hours from the time of the election notified under section 81, the returning officers shall -

(a) if not fewer than one-half of the members of the electoral college are present, forthwith proceed to hold the election; or

(b) if fewer than one-half of the members of the electoral college are present, forthwith countermand the election and submit a report thereof to the Resident Commissioners.

(3) Upon receipt of a report under paragraph (b) of subsection (2), the Resident Commissioners in their discretion may -

(a) appoint a date, time and place for the electoral college to meet and elect three members of the Representative Assembly and the electoral college meeting in pursuance of such direction shall be deemed to have been duly adjourned and to have duly met under and in accordance with the provisions of subsection (1); or

(b) proceed de novo under the directions of section 81:

Provided that in exercise of their powers under paragraph (a) of this subsection, the Resident Commissioners shall not appoint any date later than the tenth day next following the date appointed for the holding of the election under section 81.

Method of  
election

84. (1) The electors shall meet at the appointed time and place in the presence of the returning officers in order to discuss the election of three members and if possible to agree unanimously thereon. The returning

officers shall take no part in the discussions.

(2) If the electors shall after a reasonable period has elapsed since the commencement of its discussions reach a unanimous decision upon the election of three members, the electors shall inform the returning officers of their decision.

(3) In the case that the returning officers are informed that a unanimous choice has been made they shall in the presence of all electors call upon each elector individually to confirm that he agrees to the election of the members named.

(4) If the returning officers are satisfied that three members have been duly elected by unanimous decision, such members shall be thereby elected and the results of such election shall be declared, notified to the Resident Commissioners, and published in accordance with the provisions of section 57.

(5) If the electors are unable to agree unanimously upon the election of a member then an election by secret ballot shall forthwith be held under the supervision of the returning officers.

Election by  
secret ballot

85. (1) For the purpose of holding an election by secret ballot in accordance with the provisions of the last preceding subsection, the returning officers shall thereupon provide a ballot box and a screened polling area together with such numbers of blank sheets of paper to be used as ballot papers and indelible pencils or ball-point pens as may be necessary.

(2) Every ballot box shall be so constructed that the ballot papers can be placed therein but cannot be withdrawn save as provided in section 87.

Method of  
voting

86. (1) Each elector of the electoral college shall on receiving his blank ballot paper proceed to the screened polling area and there write on his blank ballot paper the name of the three candidates chosen by him and no other name. The elector shall make no other mark or writing on the ballot paper and shall after folding it place it in the ballot box in the presence of the other electors of the electoral college.

(2) If an elector is unable by reason of any disability to cast his vote in accordance with the provisions of subsection (1), he shall call the returning officers aside and tell them, no other person being near or within hearing, the names of the candidates for whom he wished to vote and the returning officers shall record the vote of the elector by one of them writing on the ballot paper the names of the three candidates for whom the elector wishes to vote and by both initialling the same.

Counting  
of votes

87. After the voting is completed, the returning officer shall forthwith in the presence of all the electors of the electoral college open the ballot box, withdraw the ballot papers and count the votes in such manner as to preserve the secrecy of the vote of each elector.

Void ballot

88. A ballot paper which has been filled up or otherwise dealt with in a manner contrary to the provisions of this Part shall be invalid and no vote for any member thereon shall be counted.

Determination  
of polling

89. The returning officers on completion of the counting of the votes shall forthwith announce the names of -

- (a) the candidate with the greatest number of votes who is a member of a co-operative society within

the membership of the New Hebrides Co-operative Federation Limited;

(b) the candidate with the greatest number of votes who is a member of a co-operative society within the membership of the Syndicat des Cooperatives Autochtones sous Contrôle Français; and

(c) the candidate, other than those named in accordance with paragraph (a) and (b) above, with the greatest number of votes.

Declaration  
of member

90. The returning officers shall then declare such candidates to have been elected members of the Representative Assembly as representatives of economic interests.

Equality  
of votes

91. (1) In the event of an equality of votes being cast for any candidates, such votes being sufficient for any one of them to be elected, the elder or eldest of them shall be declared elected.

(2) For the avoidance of doubt it is hereby declared that where the provisions of subsection (1) have been applied in the case of a candidate who has been thereby elected in accordance with paragraph (a) or (b) of Section 89 the next eldest of the candidates for that seat shall, in the event that he has more votes than any other remaining candidate, be elected to the third seat in accordance with paragraph (c) of Section 89.

Report of  
returning  
officers

92. (1) The returning officers shall upon the completion of the counting and after the results have been declared by them, make out a formal report on the elections to which the ballot papers and any other relevant documents required under this Part shall be annexed. The report shall be signed by the returning

officers and countersigned by at least three electors of the electoral college present.

(2) The report shall be forwarded to the Resident Commissioners who shall retain the same for not less than twelve months.

Publication  
of results  
of elections

93. As soon as practicable after the conclusion of the election, the Resident Commissioners shall cause the results to be published locally in such manner as to them may seem appropriate and by official notification in the Dominion Gazette.

#### PART V - MISCELLANEOUS PROVISIONS

Electoral  
disputes

94. (1) Every elector shall have the right to challenge the regularity of the poll in the constituency or the electoral college in which he or she is registered by means of oral or written representations made to the Co-Chairmen of the Electoral Disputes Committee appointed by Joint Decision of the Resident Commissioners within a period of fourteen clear days from the date of publication by the Resident Commissioners of the results of the poll.

(2) Representations made under sub-section (1) shall specify each of the grounds giving rise to the petition and shall clearly express as its object either -

- (a) that the election of a candidate declared elected be declared void; or
- (b) that the election of a candidate declared elected be declared void and that another candidate be declared elected in his place; or

(c) that the election in any constituency or constituencies be declared void.

(3) The Electoral Disputes Committee shall be empowered to make all such enquiries, to examine all such documents and to hear all such evidence as it may consider necessary for the determination of such representations.

(4) The decision of the Electoral Disputes Committee shall be communicated without delay to the elector making the representations and to all persons whose election is the subject of such representations who may, within a period of fourteen clear days from the date on which such decision was given or such longer time as the Joint Court may for good reason allow, appeal to the Joint Court which shall hear and determine such appeal and whose decision thereon shall be final. The Joint Court may make rules of procedure to be observed in relation to appeals presented under this subsection.

(5) The Electoral Disputes Committee, on the expiration of the period of fourteen clear days from the date of its decision, or the Joint Court, in the case of an appeal from the decision of the Electoral Disputes Committee, shall forthwith communicate its decision to the Resident Commissioners who shall take all proper measures for its execution.

Inter-  
pretation

95. (1) For the purposes of calculating any proportion of electors of an electoral college under the foregoing provisions of this Regulation, if the exact proportion is not a whole number of electors the proportion shall be deemed to be the next highest whole number of electors above such exact proportion.

(2) In any case where it is a requirement of this Regulation or any joint decision made hereunder that an action must be taken or completed on a date prescribed herein or in any joint decision made hereunder, the period allowed for completion of that action shall expire at 1800 hours on the day so named.

Citation and commencement 96. This Regulation may be cited as the Representative Assembly (Elections) Regulation No. 30 of 1975 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this fifteenth day of September 1975.

The Resident Commissioner  
for the French Republic

R. GAUGER

Her Britannic Majesty's  
Resident Commissioner

R.W.H. DU BOULAY

THE SCHEDULE

(Section 14 (1))

DECLARATION OF CANDIDATURE  
AS REPRESENTATIVE OF THE PEOPLE

TO THE DISTRICT AGENTS AT \_\_\_\_\_ (district)

I, ..... (full name)

of ..... (normal place  
of residence)

being aged twenty-five years or more,  
registered on the electoral roll for .....

..... (registration area in constituency

(1) concerned) or being entitled to be registered on the  
electoral roll for .....

(registration area in constituency concerned) within  
the time prescribed by law

and being normally resident in the New Hebrides

DO HEREBY DECLARE myself as a candidate for election  
to the Representative Assembly as a representative  
of the people for .....(constituency).

DATED at                    this                    day of                    19 .

.....

(Signature of candidate)

ENDORSEMENT OF CANDIDATE (2)

	<u>Name</u>	<u>Address</u>	<u>Occupation</u>
1.	.....	.....	.....
2.	.....	.....	.....
3.	.....	.....	.....
4.	.....	.....	.....
5.	.....	.....	.....

- (1) Delete where inapplicable.
- (2) To be signed by persons not related to candidate and who are registered as electors in the constituency concerned.
- (3) This form shall be presented to the two District Agents in turn, who shall sign it. The second of them shall send it to the Electoral office at Vila, and shall give the candidate the receipt set out below.

RECEIPT

Received from Mr/Mrs/Miss .....  
 this ..... day of ..... 19.... a  
 declaration of candidature for the election of members of  
 the Representative Assembly to be held during the month of  
 ..... 19....

Signed .....  
 British/French District Agent  
 for ..... District.

A N N E X E (article 14, paragraphe 1)

DECLARATION DE CANDIDATURE EN QUALITE DE REPRESENTANT DE LA POPULATION  
AUPRES DE MESSIEURS LES DELEGUES DE .....

.....(Circonscription Administrative)

Je soussigné ..... (Nom et prénoms)

de ..... (résidence habituelle)

âgé de 25 ans ou plus,

inscrit sur les listes électorales de .....

.....(ilot de recensement dans la Circonscription électorale concernée)

OU (1) habilité à être inscrit sur les listes électorales de .....

.....

(Ilot de recensement dans la Circonscription électorale concernée) dans les  
délais prévus par la réglementation; et résidant normalement aux N.H. ;

DECLARE me porter candidat pour l'élection à l'Assemblée Représentative en  
qualité de représentants de la population de : .....

..... Circonscription électorale )

Le

19

.....  
(signature du candidat)

CAUTIONNEMENT DE CANDIDATURE (2)

NOMS	ADRESSES	PROFESSION
1 .....		
2 .....		
3 .....		
4 .....		
5 .....		

(1) rayer la mention inutile

(2) signature de personnes sans lien de parenté avec le candidat et inscrites  
comme électeur dans la Circonscription Electorale concernée.

(3) Ce formulaire doit être présenté successivement aux deux Délégués qui le  
signeront. Le dernier transmettra le formulaire au bureau électoral de  
Port-Vila et délivrera à l'intéressé le récépissé ci-dessous.

Le Délégué Britannique

Le Délégué Français

-----  
RECU de Monsieur (Mme ou Melle) .....

le ..... une déclaration de candidature pour  
les élections à l'Assemblée Représentative. Mois de

Le Délégué de