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LEGAL NOTICE

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ELECTORAL (AMENDMENT) REGULATIONS 2019

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ELECTORAL (AMENDMENT) REGULATIONS 2019

IN exercise of the powers conferred by section 136 of the *Electoral Act 2018*, the Electoral Commission makes the following Regulations:

1 Citation

These Regulations may be cited as the *Electoral (Amendment) Regulations 2019*.

2 Commencement

These Regulations commence on the date they are published in the *Gazette*.

3 Regulations amended

These Regulations amend the Electoral Regulations 2018 (LN 82 of 2018) (the “*principal Regulations*”).

4 New Part 2A

The principal Regulations are amended by inserting the following new Part after regulation 9:

PART 2A CONDUCT OF ELECTIONS

9A Campaign expenses

- (1) For section 69(2) of the Act, the statement of account of a candidate’s campaign expenses must be in the approved form.
- (2) The statement of account must be accompanied by a statutory declaration by the candidate declaring that the candidate has not received a campaign donation from:
 - (a) a person who was not a citizen of Solomon Islands at the time of the donation; or
 - (b) a company that, at the time of the donation, had at least one shareholder who was not a citizen of Solomon Islands.

Note

Under section 125 of the Act, it is an offence to receive a donation from a person mentioned in subregulation (2)(a) or (b).

- (3) The CEO may request further information or supporting document from the candidate in relation to the candidate's campaign expenses or donations.
- (4) The CEO may, in consultation with the Auditor-General, appoint a person who is a registered company auditor under the Accountants Act 2010 to audit the statement of accounts.

9B Ballot paper draw

For section 74 of the Act, the sequence in which the names of candidates in a constituency will appear on the ballot paper for the constituency must be decided in accordance with the procedures specified in Schedule 3."

5 New Schedule 3

The principal Regulations are amended by inserting the following new Schedule 3 after Schedule 2:

"SCHEDULE 3 PROCEDURES FOR BALLOT PAPER DRAW

regulation 9B

1. The returning officer must, before the persons present:
 - (a) present the list of candidates for the constituency in the order the returning officer considers appropriate; and
 - (b) read out the list; and
 - (c) present an empty ballot box for inspection; and
 - (d) close and seal the empty ballot box to prevent it being opened without breaking the seal; and
 - (e) present unmarked papers of the same shape and size so that there is one paper for each candidate; and

- (f) write the name of the candidate appearing first on the returning officer's list on the first paper, present the paper for inspection, then fold the paper in half and in half again before placing the paper in the empty ballot box; write the name of the candidate appearing second on the returning officer's list on the second paper, present the paper for inspection, then fold the paper in half and half again before placing the paper in the ballot box; and so on until all candidates have been allocated one paper in the draw; and
 - (g) rotate the ballot box and permit any other person present, who wishes to do so, to rotate the ballot box; and
 - (h) open the ballot box; and
 - (i) require a public officer, who is blindfolded and has been blindfolded since before the opening of the ballot box, to take the papers out of the ballot box one by one and, as each paper is taken out, to pass it to another public officer, who will call out the name on the paper and present the paper for inspection; and
 - (j) present the ballot box for inspection once all names have been called; and
 - (k) prepare a list of the names called out in accordance with paragraph (i) set out in the order in which they were called out.
2. Subject to clause 3, the order in which the names are set out in the list prepared under clause 1(k) is the sequence of candidates on the ballot paper for the constituency.
 3. If a candidate withdraws his or her nomination within the time provided for in section 66(2) of the Act, the candidate must be omitted from the ballot paper so that the order of candidates remains the same as specified in clause 2 except for that candidate."

6. Repeal of Regulations

The National Parliament (Electoral Provisions) Regulations 2005 (LN 123 of 2005) are repealed.

MADE IN HONIARA this eighth day of February, 2019.

DEPUTY CHAIRPERSON
ELECTORAL COMMISSION4

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