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## About this handbook



This handbook is published by the Office of the Solomon Islands Electoral Commission (OSIEC) to assist candidates standing for election to the Solomon Islands Parliament and the agents they appoint for polling and counting.

The handbook explains in detail those aspects of electoral law which relate directly to candidates. It is not a substitute for the law however, and should be read in conjunction with the Constitution of Solomon Islands, the National Parliament (Electoral Provisions) Act [Cap 87] (hereafter the Act), National Parliament Electoral Provisions Regulations 2005 (hereafter the Regulations), the National Parliament (Electoral Provisions) Amendment Act 2010, Parliamentary Resolution of 28 November 1996, which divided Solomon Islands into 50 electoral constituencies and the Criminal Procedures Code. Candidates are advised that, while the SIEC can assist by providing information of a generalised nature in relation to the nomination process and campaign activity, it cannot provide formal or informal legal advice to candidates.

**Note: Candidates must satisfy themselves as to their own legal position and if necessary refer to the exact provisions of the Constitution and the Act and consult their own lawyers.**

TAGIO TUMAS AND GOD BLESSIM IUFALA EVERIWAN.

Polycarp Haununu  
Chief Electoral Officer

## **The Solomon Islands electoral system**

The unicameral (one house) Parliament of the Solomon Islands consists of 50 electoral constituencies. One member is elected for each constituency under a “first past the post” voting system. That is, a candidate will be successfully elected when he or she secures the most votes. To vote for a Constituency, a person must be registered as an elector for that Constituency. Registered electors may only vote at the polling station assigned to them by the Returning Officer. If the elector attends another polling station, their name will not be listed on the Voter Registration list and they will not be able to vote.

### **Election timetable**

Within 7 days after the Governor General’s Election Day proclamation is published in the Gazette, each Returning Officer will publish a “Section 25” notice setting out the following election timetable:

- The date and time of the election;
- The date, place and time for the delivery of nomination papers to Returning Officers (close of nominations);
- The date, place and time for undertaking the “Ballot Paper Draw”;
- The place and time within which a candidate may provide a written withdrawal of his or her nomination to the Returning Officer.

### **The voting process**

To obtain a ballot paper, a registered elector must attend the issuing table at their assigned polling station. At this table, the elector’s name will be marked off the Register of Electors and special ink will be applied to the elector’s little finger before the elector is given a ballot paper containing the names and symbols of all candidates contesting the election.

After receiving his or her ballot paper, the elector must retire to a voting compartment, mark one box on the ballot paper corresponding to the candidate of their choice, and insert the marked folded ballot paper into the ballot box prior to leaving the polling station.

After the close of polling, Presiding Officers will be responsible for delivering all ballot boxes to the Returning Officer for the Constituency for the commencement of counting by the Returning Officer.

### **Ballot Box Security Seals**



A new system of locking ballot boxes was introduced in polling stations for the 2010 National Elections to increase the security of ballot papers.



Instead of using keyed locks for ballot boxes, or padlocks, all polling stations will now be issued with ballot box security seals. These security seals provide a new level of security for ballot boxes as the ballot box cannot be opened and sealed again without first breaking the security seal. As each security seal has a unique number engraved on it, it is very apparent if the seal has been changed and therefore the ballot box has been tampered with.


The Presiding Officer will record the unique security seal number used to lock the ballot box at the beginning of polling, in the presence of polling agents and other witnesses. This same security seal number will be checked and verified at the end of polling, and again at the beginning of the count, before the security seal is broken and the contents of the ballot box for that polling station are immediately counted.

Polling officials, polling agents, candidates and voters can be confident that ballot boxes cannot be interfered with without it being very apparent to officials, agents and observers in the polling station and at the count.

## INSTRUCTIONS FOR ATTACHING SECURITY SEALS TO BALLOT BOX

<b>Steps 1 to 4</b>	
<p><b>1. Follow the instructions for displaying the empty ballot box in the Presiding Officers manual.</b></p>	
<p><b>2. To use the security seals, first close the lid of the ballot box and locate the lid to align with the holes. You will need to use six seals and one for the top before transporting</b></p>	
<p><b>3. Ensure that it is properly closed.</b></p>	
<p><b>4. Insert the tail of the security seals through each hole around the edge of the ballot box and on the cover over the slot.</b></p>	
<b>Steps 5 to 6</b>	
<p><b>5. You are now ready to seal the ballot box with the security seal.</b></p>	
<p><b>6. Push the tail of the security seal through the slots as shown on the left, always ensuring that the logo and numbered side of the security seal is on the side that you will pull through the tail.</b></p>	

<b>Steps 7 to 8</b>	
<p>7. Pull through the tail of the security seal as shown on the left until the seal is secured. Repeat this process for all six seals</p>	
<p>8. Record the security seal number in the Record of Security Seals form, sign the form and have two polling agents also sign the form.</p>	
<b>Steps 9 to 15</b>	
<p>9. The security seal should be secured on the ballot box as shown in the photo to the right.</p>	
<p>10. Once secured, the security seal must stay on the ballot box throughout Polling Day, and transportation to the Counting Centre.</p>	
<p>11. .Once polling has been completed, the ballot box slot must be sealed.</p>	
<p>12. Place the cover over the slot where ballot boxes are ballot papers are placed</p>	
<p>13. Then place a seal through the loop provided on the top of the ballot box</p>	
<p>14. Lock and tighten it using the same method for the other seals</p>	
<p>15. Prepare the ballot box for transport to the counting centre</p>	

<b>Steps 12 to 16</b>	
<p><b>16. When that Polling Station is to be counted at the Counting Centre, verify that the security seal is intact, and that the security seal number is the same as that shown in the Record of Security Seals form for that Polling Station.</b></p>	
<p><b>17. If the security seal is broken, or the number is different, immediately refer to the Election Manual for further instructions.</b></p>	
<p><b>14. Sign the Record of Security Seals form and have two Counting Agents sign the form as well.</b></p>	
<p><b>15. Once the security seal number has been verified cut the seal as shown in the photos to the right.</b></p>	
<p><b>16. Commence the counting of ballot papers as instructed in the Election Manual.</b></p>	

## Nominating to stand as a candidate for National Elections

### Qualifications to stand for election

Section 48 of the Constitution provides that a person may only stand for, and be elected as, a Member of Parliament if the person:

- Is a Solomon Islands citizen (If you have citizenship papers, you should have these papers ready at the time you deliver your nomination in case the Returning Officer asks you to confirm your citizenship); and
- Has attained the age of 21 years old.

## Disqualifiers to stand for Election

Section 49 of the Constitution provides that a person will be disqualified from standing if the person:

- (a) is, by virtue of his or her own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
- (b) holds, or is acting in, any public office (This includes being employed by the Government as a nurse, teacher, or any other Government employment including provincial government. If you have recently resigned from public office, you should have a confirmation letter from the Public Service Commission accepting your resignation. The Returning Officer may ask to see this letter to ensure that you are not disqualified from standing.);
- (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;
- (d) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;
- (e) is under sentence of death imposed on him by a court in any part of the world;
- (f) is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;
- (g) is disqualified from membership of Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections (For example the person has been found to have contravened. s 66 of the Act); or
- (h) holds, or is acting in, any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to Parliament or the compilation or revision of any electoral register for that purpose.

For the purpose of paragraph (f) two or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms.

## The nomination process

Sections 26 and 27 of the Act outline the nomination rules. If a qualified person wishes to nominate for election he or she must:

1. complete a nomination paper in the form prescribed by the Third Schedule to the Act (See the Schedule to this Handbook);
2. deliver the nomination paper with a \$2000 **non refundable** nomination deposit to the Returning Officer before the close of the nomination period as provided on the "Section 25" notice (see above); and
3. be nominated by three eligible nominators (see below).

## Completing a nomination paper

Potential Candidates may obtain blank nomination papers (see page x of this handbook) from the Returning Officer for the constituency they intend to contest or the Office of the Solomon Islands Electoral Commission in Honiara. In the places provided on the nomination form you should write the following:

**Constituency:** You must write the constituency for which you intend to contest.

**Name:** You should write your name as it appears on the Register of Electors. If you are not a registered elector, you should provide your proper name.

**Address:** You should include your name as it appears on the Register of Electors. If you are not a registered elector, you should provide the address where you currently reside and where you will be contactable.

**Description or Occupation:** This will depend on your description or occupation. If you are a Village Chief, Pastor, local businessman or farmer, for example, then you should write that occupation here. Alternatively, you may provide any other description of how you are known in your community.

## Delivery of Nomination paper and deposit

Candidates must remember the following further rules concerning the delivery of nomination papers and deposits:

The candidate, or one of the candidate's nominators, must deliver the nomination paper to the Returning Officer. Also, faxed nominations cannot be accepted.

The nomination paper must be delivered before the time for the close of nominations as provided on the "Section 25" notice (see above).

**Note: Late nominations cannot be accepted under any circumstances.**

The \$2000 nomination deposit may be delivered by the candidate or the candidate's agent

The \$2000 nomination deposit can only be paid in cash or by means of a banker's draft issued by a bank carrying on business in Solomon Islands.

A candidate may only nominate for one Constituency.

The candidate and all his or her nominators must sign the nomination paper.

Only use the nomination paper prescribed in the Third Schedule (copy provided in this Handbook)

## Eligible nominators

To be an eligible nominator a person must:

1. be on the Registered List for the constituency for which the candidate is standing;



2. be ordinarily resident in the constituency for which the candidate is standing; and
3. have a parent who is or who was permanently residing in the constituency (or in the province for the constituency) which the candidate is contesting. (This third eligibility rule does not apply to a Constituency which is in, or partly in, Honiara);

A person can only nominate one candidate for election. If a person nominates more than one candidate, only the first nomination paper delivered to the Returning Officer will be valid. All other nomination papers which have relied on that person's nomination will be null and void (that is, they cannot be accepted). Those candidates will have to complete a new nomination with new nominators.

**Note:** Potential Candidates may request the Returning Officer (from the constituency you intend to contest) to complete a Third Schedule nomination paper on your behalf in the presence of the candidate and all of the candidate's nominators. However, the paper must still be signed (this may include a mark) by the candidate and the candidate's nominators.

## **Withdrawal of candidature (s 30)**

Section 30 of the Act outlines the rules for the withdrawal of candidates.

A candidate can only withdraw his or her candidature within the 72hr period after the close of nominations. To have effect, the candidate must deliver a signed, written withdrawal to the Returning Officer for the Constituency contested. This statement should state the full name of the candidate, the candidate's address, the persons who nominated the candidate and must have a declaration stating that the candidate has decided to withdraw his or her nomination. This statement must be signed and dated by the candidate.

**Note:** Where the Returning Officer is satisfied that difficulty of physical communication prevents a withdrawal notice to be provided to the Returning Officer within the 72hr period, the Returning Officer may accept a written withdrawal given to an Assistant Returning Officer within the 72hr period.

### **Certain circumstances where withdrawal has no effect**

If a notice from a candidate reduces the number of candidates in an electoral constituency below one, that withdrawal will have no effect. In these circumstances the last remaining candidate will be declared elected on Election Day. After this time, the candidate will be free to resign if he or she still has that desire. If two or more withdrawals are received at the same time, or if it is not possible to determine the order in time in which withdrawals were delivered, and the withdrawals have the effect of reduce the number of candidates in an electoral constituency below one, all such withdrawals will have no effect. However, candidates will be free to lodge another withdrawal within the withdrawal period.

### **“Ballot paper draw” (s 48 and Reg 2)**

The “ballot paper draw” will determine the order in which candidates will appear on the ballot paper. The Returning Officer will specify the place, date and time of the draw in the “Section 25” notice (see above). This draw will be undertaken in public before any

interested persons. The draw process requires slips of paper containing the name of each candidate to be folded and placed in a box, rotated and drawn by a blindfolded public officer. Once a paper is drawn it will be passed to another public officer who will read aloud the name appearing on the paper. The first name removed from the box, will be allocated the first place on the ballot paper. The second name removed from the box, the second place on the ballot paper. The third name, the third place and so on until all candidates have been allocated a place on the ballot paper. If a candidate withdraws his or her nomination after the draw and within the 72hr withdrawal period, that candidate's name will be removed from the ballot paper. At the end of the 72hr period, the candidate's names, in the order they were drawn, will be sent to the printer for printing of ballot papers.

### **Initial list of candidates (s 29)**

Within 48 hours after the close of nominations, Returning Officers will publish a "Section 29" notice. This notice sets out the names, addresses and description of each candidate for the constituency and the three persons who nominated the candidate.

### **Final list of candidates (s 33)**

Returning Officers will publish the final list of candidates and a list of all electors and the polling station where these electors must vote. This notice will be published as soon as the final list of the polling stations where electors must vote is confirmed. In any event, this notice will be published no later than seven days before Election Day.

### **Death of a candidate (s 28 and 32)**

If a candidate dies before the close of nominations, and proof of the fact is provided to the Returning Officer's satisfaction, that Candidate's nomination will not be included on the ballot paper. If a candidate dies after the close of nominations and before voting commences on Election Day (usually 7am), Returning Officers must cancel the election for the Constituency and report this cancellation and the reason for the cancellation to the Governor General. The election for the Constituency will be held again from the beginning save for the requirement that properly nominated candidates will not have to renominate for the delayed election. The Governor General will decide the date of the new election.

## **Campaigning Rules**

The following campaigning rules are prescribed by the Act:

- It is an offence for a candidate to spend more than \$50,000 on his or her election expenses: s 45.
- It is an offence to commit bribery, treating or undue influence in relation to an election: s 70 to 73.
- It is an offence to act or incite others to act in a disorderly manner for the purpose of preventing the transaction of the business for which a lawful public meeting was called: s78.

- It is an offence for a person, except a candidate, to wear or display any card symbol or emblem indicating support for a candidate or a political party within 50 yards of any polling station building: s 79.
- It is an offence for a person to make any public address indicating support for a particular candidate or political party within 200 yards of a polling station building: s 79.
- It is an offence for any person of customary authority or religious influence to prohibit or influence an elector not to vote: s 80.

Furthermore, the Electoral Commission has a policy that no electoral campaigning activities may be held within any premises used for electoral administration purposes.

**Note: The above is not a complete list of Electoral Offences; a full list of electoral offences prescribed by the Act can be found on page 19 of this handbook**

## **Electoral expenses**

Section 45 of the Act provides that each candidate must submit to the Returning Officer a statement of account, specifying all expenses incurred by him or her during the election campaign. This statement must be delivered within one month of the declaration of the election result.

If any expenses amount to more than \$50,000 that candidate will be guilty of an offence and liable to a fine not exceeding 3,000 penalty units or to imprisonment not exceeding three months, or both.

**Note: If a candidate or any other person alleges a breach of any provisions of the Act, such allegations should be provided to the Chief Electoral Officer in writing. It is also important to provide the names and address of the persons whom the allegation is made and any documentation to substantiate the allegation. The Chief Electoral Officer will consider the substance of the complaint and determine the proper course of action to take. This may include referring the matter to the Public Prosecutor or Royal Solomon Islands Police Force.**

## Appointment of agents

### Appointment of Polling Agents (s 35)

A candidate may appoint up to **two** Polling Agents to attend each polling station within the constituency. Written notice of the appointment(s) must be provided to the Returning Officer for the Constituency contested and must contain:

- The names and addresses of the Polling Agents;
- The polling stations to which the agents have been assigned; and
- The signature of the candidate.

Written notice of appointment of Polling Agents must be provided to the Returning Officer not later than **four days** before Election Day. A form for the appointment of Polling Agents is provided on page 17 of this handbook and may also be obtained from your Returning Officer.

If a Polling Agent dies or becomes incapable of acting, the candidate may appoint a replacement Polling Agent. The candidate must provide immediate written notice to the Returning Officer if a replacement is appointed.

### Polling agents rights and responsibilities

Polling Agents have certain rights, and along with them, certain responsibilities for proper behaviour. (Note: Candidates who visit polling stations have the same rights and responsibilities as their Polling Agents.):

#### Polling Agent's Rights:

- Observe, before voting commences, that the ballot box is empty and that it has been properly sealed. A record of the individual seal numbers may be taken by the Polling Agent.
- Instruct the Polling Assistant to ask any elector applying for a ballot paper the following questions:
  1. "Are you the person whose name is on the Register of Electors as follows [insert name of elector]?"
  2. "Have you already voted, for the present election at this or any other polling station?"
- Protest the vote of any person whom he/she believes has committed the act of personation provided that they are prepared to substantiate their claim in court.
- After the voting is concluded, to observe the packing by the Presiding Officer of all relevant materials and lists in their proper packets.

- Advise the Presiding Officer of any misconduct or irregularities he/she observes in the conduct of the voting.

### **Polling Agent's Responsibilities:**

- Conduct him/herself appropriately at all times while in the polling station.
- Wear his/her Polling Agent badge at all times.
- Not directly question, or otherwise speak to, any voters while in the polling station, and not interfere with the voting process.
- Not handle any electoral materials whatsoever, including ballot papers and the Register of Electors.
- Not compromise the security of the ballot. Particularly, Polling Agents must not divulge the names of any voters in regard to whether they have or have not voted. To do so is a criminal offence.
- Obey any lawful order given by the Presiding Officer.
- Advise the Presiding Officer or Polling Assistant of any suspected acts of personation by any voters.

**Note: Polling will continue to take place even if a candidate does not appoint a Polling Agent.**

### **Appointment of Counting Agents (s 35)**

A candidate may appoint **one** Counting Agent to attend at the counting of votes. Written notice of the appointment must be provided to the Returning Officer not later than **two days before** polling day.

The appointment of a Counting Agent must contain the name and address of the Counting Agent appointed. A form for the appointment of Counting Agents is provided on page 18 of this handbook and may also be obtained from your Returning Officer.

Please remember that failure to properly appoint a Counting Agent may result in the Returning Officer refusing to admit any person who claims to be a Candidate's Counting Agent.

If a Counting Agent dies or becomes incapable of acting, the candidate may appoint a replacement Counting Agent. The candidate must provide immediate written notice to the Returning Officer if a replacement is appointed.

### **Counting agents' rights**

Counting Agents may only:

- Observe the counting process;
- Object to the Returning Officer's decision to "Reject" a ballot paper from the count;
- Observe the verification of "ballot paper account";

- Copy details of the Returning Officer's results after verifying the "ballot paper account";
- Advise the Returning Officer of any misconduct or irregularities he/she observes in the counting process.

### Counting Agents Responsibilities

Counting Agents must not have any other involvement in the counting process and must wear their Counting Agent badge at all times.

**Note: Counting will continue to take place even if a candidate does not appoint a Counting Agent.**

### Persons entitled to attend counting (s 47)

Once counting begins, only the following persons are allowed to attend the room used for the counting of votes:

The Returning Officer;

- Any Assistant Returning Officer(s);
- Candidates for the Constituency;
- Duly appointed Counting Agents;
- Members of the Electoral Commission;
- Accredited Staff of the Office of the Electoral Commission;
- Accredited Observers;
- Accredited Journalists;
- Police Officer (in the case of witnessing the determination of a voter's intention on a ballot paper)

For the purposes of security there will be a police presence, however, police officers will be on duty **outside** the counting room and should only enter the room if requested to do so by the Returning Officer.

## A guide to counting votes

### Votes not to be counted (s 50 and Reg 3)

1. Any ballot paper that does not bear the official mark will not be counted.
2. Any ballot paper on which anything is written or marked by which an elector can be identified (other than the printed number) will not be counted.
3. The following ballot papers are deemed to be informal and will not be counted:
  - Any ballot paper which does not contain a mark in one box;
  - Any ballot paper which contains a mark in more than one box.
4. Any ballot paper which does not contain a mark in one box is deemed to be informal and must not be counted, provided that a ballot paper will be counted if it is clear which candidate the voter intended to vote for (any determination of a ballot paper regarding the intention of the voter shall be done in the presence of a police officer and counting agents for candidates in that constituency);

### Counting and verifying votes (s 46 to 53 and reg 5)

Counting of votes will not commence until all ballot boxes from all polling stations in the Constituency have been delivered to the counting centre. Once all ballot boxes have been delivered to the counting centre, each ballot box will be counted and verified individually. The Returning Officer with the assistance of any Assistant Returning Officers will:

1. Exhibit each ballot box for inspection by counting officers, agents and candidates before it is opened.
2. Record the condition of the ballot-box when it was received;
  - a. Check the security seal number securing the ballot box with the number shown in the Presiding Officer's "Record of Ballot Box Security Seals" form
  - b. Verify that it is the same number and that the security seal is intact
  - c. If the seal number matches with that in the Presiding Officer's "Record Of Ballot Box Security Seals" form, cut the seal with a sharp knife or scissors and commence procedures for counting the ballot papers for that polling station
3. Count and record the number of ballot papers in the ballot box
4. Arrange all rejected ballot papers in separate parcels according to the reason for which they were rejected:
  - (i) want of official mark;
  - (ii) writing or mark by which an elector could be identified; or
  - (iii) informal.

5. Mark rejected ballot papers “Rejected”;
6. If a Counting Agent objects to a Returning Officer’s decision to reject a ballot paper, the Returning officer will mark that ballot paper “rejection objected to”. The Returning Officer’s decision will not be reviewed except on an election petition.
7. Arrange all other ballot papers under the names of the respective candidates by placing in a separate parcel all those on which a mark is indicated for the same candidate;
8. Count the number of votes given for each candidate;
9. Record the number of rejected votes and the number of votes given for each candidate;
10. If required, undertake a fresh count of all the ballot papers removed from the ballot box and correct any error or mistake in the admission, rejection or allocation of ballot papers;
11. Make out and sign a statement setting out the number of votes given for each candidate and the number of rejected ballot papers recorded.
12. Seal up all counted and rejected ballot papers taken from the ballot box into separate packets and endorse on each parcel a description of the contents;
13. The Returning Officer will then proceed to verify the ballot papers taken from that ballot box with the Presiding Officers’ ballot paper account.
14. Once the verification process is completed Counting Agents and candidates are free to take down the details of the Returning Officer’s verification statement.
15. The Returning Officer will then complete the above steps with all remaining ballot boxes from each polling station, separately.

### **Equality of votes (s 56)**

If, once all ballot papers have been counted, an equality of votes is recorded; the Returning Officer must undertake a recount. If after the completion of a recount there is still an equality of votes, the Returning Officer must report the fact to the Governor-General who will order that another election be held for that electoral constituency on such day as the Governor-General determines.

### **Recount of ballot papers (Reg 6)**

Ordinarily, after the verification process is completed, Returning Officer should proceed to declare the election result (see below). However, a recount **must** take place where there is an equality of votes and may be necessary in limited circumstances to ensure the integrity of the election result. These limited circumstances may include where the number of votes between two or more candidates is very close or where a discrepancy has been found in the



verification process. Only the Returning Officer or the Electoral Commission may take the decision to undertake a recount.

A Returning Officer will give notice of the intention to undertake a recount and the recount will take place as soon as is practicable after all ballot boxes have been counted and verified. The recount will be conducted by the Returning Officer with the assistance of any Assistant Returning Officers. In any event, a recount must take place before a public officer and any Counting agents so nominated for that Constituency.

### **Recount process**

1. Identify all packets to be counted and keep all ballot papers in those packets separate;
2. Open each packet without destroying any writing on the packet;
3. Count the ballot papers in the packet;
4. Correct any error or mistake in the admission or rejection or allocation of any ballot paper;
5. Record the number of votes counted in each packet;
6. Replace the ballot papers in their original cover, reseal and refasten the cover, place the resealed packet in a new cover, and seal and fasten the new cover;
7. Write on the new cover a statement of the fact and date of the recount of the votes and sign this statement;
8. Allow any public officer or Assistant Returning Officer Counting Agent, who chooses to add their signature to the statement, to sign the statement;
9. If an equality of votes is again recorded see above, otherwise proceed to the declaration of the result.

### **Declaration of Results (s 55)**

The Returning Officer must declare to be elected the candidate for whom the most number of votes has been cast, by using the phrase:

“I hereby declare that [insert candidate name] with the most votes to be elected.”

The Returning Officer will then provide a “Section 57” notice (election result notice) to the successful candidate and advise the Electoral Commission immediately after the election result has been announced. The Electoral Commission will compile all declarations and advise the Governor-General to formally announce and Gazette all results as quickly as possible.

Once the election result has been declared it is final and cannot be challenged except by election petition. Such petition must be lodged with the court within one month of the publication of the election result in the Gazette by the Governor General.





Form 10

National Parliament Electoral Provisions

[CAP. 87]


**NOMINATION PAPER****THIRD SCHEDULE**

(Section 26 (2))

**Electoral Constituency for which the candidate seeks election:**

**Date of Election: ..... / ..... / 2014****Conditions for Nomination**

1. I, the undersigned, am the candidate to whom this nomination paper refers, and I hereby state that I am willing to stand for election to the National Parliament as a Member for the above Electoral Constituency.
  
2. I also hereby state that I am qualified, and not disqualified for election to the National Parliament in accordance with the law now in force in the Solomon Islands, that is to say:
  - (a) I am a citizen of Solomon Islands;
  - (b) I have attained the age of 21 years;
  - (c) I am not, by virtue of my own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power or state;
  - (d) I am not holding, or acting in, any public office;
  - (e) I am not an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law for the time being in force in any part of the Commonwealth;
  - (f) I have not been certified insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands;
  - (g) I am not under sentence of death imposed by a court in any part of the world, or under a sentence of imprisonment for a term of or exceeding six months other than a sentence in lieu of a fine but including a suspended sentence imposed by such a court or substituted by competent authority for some other sentence imposed on me by such a court;
  - (h) I am not disqualified from membership of the National Parliament or from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections;
  - (i) I am not holding or acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of any election to the National Parliament or the compilation or revision of any electoral register for that purpose.

<b>Candidate details</b>		
Full name:		
Address:		Phone No:
Description (Occupation):		
Political Party (where applicable):		
Date: / /	Signature:	
<b>Nominator details and declaration</b>		
<i>We, the undersigned, are the nominators of the candidate, and are electors for the Electoral Constituency for which this candidate seeks election.</i>		
<b>Nominator 1</b>	Full name:	
	Address:	Phone No:
	Description (occupation):	
	I am registered as a voter in the ..... Village in the .....Ward. Voter ID number .....	
	Date: / /	Signature:
<b>Nominator 2</b>	Full name:	
	Address:	Phone No:
	Description (occupation):	
	I am registered as a voter in the ..... Village in the .....Ward. Voter ID number .....	
	Date: / /	Signature:
<b>Nominator 3</b>	Full name:	
	Address:	Phone No:
	Description (occupation):	
	I am registered as a voter in the ..... Village in the .....Ward. Voter ID number .....	
	Date: / /	Signature:
<b>Returning Officer use only</b>		
Date Rec'd: / /	Time Rec'd: : (am / pm)	Nomination number:
Symbol:		Symbol colour:
Receipt Number:	 RO signature:	



## APPOINTMENT OF POLLING AGENTS

(Must be submitted no later than four days prior to polling day)

Dear Returning Officer

I, ..... of ..... am

a candidate for the Constituency of ..... Pursuant to section 35 of the *National Parliament Electoral Provisions Act* [Cap 87] I appoint the following Polling Agents:

Name of Polling Station	Name and Address of Polling Agent 1	Name and Address of Polling Agent 2
	Name:	Name:
	Address:	Address:
	Name:	Name:
	Address:	Address:
	Name:	Name:
	Address:	Address:
	Name:	Name:
	Address:	Address:
	Name:	Name:
	Address:	Address:
	Name:	Name:
	Address:	Address:

.....



Candidate's signature

Date

**Form 18**

## APPOINTMENT OF COUNTING AGENT

(Must be submitted no later than two days prior to Election Day)

Dear Returning Officer,

I,....., am a candidate for the Constituency of  
 ..... Pursuant to section 44 of the *National Parliament  
 Electoral Provisions Act* [Cap 87].

I hereby appoint the following person to be my Counting Agent:

<b>Counting agent full name:</b>	
<b>Counting agent address:</b>	

 .....

Candidate's Signature

.....

Date



Form 31

## ELECTORAL OFFENCES

Below is a simplified summary of electoral offences contained in the *National Parliament Electoral Provisions Act*. These notes should be used as a guide only. The Electoral Office should always obtain advice from the Public Prosecutor in relation to any electoral offence before responding to any alleged breach and this request for advice should be done by the Chief Electoral Officer only.

### Right to vote: Section 7

- (1) It is an offence for a person to vote unless he or she is registered; or
- (2) It is an offence for a person to vote more than once at an election.

**Penalty:** A fine not exceeding \$3000 or to imprisonment for a term not exceeding three months, or both.

### Electoral expenses: Section 45

It is an offence for a candidate to spend more than \$50,000 in an election campaign.

**Penalty:** A fine not exceeding 3000 penalty units or imprisonment for a term not exceeding 3 months, or both.

### Corrupt practice: Section 66

- (1) An election of a candidate may be invalid if that candidate or his agent commits any corrupt or illegal practice.
- (2) The election of a candidate will be voided if on an election petition it is shown that any of the following may have affected the result of the election:
  - corrupt or illegal practice committed in reference to an election; or
  - illegal payments, employments or hirings committed in reference to an election.

**Penalty:** The Candidate will be disqualified from standing as a member of the National Parliament from the date of judgement until the dissolution of the Parliament following judgement.

**Penalty for false answer: Section 67**

It is an offence for a person to make a false answer to the following questions if they know the answer is false or do not believe the answer to be true:

- (i) are you the person whose name is on the register of electors as follows (reading the copy of the entry in the register)?;
- (ii) have you already voted at the present election at this or any other polling station?;

**Penalty:** A fine not exceeding \$3000 or imprisonment for a term not exceeding 3 months, or both.

**Offence in respect of nomination papers, etc: Section 68**

It is an offence for a person to:

- (a) forge or fraudulently deface or fraudulently destroy any nomination paper; or deliver, a nomination paper to a Returning Officer or Assistant Returning Officer knowing the paper to be forged;
- (b) forge or counterfeit or fraudulently deface or fraudulently destroy any ballot paper or the official mark on any ballot paper;
- (c) without due authority, supplies any ballot paper to any person;
- (d) fraudulently takes out of any polling station, place of voting or place of election any ballot paper; or
- (e) without due authority, destroy, take, open or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of an election.

**Penalty:** A fine not exceeding \$5000 or imprisonment for a term not exceeding six months, or both.

**Infringement of secrecy: Section 69**

(1) Except as provided by law, the following persons must maintain and aid in maintaining the secrecy of the voting in an election:

- Returning Officers;
- Assistant Returning Officers;
- Supervising Officers;
- Polling Assistants; and
- Polling Agents

These offices must not disclose information relating to:

- the name or number on a register of electors;
- any elector who has not applied for a ballot paper or voted; or
- the official mark before the election is closed.



**Penalty:** A fine not exceeding \$3000 or imprisonment for a term not exceeding three months or both.

(2) Except as provided by law, it is an offence for any person to:

- interfere with or attempts to interfere with an elector when casting his or her vote;
- attempt to obtain information as to the candidate for whom any elector is about to vote or has voted;
- communicate at any time to any person information obtained during any election as to the candidate for whom any elector is about to vote or has voted;
- communicate at any time to any person information as to the number on the ballot paper given to any voter.

**Penalty:** A fine not exceeding \$3000 or imprisonment for a term not exceeding three months or both.

(3) It is an offence for an Electoral Officer, assistant, candidate or agent to communicate any information obtained at the counting of vote in relation to the candidate for whom any vote is given by any particular ballot paper.

**Penalty:** A fine not exceeding \$3000 or imprisonment for a term not exceeding three months or both.

### **Bribery: Section 71**

The following persons shall be deemed to be guilty of bribery:

- (a) any person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or to refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;
- (b) any person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour to procure, any office, place or employment to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;
- (c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a member of the National Parliament or the vote of any elector at any election;
- (d) any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member of the National Parliament or the vote of an elector at any election;

- (e) any person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election;
- (f) any elector, who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; and
- (g) any person who, after any election, directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election:

**Penalty:** A fine not exceeding \$5000 or to imprisonment for a term not exceeding six months, or to both. The person is also disqualified for five years from the date of conviction from:

- (a) being registered as an elector or of voting at any election; and
- (b) being elected as a member of the National Parliament or, if elected before his conviction, from retaining his seat as such member.

### **Treating: Section 72**

The following persons shall be deemed to be guilty of treating:

- (a) any person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives, or provides, or pays, or promises to give, provide or pay, wholly or in part, the expense of giving or providing any food, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election or on account of that person or any other person having voted or refrained from voting at such election; and
- (b) any elector who corruptly accepts or takes any such food, drink, entertainment or provision.

**Note: The provision of any feast or other entertainment in accordance with established custom shall not be treating if the provision of that feast or entertainment is not for the purpose of corruptly influencing any person.**

**Penalty:** A fine not exceeding \$5000 or to imprisonment for a term not exceeding six months, or to both. The person is also disqualified for five years from the date of conviction from:

- (a) being registered as an elector or of voting at any election; and
- (b) being elected as a member of the National Parliament or, if elected before his conviction, from retaining his seat as such member.

**Undue influence: Section 73**

It is an offence for any person (either directly or indirectly, by himself or by any other person on his behalf) to:

- make use of, or threaten to make use of, any force, violence, or restraint or inflict or threaten to inflict, by himself or by any other person, any injury, damage, harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election; or
- by abduction, duress, or any fraudulent contrivance, impede or prevent the free use of the vote by any elector or thereby compel, induce or prevail upon any elector either to give or refrain from giving his vote at any election.

**Penalty:** A fine not exceeding \$5000 or to imprisonment for a term not exceeding six months, or to both. The person is also disqualified for five years from the date of conviction from:

- (a) being registered as an elector or of voting at any election; and
- (b) being elected as a member of the National Parliament or, if elected before his conviction, from retaining his seat as such member.

**Personation: Sections 74 and 75**

It is an offence for any person to:

- apply for a ballot paper in the name of another person or tender a vote in the name of another person whether that name is the name of a person living or dead or of a fictitious person; or
- having voted once, apply for a ballot paper or tender a vote at the same election, in his/her own name, which s/he is not entitled to tender.

**Penalty:** A fine not exceeding \$3000 or to imprisonment for a term not exceeding three months, or both. The person is also disqualified for five years from the date of conviction from:

- (a) being registered as an elector or of voting at any election; and
- (b) being elected as a member of the National Parliament or, if elected before his conviction, from retaining his seat as such member.

**Penalty for persons guilty of certain illegal practices: Section 77**

It is an offence for a person to:

- (a) vote, or induce, or procure any other person to vote, at any election, knowing that s/he is prohibited from voting; or
- (b) knowingly publish any false statement of the withdrawal of a candidate for the purpose of promoting the election of another candidate,

**Penalty:** A fine not exceeding \$3000 or to imprisonment for a term not exceeding three months, or both. The person will also be disqualified during the period of three years from the date of his conviction, from voting at any election.

### **Interference with lawful public meeting: Section 78**

It is an offence for a person to act or incite others to act in a disorderly manner for the purpose of preventing the transaction of a lawful public meeting held in connection with the election of any person.

**Penalty:** A fine not exceeding \$3000 or to imprisonment for a term not exceeding three months, or both. The person will also be disqualified during the period of three years from the date of his conviction, from voting at any election.

### **Display of emblems in vicinity of place of voting prohibited: Section 79**

(1) It is an offence for a person (other than a candidate) to display any card, symbol, favour or other emblem indicating support for a particular candidate or political party inside or within fifty yards of the entrance to a polling station.

(2) It is an offence for a person to make any public address indicating support for a particular candidate or political party within two hundred yards of a polling station.

**Penalty:** A fine not exceeding \$1000 for (1) or (2).

### **Offences relating to election boycotts: Section 80**

It is an offence for any person:

- (a) having customary authority or religious influence upon any elector to issue any prohibition the probable consequences, if any, of non-compliance is likely to cause:
  - (i) any elector to desist or refrain from voting or taking part in the election; or
  - (ii) any election officer to desist or refrain from conducting the election;
- (b) to publicises any prohibition referred to in paragraph (a) knowing that the prohibition is likely to cause any elector who is subject to the authority to desist or refrain from voting or taking part in the election,

**Penalty:** Imprisonment for a term not less than one year but not more than ten years.