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PROVINCIAL GOVERNMENT ACT 1997
(Act NO.7 1997)

PROVINCIAL GOVERNMENT (ELECTION) REGULATIONS 2010

IN exercise of the powers conferred upon me by section 12 of the Provincial Government Act 1997 ("Act"), I make these Regulations –

PART 1 - PRELIMINARY

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| Citation | <p>1. These Regulations may be cited as the Provincial Government (Election) Regulations 2010.</p> |
| Interpretation | <p>2. In these Regulations, the expressions –</p> <p>“Assistant Returning Officer” means the Assistant Returning Officer as appointed by the Returning Officer under regulation 10;</p> <p>“Court” means the Magistrate’s Court;</p> <p>“date of closure of nominations” means the day and time appointed under regulation 9(1)(c);</p> <p>“election” means the election of members of a Provincial Assembly and includes a by-election;</p> <p>“election day” means the day appointed under regulation 9(1)(a);</p> <p>“election notice” means a notice issued under regulation 9 to conduct an election;</p> <p>“election officer” means a Returning Officer, Assistant Returning Officer or polling assistant;</p> <p>“electoral procedure” means the procedure set out in regulations 11 to 16;</p> <p>“electoral ward” means an electoral ward constituted in accordance with section 7 of the Act;</p> |
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“police officer” includes any member of the Special Constabulary established under section 58 of the Police Act (Cap. 110);

“Provincial Fund” means the Provincial Fund as established under section 34 of the Act;

“register of electors” means a register of electors prepared under the Local Government (Registration of Voters) Regulations or the National Parliament Electoral Provisions Act (Cap. 87);

“registered elector” means a person whose name is registered in the register of electors to elect members of his Provincial Assembly, and “elector” has the same meaning;

“Returning Officer” means the Returning Officer as appointed by the Minister under regulation 9(1)(b);

“voting compartment” means any room or other place where the ballot boxes are to be placed and to which the elector is to proceed in order to deposit his ballot paper into the ballot box belonging to the candidate of his choice.

Colour of
ballot papers

3. For the purposes of an election under these Regulations –

- (a) ordinary ballot papers shall be of green colour; and
- (b) tendered ballot papers shall be of yellow colour

Register of
electors

4. For the purposes of any election under these Regulations, any register of voters prepared under the Local Government (Registration of Voters) Regulations or the National Parliament Electoral Provisions Act (Cap. 87) shall be the registered of electors.

Right to vote

5. (1) A person who is a registered elector has the right to vote at an election, otherwise shall not be entitled to vote at such election.

- (2) No person shall vote more than once at an election.

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

7. No election officer shall be liable in any claim for damages in respect of the breach of any duty imposed upon him by these Regulations. Immunity against claims for breach of duty

8. No election shall be void by reason of non-compliance with these Regulations if it appears that the election was conducted in accordance with the principles of these Regulations and that the non-compliance did not affect the result of the election. Non-compliance with Regulations

PART 2 - ELECTIONS

9. If the election for members or a member of a Provincial Assembly becomes necessary, the Minister shall, by notice in the *Gazette*, issue an election notice setting out the following – Appointment of election date and Returning Officer

- (a) appoint an election day for the holding of the election, which shall be a day not less than 35 days after the date of publication of the notice;
- (b) appoint a Returning Officer for the Province or part of the Province in which the election is to be held, which shall be a day not less than 28 days before the election day; and
- (c) require that nomination of candidates for that election be delivered to the Returning Officer not later than 4 pm of such day as he shall appoint in the election notice.

10. The Returning Officer may appoint any fit and proper person to be his Assistant Returning Officer. Assistant Returning Officer

11. (1) Subject to this regulation and regulation 12, any person may be nominated as a candidate for that electoral ward if the person – Nomination of candidates

- (a) is qualified under section 14 and is not disqualified under section 15 of the Act; and
- (b) wishes to stand as a candidate for election in an electoral ward.

- (2) The nomination shall –
- (a) be made in Form 1 in Schedule 1 and signed by at least three persons who are electors in the electoral ward for which the candidate wishes to stand; and
 - (b) be accompanied by a certificate in Form 2 in Schedule 1 and signed by the candidate.
- (3) No elector shall nominate more than one candidate and no candidate shall be nominated for more than one electoral ward.
- (4) Any candidate may by notice in writing addressed to the Returning Officer withdraw his nomination, not later than 4 pm of the 14th day next before the election.
- (5) No such notice given under subregulation (4) shall have effect so as to reduce the number of candidates in the respective ward below one.

Nomination
fee

12. (1) No nomination of any candidate shall be valid unless the candidate or any person on his behalf has paid to the Returning Officer before the date of closure of nominations a fee of \$500 either in cash or by a banker's draft issued by a bank licensed under the Financial Institution Act 1998.

(2) Subject to subregulation (3), the Returning Officer shall pay into the Provincial Fund any fee paid to him pursuant to subregulation (1).

(3) No fees paid pursuant to subregulation (1) shall be refundable unless the candidate in respect of whom the fee has been paid –

- (a) revokes his nomination before the date of closure of nomination; or
- (b) dies on or before the election day

13. When any nomination paper is delivered to the Returning Officer, the candidate named in that paper shall be deemed to stand nominated unless and until the Returning Officer – ^{Validity of nominations}

- (a) holds that the nomination paper is invalid;
- (b) is satisfied that the candidate has died; or
- (c) receives a notice of revocation under regulation 11(4).

14. (1) The Returning Officer shall not hold any nomination paper invalid pursuant to regulation 13 unless one or more of the following grounds to invalidate the nomination exist –

- (a) the candidate is not qualified under section 14 of the Act or is disqualified under section 15 of the Act;
- (b) the nomination is not in the Form 1 in Schedule 1 or that the form has not been properly completed as required under regulation 11;
- (c) one of the persons who nominated the candidate –
 - (i) was not an elector at the time that he made the nomination; or
 - (ii) had already nominated another candidate for that election;
- (d) the candidate already stands nominated for another electoral ward;
- (e) no nomination fee has been paid under regulation 12; or
- (f) the nomination paper has been delivered after the date of closure of nominations.

(2) A decision by the Returning Officer that the candidate has or has not been validly nominated shall be final and shall not be questioned in any proceeding whatsoever except on an election petition under these Regulations.

(3) Whenever the Returning Officer decides that a nomination paper in respect of any candidate is invalid, he shall –

- (a) write the words “Invalid Nomination” and the reason for his decision at the back of the nomination paper and sign his name at the end thereof; and
- (b) convey his decision as soon as possible to the candidate and the persons who have nominated the candidate.

(4) Any person, whose nomination as a candidate has been invalidated under subregulation (1)(b) or (c), may be renominated in accordance with regulation 11.

List of candidates

15. The Returning Officer shall, not later than 21 days before the election day, publish in the electoral ward, in such manner as appears to him appropriate, a list of the full names, addresses and descriptions of –

- (a) the candidates for each electoral ward; and
- (b) the electors who nominated the candidates

Unopposed candidate

16. Where only one candidate has been nominated for an electoral ward, the Assistant Returning Officer for that electoral ward shall, on the election day –

- (a) declare the candidate as the duly elected member in that electoral ward for the Provincial Assembly; and
- (b) report the result of the election for that ward to the Returning Officer.

Death of candidate

17. (1) Where, after the date of closure of nomination but before the election day, a person who has been nominated as a candidate dies, the Returning Officer shall, upon being satisfied that the person has died –

- (a) cancel the election for the electoral ward for which the deceased was a candidate; and
- (b) report the cancellation to the Minister

(2) Subject to subregulation (3), the Minister, upon receipt of a report under subregulation (1), shall appoint a new election day for the holding of election for the ward and the electoral procedure shall thereupon be commenced anew.

(3) The nomination of any candidate other than that of the deceased which, at the time of the cancellation of the election, had been properly made under regulation 11 shall remain valid for the purposes of the new election day referred to in subregulation (2).

18. Where two or more candidates have been nominated for election in an electoral ward, the Returning Officer shall, not later than seven days before the election day, publish in the electoral ward, in such manner as he thinks appropriate, a notice specifying the following –

- (a) the election day and the hour of the election day for the commencement and closing of voting at each of the polling stations;
- (b) the names, addresses and descriptions of –
 - (i) the candidates for election in the electoral ward; and
 - (ii) the persons who have nominated the candidates;
- (c) the symbol allotted to each of the candidates;
- (d) the location of each of the polling stations appointed under regulations 19(a);
- (e) the names of the electors who are to vote at each of the polling stations; and
- (f) the polling station within the electoral ward where the votes will be counted after the closure of voting in that electoral ward.

19. The Returning Officer shall –

- (a) appoint such number of polling stations within the electoral ward as he considers necessary;
- (b) allot the electors within the electoral ward to the polling stations in such number as appears to him convenient;

- (c) appoint for each electoral ward such number of persons as he considers necessary to be polling assistants;
 - (d) appoint, from among the polling assistants, presiding officers who shall be in charge of the polling stations;
 - (e) provide each of the presiding officers with –
 - (i) such number of ordinary and tendered ballot papers, having counterfoils with corresponding numbers, as may be necessary;
 - (ii) a copy of the register of electoral ward and a copy of the list of electors allotted to vote at each of the polling stations in the electoral ward; and
 - (iii) an instrument for marking the ballot papers with any official mark which he may require the presiding officer to use at the election;
 - (f) allot a symbol to each of the candidates nominated for election in that ward;
 - (g) set up in each of the polling stations a voting compartment in which the electors can cast their votes while obscured from being observed by the public; and
 - (h) do any other act or thing that may be necessary for the proper conduct of the election in the electoral ward.
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20. (1) Each candidate may, in respect of each polling station ^{Appointment of polling agents} within his electoral ward, appoint, by notice in writing addressed to the Returning Officer, not more than two persons to be his polling agents for the purpose of detecting impersonation.

- (2) The notice referred to in subregulation (1) shall –
- (a) be made not later than 4 days before the election day; and
 - (b) specify –
 - (i) the names and addresses of the polling agents; and
 - (ii) the polling stations to which the polling agents have been assigned.

(3) Any candidate may appoint another person to be his polling agent by giving notice in writing to the Returning Officer information him of the name and address of that other person and the polling station to which he has been assigned, if any of his polling agents –

- (a) has died; or
- (b) is unable to carry out the purpose for which he was appointed to carry out.

21. (1) The presiding officer shall, before commencement of voting – ^{Presiding officer to call meeting}
- (a) hold a meeting for the registered electors allotted to vote at the polling station of which he is in charge;
 - (b) explain at the meeting the procedure and method of voting;
 - (c) declare at the meeting the symbol allotted to each of the candidates for the electoral ward; and
 - (d) explain at the meeting the colours of ordinary and tendered ballot papers.
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Duties of
presiding
officer
regarding
ballot boxes

22. (1) The presiding officer shall –
- (a) provide the necessary number of appropriately secured ballot boxes in the polling station;
 - (b) cause to be displayed in the polling station, a list of the candidates' names, symbols awarded to the candidates;
 - (c) immediately before the commencement of the voting, show the registered electors, any candidate or polling agents present the first empty box to be used so that they may see that it is empty and then close and seal the box in manner as to prevent it being opened without breaking the seal; and
 - (d) place the ballot boxes in the voting compartment.
- (2) If at any time during the voting the ballots cast fill the ballot box in use, the presiding officer shall –
- (a) stop the voting for the time being;
 - (b) seal the filled ballot box with the presiding officer's own seal, unopened and sealed so as to prevent the addition of further ballot;
 - (c) then show to the electors present the empty ballot box that is to be used next, so that they may see that it is empty; and
 - (d) then close and seal the empty box in a way that will prevent it being opened without breaking the seal.
- (3) The presiding officer shall ensure that only one ballot box is being used at any particular time.

hours of
voting

23. Voting on the election day at all of the polling stations shall commence not earlier than 7 o'clock in the morning and close not later than 5 o'clock in the afternoon.

24. The voting on election day at any of the polling stations shall be conducted in the following manner – Manner of voting

-
- (a) ~~each person claiming himself to be an elector is to~~ proceed to the polling assistant and, if requested to do so, state his name to the polling assistant;
- (b) if the name of the person –
- (i) does not appear on the register of electors, the polling assistant shall inform him that he is not entitled to vote and no ballot paper shall be provided to him;
 - (ii) appear on the register of electors, the polling assistant shall, subject to paragraph (c), provide him with an ordinary ballot paper;
- (c) before providing an elector with an ordinary ballot paper, the polling assistant shall –
- (i) ask the elector whether or not he has already voted for any of the candidates at any of the polling stations in his electoral ward;
 - (ii) call out the number, name, address and description of the elector as contained in the copy of the register of electors;
 - (iii) mark the front and reverse sides of the ordinary ballot paper with the official mark referred to in regulation 19(e)(iii);
 - (iv) place a mark on the counterfoil against the number of the elector in the register of electors; and
 - (v) place a mark against the number of the elector on the copy of the register of electors so as to indicate that the elector has been provided with an ordinary ballot paper, but without indicating the number of the ordinary ballot paper;
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- (d) the elector shall, immediately after being provided with an ordinary ballot paper, proceed to the voting compartment and deposit the ordinary ballot paper into the ballot box;
- (e) if the elector is, by reason of blindness or other physical disability, unable to cast his vote, he shall call the presiding officer aside and tell the presiding officer, in the presence of a police officer or polling assistant, the name of the candidate for whom the elector wishes to vote and the presiding officer shall record the elector's vote by placing a mark in the box on the ballot paper corresponding to the candidate for whom the elector wishes to vote and insert the marked ballot paper into the ballot box prior to that elector leaving the voting compartment;
- (f) if the elector by reason of –
 - (i) illness or other physical disability; or
 - (ii) any customary rule prohibiting him from entering the polling station or voting compartment,
 is unable to cast his vote, he may inform the presiding officer of the reason why he could not cast his vote and require the presiding officer to deposit, on his behalf, his ordinary ballot paper in the ballot box; and
- (g) the elector shall, immediately after depositing his ordinary ballot paper in the ballot box, leave the voting compartment.

admission of
persons to
polling
stations

25. (1) No elector shall be permitted to vote at any polling station other than at the polling station at which he has been allotted pursuant to regulation 19(b).

- (2) The presiding officer shall –
 - (a) regulate the admission of electors to the polling station; and

- (b) exclude from the polling station any person who is not a police officer on duty, candidate, polling agent or polling assistant or any other person who, in his opinion, has no justifiable reason to be in the polling station.

26. (1) If at the time a person applies for a ballot paper or after he has so applied but before he has left the polling station, a polling agent – ^{Personation}

- (a) alleges to the presiding officer that he has reasonable cause to believe that the person is not the elector whom he claims or has claimed himself to be; and
- (b) undertakes to substantiate his allegation in court,

the presiding officer may instruct any police officer on duty at the polling station to arrest that person and to take him into custody.

(2) Any person arrested pursuant to subregulation (2) shall be dealt with in accordance with sections 23 and 24 of the Criminal Procedure Code (Cap. 7).

27. (1) Where the presiding officer is informed under regulation 26(1), he shall – ^{Protested votes}

- (a) if the person who has applied has not yet been given a ballot paper, refuse to give the person a ballot paper; or
- (b) if the person has already been given a ballot paper and has already voted, write or cause to be written –
- (i) in the copy of the register of electors against the name of the elector whom the person has claimed himself to be, the words “Protested against for personation”, and
- (ii) on the protested votes list, the name of the elector whom the applicant had claimed himself to be, the number of the ballot paper given to the person and the fact the vote has been protected against for personation.

(2) If the person who has claimed himself to be an elector admits to the presiding officer that he is not the elector that he has claimed himself to be, the presiding officer shall record the number of the ordinary ballot paper cast by that person and, upon the counting of votes, declare the ballot paper invalid.

(3) The presiding officer shall record the number of any ballot paper declared invalid under subregulation (2) on a list of invalidated votes.

^{tendered}
^{allot papers} **28.** (1) Where a person claiming himself to be an elector named in the register of electors proceeds to the polling assistant and applies for an ordinary ballot paper after another person has already voted in the name of such elector, the polling assistant shall satisfy himself as to –

- (a) the identity of the person applying for the ballot paper; and
- (b) whether the person has not yet voted for any of the candidates at any of the polling stations.

(2) The polling assistant shall provide a tendered ballot paper to the person applying if he is reasonably satisfied that such person –

- (a) is the elector named in the register of the electors; and
- (b) has not yet voted at any of the polling stations for any of the candidates.

(3) A tendered ballot paper shall not be deposited in any of the ballot boxes, but the person to whom the tendered ballot paper has been provided shall –

- (a) give the tendered ballot paper to the presiding officer who shall endorse on the tendered ballot paper the name of that person and his number as shown in the register of electors; and
- (b) write the name of the candidate of his choice on the tendered ballot paper or call the presiding officer aside and inform him privately of the name of the candidate of his choice.

- (4) For the purpose subregulation (3), the presiding officer shall –
- (a) record the person's name by writing the name of the candidate of the person's choice on the tendered ballot paper; and
 - (b) deposit the tendered ballot paper in a separate packet.

(5) The Returning Officer shall not count the tendered ballot paper but the name of the person and his number as shown in the register of electors shall be entered on a list to be called the tendered votes list, and the list shall be admissible in any court proceedings arising out of the election.

29. (1) The presiding officer shall keep order at the polling station during voting hours. Conduct at polling stations

(2) The presiding officer may instruct any police officer on duty at the polling station or any other person to remove any person who misconducts himself during voting hours at or within the vicinity of the polling station.

30. (1) As soon as practicable after voting has been completed at the polling station, the presiding officer shall – Duties of presiding officer at close of voting

- (a) in the presence of the polling agents, make up into separate packets, each sealed with his own seal –
 - (i) each ballot box used at the polling station;
 - (ii) used and spoilt ballot papers;
 - (iii) used and unused tendered ballot papers;
 - (iv) the marked copies of the register of electors;
 - (v) the counterfoils of the used ballot papers;
 - (vi) the tendered votes list;
 - (vi) the invalidated votes list; and
 - (vii) the protested votes list; and
- (b) deliver the packets to the Assistant Returning Officer for that ward.

(2) The presiding officer shall prepare a ballot papers account and deliver it, along with the packets made up under subregulation (1), to the Assistant Returning Officer.

(3) The ballot papers account shall contain the following information –

- (a) the total number of each of the ordinary and tendered ballot papers;
- (b) the number of unused tendered ballot papers;
- (c) the number of unused ordinary ballot papers; and
- (d) the number of spoilt ordinary ballot papers.

Counting
agents

31. (1) Each candidate may be notice addressed to the Assistant Returning Officer, appoint one person to be his counting agent for the purpose of attending at the counting of votes.

(2) The notice of appointment of a counting agent shall –

- (a) be in writing;
- (b) state the name and address of the agent; and
- (c) be given to the Assistant Returning Officer not later than two clear days before the election day.

(3) The Assistant Returning Officer may refuse to admit any person purporting to be a counting agent to attend at the counting of votes if the appointment of that person was not in accordance with subregulation (2).

(4) If a counting agent dies or is incapable of acting as such, the candidate may appoint another agent in his place and shall give to the Assistant Returning Officer a notice thereof in accordance with subregulation (2).

(5) The requirements of subregulation (2)(a) and (c) may be dispensed with if the Assistant Returning Officer is satisfied that it is not reasonably practicable for the candidate to comply with those requirements.

Election
expenses

32. (1) Each candidate shall submit to the Returning Officer or Assistant Returning Officer within one month of the declaration of the results of the election a statement of account specifying all expenses incurred by him in his election campaign.

(2) Any candidate who fails to comply with subregulation (1) commits an offence and is liable to a fine not exceeding 5,000 penalty units or to imprisonment for three months or to both such fine and imprisonment.

(3) Any candidate who incurs more than one thousand dollars in his election campaign commits offence and is liable to a fine not exceeding 5,000 penalty units or to imprisonment for three months or to both such fine and imprisonment.

33. (1) As soon as practicable after the closure of voting in any electoral ward, the Assistant Returning Officer shall, in the presence of the counting agents – Arrangements for counting of votes

- (a) make such arrangements as appear to him necessary for the commencement of the counting of the votes cast in that electoral ward; and
- (b) inform the counting agents of the time that the counting of the votes is to commence.

(2) Upon commencement of the counting of the votes, the Assistant Returning Officer shall, so far as is practicable, proceed continuously with the counting until all the votes cast in the electoral ward have been counted, except that the Assistant Returning Officer may allow reasonable breaks during the counting to allow for refreshments.

34. Except with the consent of the Returning Officer or Assistant Returning Officer, no person other than the Returning Officer, the Assistant Returning Officer, the candidates and their counting agents, shall attend at the counting of votes. Attendance at counting of votes

35. The Assistant Returning Officer shall, in the presence of the counting agents – Counting of votes

- (a) open each ballot box; and
 - (b) count and record the number of the ballot papers in that ballot box
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Number on
ballot paper
to be con-
cealed

36. The Assistant Returning Officer shall, when counting and recording the number of ballot papers in each ballot box, ensure that the numbers printed on the ballot papers are not seen by any other persons attending at the counting of the votes.

Rejected
ballot papers
and objec-
tions

37. (1) The Assistant Returning Officer shall not count, and shall reject any ballot paper –

- (a) which does not bear an official mark; or
- (b) on which anything, other than the printed number, is written or marked by which the elector is likely to be identified.

(2) The Assistant Returning Officer shall endorse on the ballot paper to which subregulation (1) applies the word “Rejected” and, if the rejection is objected to by any counting agent attending at the counting of the votes, the words “Rejection Objected to”.

Statement of
rejected
ballot papers

38. The Assistant Returning Officer shall –

- (a) prepare a statement showing separately the number of ballot papers rejected under regulation 37(1)(a) and (b); and
- (b) if requested by any of the counting agents, provide that counting agent with a copy of the statement.

Assistant
Returning
Officer's
decision
final

39. The decision of the Assistant Returning Officer as to any question in respect of the rejection or otherwise of any ballot paper is final and may be reviewed only on an election petition under these Regulations.

Assistant
Returning
Officer's
duties at
conclusion
of counting

40. (1) Immediately after the conclusion of the counting of votes, the Assistant Returning Officer shall –

- (a) seal up in separate packets the counted and rejected ballot papers;
- (b) verify, in the presence of the counting agents, the ballot paper account prepared by the presiding officer under regulation 30 by comparing the account with –
 - (i) the number of ballot papers counted and recorded under regulation 35(b);

(ii) the number of ballot papers shown in the statement prepared under regulation 38;

~~(iii) the number of unused and spoilt ballot papers in his possession;~~

(iv) the tendered votes list; and

(v) the invalidated votes list;

(c) seal the packets after comparing them in accordance with paragraph (b);

(d) prepare a statement of the result of the verification under paragraph (b); and

(e) provide a copy of the statement to any polling agent who requests a copy of the statement.

(2) In performing his duties under subregulation (1), the Assistant Returning Officer shall ensure that the –

(a) sealed packet containing the tendered papers;

(b) sealed packet containing the marked copy of the register of electors; and

(c) sealed packet containing the counterfoils of used ballot papers,

are not opened or otherwise dealt with in a manner that is likely to expose the contents of the packets.

41. (1) When the result of the election has been ascertained, the Assistant Returning Officer shall immediately declare to be elected the candidate for whom the majority of votes has been cast and the declaration shall be in the following terms: Declaration of result

"I declare to be

the elected Provincial Assembly member for the electoral ward".

(2) The number of votes cast for each candidate shall not be finalised by the Assistant Returning Officer when he makes a declaration under subregulation (1).

(3) The Assistant Returning Officer shall as soon as practicable after the declaration of the results –

- (a) report the result to the Returning Officer; and
- (b) deliver all documents referred to in regulation 40(1) to the Returning Officer.

Equality of
number of
votes

42. (1) Where, at the conclusion of the counting of votes cast in any electoral ward, the Assistant Returning Officer finds that the number of votes cast in favour of any two or more candidates are equal, he shall make a recount of the votes.

(2) If, at the conclusion of the recount, the Assistant Returning Officer finds that the number of votes is still equal, he shall report the fact of equality of votes to the Returning Officer who shall then report to the Minister.

(3) The Minister shall, after receipt of the report, order a fresh election to be held in the electoral ward.

Notification
and publica-
tion of results

43. (1) As soon as practicable after receiving the report of the results under regulation 41(3) the Returning Officer shall –

- (a) inform –
 - (i) the successful candidate of his election as a Provincial Assembly member; and
 - (ii) the Minister of the results of the election; and
- (b) publish a notice of the results at the Provincial Headquarters and in each of the electoral wards in which the election was held.

(2) The Minister shall, by notice, publish the results in the *Gazette*.

44. The Returning Officer shall keep in safe custody all documents relating to the conduct of the election, but shall destroy all such documents after the expiration of six months from the date of declaration of the results unless directed otherwise by order of a court.

Custody of document

45. (1) Subject to subregulation (2), the presiding officer may authorise any polling assistant to do any act which the presiding officer is authorised to do by these Regulations.

Powers of polling assistants

(2) No presiding officer shall authorise any polling assistant to exercise the powers conferred by regulation 25(2)(b) or 26(1).

46. A candidate may do any act which his agent is authorised by these Regulations to do and may assist his agent in doing the act.

Candidate has powers of his agent

47. Where, in these Regulations, an act is required to be done in the presence of agents of candidates, the absence of the agents when the act was done shall not be a reason for invalidating the act if the act has otherwise been properly done.

Proceedings not invalid by absence of agent

48. (1) All election officers shall receive such remunerations for their services in such amounts as the Minister, after consultation with the Provincial Executive, shall specify.

Remuneration of election officers

(2) The remunerations shall be paid out of the Provincial Fund.

49. (1) Notwithstanding anything to the contrary contained in these Regulations, the Minister may by notice defer an election or any part thereof in any electoral ward if he is satisfied that by reason of flood or storm or any other cause whatsoever, whether of the like nature or otherwise, it has not been or it will not be possible to hold that election or any part thereof in that electoral ward to comply with the provisions of these Regulations in regard to time.

Power to defer part of an election

(2) Where an election or part thereof is deferred pursuant to subregulation (1), the Minister shall, immediately after giving the notice, appoint a new date pursuant to regulation 9(1)(a) for the holding of the election or the part thereof.

(3) In exercising his powers under subregulations (1) and (2), the Minister may give such directions as he considers necessary as to the deferment of the counting of votes pending receipt of the ballot boxes, papers and lists relating to any part of an election for which a new date is appointed and for the safe custody of all ballot boxes, papers and lists already received.

(4) In this regulation, the expression "part" in relation to an election includes any stage of an election and any act required to be done under any of the provisions of these Regulations.

PART 3 - MISCELLANEOUS

application
of provisions
of National
Parliament
Electoral
Provisions
Act

50. Sections 66 to 84 and section 86(1), (2) and (3) of the National Parliament Electoral Provisions Act (Cap. 87) shall apply to and shall be deemed to form part of these Regulations subject to the modifications set out in Schedule 2 to these Regulations.

transitional
election
petition
rules

51. Until such time that rules are made as to the questioning of elections held under these Regulations, the Local Government (Election Petition) Rules shall –

- (a) apply to election petitions in respect of such elections; and
- (b) be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with these Regulations.

repeal

52. The Provincial Government (Election) Regulations (LN 43 of 1987) are repealed.

SCHEDULE

(reg. 11(2)(a))

FORMS

Form 1 - NOMINATION PAPER

No..... of 20....

We, the undersigned, hereby nominate [Mr/Mrs/Miss]..... of
..... to be a candidate for the
..... electoral ward,
..... Province, in the election to be held on
the of 20..... We are electors in
the electoral ward,
..... Province.

Full name:

Address:

Occupation:

I have been registered as an elector for the
electoral ward, Province.

Dated this of 20.....

Signature:

Full name:.....

Address:

occupation:.....

I have been registered as an elector for the
electoral ward, Province

Dated this of 20.....

Signature:.....

Full name:.....

Address:

occupation:.....

I have been registered as an elector for the
electoral ward, Province

Dated this of 20.....

Signature:.....

Form 2 - CERTIFICATE BY CANDIDATE No. of 20.....

I, the undersigned, certify that:

- (a) I am the candidate referred to in Nomination Paper No of 20.....
- (b) I am willing to stand as a candidate for electoral ward, Province, in the election to be held on the of 20.....
- (c) I am qualified for membership of the Provincial Assembly under section 14 of the Provincial Government Act 1997.
- (d) I am not disqualified for membership of the Provincial Assembly under sections 15 of the Provincial Government Act 1997.

Full name:

Address:.....

Occupation:.....

Dated this of 20.....

Signature:.....

SCHEDULE 2

(reg. 50)

-
1. Reference to “this Act” in sections 68 to 78, 81, 83 and 86 is to be read as reference to “these Regulations”.
 2. In sections 66(2), 77(c), 76, 78, 79, 82, 83 and 86, reference to “National Parliament” is to be read as reference to “Provincial Assembly”.
 3. In sections 82(2) and 84(3), reference to “Governor-General” is to be read as reference to “Minister”.
 4. In sections 82(1) and 86(1), reference to “Attorney General” is to be read as reference to “legal adviser to the Province”.
 5. In section 67, reference to “section 38(c)” is to be read as reference to “regulation 24(a) and (c)(i)”.
 6. In the proviso to section 69(2) reference to “other disability” is to be read as reference to “any other reason specified in these Regulations”.
 7. In section 76, reference to “five years” is to be read as reference to “four years”.
 8. In section 78, reference to “section 24 or 65” is to be read as reference to “regulation 9 or 49”.
 9. In section 82(1), reference to “Rules made under section 84 of this Act” is to be read as reference to “regulations made under section 12(1)(b) of the Provincial Government Act”.
 10. In section 83(1) reference to “section 57(2)(b)” is to be read as reference to “regulation 40(2)”.
 11. In section 86(1), and (2) and (3), reference to “High Court” is to be read as reference to “Court”.
 12. In section 80 and 83, reference to “electoral constituency” or “constituency” wherever the words appear is to be read as reference to “electoral ward”.

MADE AT HONIARA this fifth day of November, 2010.

BRADLEY TOVOSIA
Minister for Provincial Government and Institutional Strengthening

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