

Commencement: 19 March 2001

MUNICIPALITIES (QUALIFICATION, DISQUALIFICATION AND REGISTRATION OF ELECTORS) REGULATIONS

Order 10 of 2001

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To provide for the qualifications, disqualifications and registration of electors within municipalities.

PART 1 – PRELIMINARY

1. Interpretation

In these Regulations, unless the contrary intention appears:

“Act” means the Municipalities Act [Cap. 126];

“registration period” means the period referred to in section 5;

“ward” means a territorial ward of a municipality referred to in section 4(b) of the Act.

PART 2 – ELIGIBILITY AND DISQUALIFICATION

2. Eligibility for registration as an elector

A person is eligible for registration as an elector if he or she:

- (a) is a resident of a municipality; and
- (b) is a citizen; and
- (c) is or will be 18 years of age on or before 1 July of the year in which the electoral list of registered electors is being prepared.

3. Disqualification for registration as an elector

A person who does not satisfy the requirements of section 2 is disqualified for registration as an elector.

PART 3 – ELECTORAL LISTS AND ELECTORAL ROLLS

4. Electoral lists

- (1) The Principal Electoral Officer must each year prepare an electoral list of registered electors for each ward of a municipality for the purpose of compiling electoral rolls.

- (2) The Principal Electoral Officer may request any person to provide information for determining whether or not the person is eligible for registration. The person must comply with the request as soon as possible and to the best of his or her knowledge or belief.
- (3) Without limiting subsection (2), a person may be required to give a declaration in a form approved by the Principal Electoral Officer and signed by 2 persons of good standing not related to him or her as to the facts on which he or she claims to be eligible for registration.

5. Electors registration period

- (1) Subject to subsection (2), the period for registration as an elector starts on 1 January and ends on 30 June of each year.
- (2) The period for registration as an elector for the Port Vila Municipal Council election to be held in 2001 starts on 19 March 2001 and ends on 25 August 2001.

6. Inspection of electoral lists

- (1) Subject to subsection (2), each electoral list is to be made available for inspection by the public each year for a period of 14 days that ends on or before 15 June of that year.
- (2) The 14 day inspection period in relation to the electoral lists for the Port Vila Municipal Council election to be held in 2001 ends on 10 August 2001.
- (3) Before the end of the inspection period, any person who is eligible for registration but whose name has not been included in an electoral list may apply in writing to the Principal Electoral Officer for the inclusion of his or her name in an electoral list.
- (4) Before the end of the inspection period, any person may apply in writing to the Principal Electoral Officer to include, delete or otherwise correct any matter in relation to an electoral list.

7. Electoral rolls

- (1) The Principal Electoral Officer must establish an electoral roll for each ward on 1 July of each year.
- (2) The Principal Electoral Officer may assign the names on each electoral roll to a particular polling station within each ward.

8. Doubt as to eligibility for registration

- (1) If a registration officer has doubts about whether a person satisfies the requirements of section 2, the officer is to make such enquiries as he or she considers necessary to determine whether the person satisfies the requirements of that section.
- (2) After making the enquiries, the registration officer must make a report and recommendation to the Principal Electoral Officer.
- (3) The report may contain such evidence as the registration officer considers necessary.
- (4) The Principal Electoral Officer must consider the report and evidence, and either:
 - (a) enter the name of the elector on an electoral list; or
 - (b) refuse to enter it.
- (5) The Principal Electoral Officer must cause the elector to be informed of the decision.

9. Petitions

- (1) Any person may petition the Principal Electoral Officer if he or she considers that his or her name has been wrongly omitted from an electoral list and may submit such evidence and declarations to the Principal Electoral Officer as he or she considers appropriate.
- (2) If the Principal Electoral Officer, after receiving a petition, considers it reasonable that the petitioner's name should be included, he or she must register the petitioner's name in the relevant electoral list.
- (3) If the Principal Electoral Officer does not register the petitioner's name in the electoral list, the Principal Electoral Officer must notify the petitioner in writing of his or her decision within 7 days after making it.

- (4) A petitioner may appeal to the Electoral Commission if the Principal Electoral Officer does not register his or her name in the electoral list.
- (5) The appeal must be made within 2 days after notification to the petitioner of the Principal Electoral Officer's decision by lodging a written appeal with a registration officer.
- (6) The officer who receives an appeal must forward it without delay to the Electoral Commission.
- (7) The Electoral Commission may either dismiss an appeal or order the registration of the appellant's name in an electoral list. The Electoral Commission's decision is final.

10. Removal of names from electoral list

- (1) The Principal Electoral Officer may remove the name of any person from an electoral list if for any reason he or she considers that that person should not be registered in that list. The Principal Electoral Officer must notify the person of the removal within 7 days after removing the person's name from the list.
- (2) A person whose name has been removed from an electoral list may appeal against the removal to the Electoral Commission.
- (3) The appeal must be made within 2 days after notification of the removal to the appellant by lodging a written appeal with a registration officer.
- (4) The officer who receives an appeal must forward it without delay to the Electoral Commission.
- (5) The Electoral Commission may either dismiss an appeal or order the reinstatement of the appellant's name in an electoral list. The Electoral Commission's decision is final.

PART 4 – MISCELLANEOUS

11. Registration officers

- (1) The Principal Electoral Officer may appoint persons as registration officers or assistant registration officers for the purposes of these Regulations.
- (2) Registration officers may delegate all or any of their duties under these Regulations to assistant registration officers.

12. Existing registrations

Any elector whose name is included in an electoral list prepared in relation to the Port Vila Municipality under the Representation of the Peoples Act [Cap. 146] between 1 January 2001 and the commencement of these Regulations is deemed to be eligible for registration under section 2.