

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

No. 33 of 1976

TO PROVIDE for the election of the members of the Council of Chiefs.

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

Election of Council of Chiefs

1. A Council of Chiefs shall be elected in accordance with the provisions of this Regulation.

Electoral college of chiefs to elect council

2. The members of the Council of Chiefs shall be elected by the electoral college of chiefs constituted under the provisions of Part II of the Representative Assembly (Elections) Regulation No. 30 of 1975 as amended (hereinafter referred to as "the Electoral Regulation").

Election of members

3. The electoral college of chiefs shall elect twenty members of the Council of Chiefs, namely, five members by each section of the college.

Eligibility for election

4. Any person recognised as a chief shall be eligible for election to the Council of Chiefs by the section of the electoral college for the administrative district within which he resides:

Provided that members of the Representative Assembly shall not be eligible for election to the Council.

Returning officers

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

Provided that they may be replaced by their Assistant District Agents or any other person duly appointed by the Resident Commissioners for this purpose.

Notice of election

6. Each section of the electoral college of chiefs shall meet for the purpose of electing five members of the Council of Chiefs at such time and place as the District Agents shall jointly appoint.

Quorum

7. (1) If at the time and place fixed for the election fewer 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 to allow absent members to arrive.

(2) Upon the expiry of such period, the returning officers shall -

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

(b) if fewer than one-half of the members of the section are present, forthwith countermand the election and report thereon to the Resident Commissioners.

(3) Upon receipt of such report, the Resident Commissioners in their discretion may -

(a) appoint a date, time and place for the section to meet again to proceed with the election. 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 6:

Provided that in the 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 6.

Method of election

8. (1) Each section of the electoral college of chiefs shall meet at the appointed time and place in the presence of the returning officers in order to discuss the election of five members of the Council of Chiefs and if possible to agree unanimously thereon. The returning officers shall take no part in such discussions.

(2) If the section shall after a reasonable period reach a unanimous decision upon the election of any one or more of the five members to be elected, the members of the section shall inform the returning officers of their decision.

(3) In such case, the returning officers shall in the presence of all members of the section call upon each member individually to confirm the election of the member or members named.

(4) If the returning officers are satisfied that any one or more members have been elected by unanimous decision, such member or members shall be thereby elected.

(5) If the section is unable to reach a

unanimous agreement within a reasonable period upon the election of all five members, a secret ballot shall forthwith be held under the supervision of the returning officers for the election of the members remaining to be elected:

Provided that if the number of candidates for election is equal to the number of members remaining to be elected, such candidates shall be deemed to be elected by unanimous agreement.

Election by
secret
ballot

9. (1) For the purpose of holding an election by secret ballot under subsection (5) of section 8, the returning officers shall provide a ballot box, a polling booth, ballot papers of white colour for the respective candidates and such other equipment as may be necessary. Each candidate shall choose a distinctive symbol. The symbol of any absent candidate shall be chosen by his representative, if any, or failing this by the returning officers. The returning officers shall write the respective names and symbols of the candidates on the ballot papers.

(2) Every ballot box shall be so constructed that the envelopes containing ballot papers can be placed therein but cannot be withdrawn save as provided in section 11.

Voting

10. Each member of the section on receiving a ballot paper for each candidate and one envelope shall go into the polling booth and there place one ballot paper of his choice inside the envelope. He shall leave the other ballot papers inside the polling booth, leave the polling booth and place the envelope in the ballot box in the presence of the other members of the section. The elector shall not place any mark or writing on the ballot paper or the envelope.

Counting
of votes

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

Invalid votes

12. Any ballot paper which -

- (a) reveals the name of the elector;
- (b) is found in the ballot box without an envelope or in a non-official envelope;
- (c) bears any marks enabling identification of the elector;
- (d) bears any remarks about a candidate or any other person;

(e) is found in an envelope containing more than one ballot paper,

shall be considered to be a void ballot paper.

Determination
of poll

13. (1) The candidates equal in number to the number of members required to be elected who have obtained the highest number of votes shall be declared to have been elected:

Provided that no candidate who has received less than ten per centum of the votes cast shall be declared to be elected.

(2) If after the ballot held in accordance with the provisions of subsection (1), any one or more members remain to be elected, a further secret ballot shall be held, under the same conditions as the first, among the candidates who were not elected. Such further ballots shall be held as may be necessary to complete the election.

(3) In the case of an equality of votes between two or more candidates, the result shall be decided by seniority of age, according to the number of members required to be elected.

Report of
returning
officers

14. (1) The returning officers shall upon completion of the counting and after the result has been declared by them make out an official report on the election to which the ballot papers and any other relevant documents shall be annexed. The report shall include a statement of any objection made to the regularity of the poll. The report shall be signed by the returning officers and countersigned by at least three members of the section present. The report shall be forwarded to the Resident Commissioners who shall retain it for not less than twelve months.

Notification
and
publication
of results

15. As soon as practicable after the conclusion of the elections in all the sections of the electoral college of chiefs, the Resident Commissioners shall cause the results to be published locally in such manner as they may think appropriate and by official notification in the Condominium Gazette.

Calculation
of propor-
tions

16. For the purpose of calculating a proportion of members or votes under the foregoing provisions of this Regulation, if the exact proportion is not a whole number the proportion shall be deemed to be the next highest whole number above such exact proportion.

Electoral
disputes

17. The provisions of section 94 of the Electoral Regulation shall apply to the election of members of the Council of Chiefs.

Citation
and
commence-
ment

18. This Regulation may be cited as the Council of Chiefs (Elections) Regulation No. 33 of 1976 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this 22nd day of October 1976.

The Resident Commissioner
for the French Republic

R. GAUGER

Her Britannic Majesty's
Resident Commissioner

J.S. CHAMPION