



**NATIONAL PARLIAMENT
ELECTORAL PROVISIONS
(AMENDMENT) BILL 2010**

(NO. 7 OF 2010)



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A

BILL

Entitled

AN ACT TO AMEND THE NATIONAL PARLIAMENT
ELECTORAL PROVISIONS ACT (CAP. 87)

ENACTED by the National Parliament of Solomon Islands.

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Section 2 amended
3. Section 5 amended
4. Section 6 amended
5. Section 12 amended
6. Section 15 amended
7. Section 16 substituted
8. Section 17 amended
9. Section 18 substituted
10. Section 19 amended
11. New section 19A inserted
12. Sections 20, 21 and 22 substituted
13. Section 23 amended
14. New section 23A inserted
15. Section 34 amended
16. Section 38 amended
17. Section 44 amended
18. Section 46 amended
19. Section 50 amended
20. Section 51 amended
21. Section 54 amended
22. Second Schedule substituted

NATIONAL PARLIAMENT ELECTORAL PROVISIONS (AMENDMENT) BILL 2010

- 1.** (1) This Act may be cited as the National Parliament Electoral Provisions (Amendment) Act 2009. Short title and commencement
- (2) Sections 1 to 4 and 15 to 21 of this Act commence on the date it is published in the *Gazette*.
- (3) Sections 5 to 14 and 22 of this Act commence on the 1st day of October 2010.
- 2.** Section 2 of the principal Act is amended by inserting the following definition – Section 2 amended
- ““count” means anything done under section 48 or 49;”.
- 3.** Section 5 of the principal Act is amended – Section 5 amended
- (a) by renumbering section 5 as subsection 5(1); and
- (b) by adding the following subsections –
- “(2) The Commission is responsible for the conduct of elections of members of Parliament.
- (3) The Commission may direct any person whose functions under this Act relate to the conduct of elections as to the performance of those functions.”.
- 4.** Section 6 of the principal Act is amended by adding the following subsections – Section 6 amended
- “(3) The Commission is responsible for the registration of electors for the election of members of Parliament.
- (4) The Commission may direct any person whose functions under this Act relate to the registration of electors as to the performance of those functions.”.

Section 12 amended

5. Section 12 of the principal Act is amended by inserting the following subsections after subsection (3) –

“(3A) The Revising Officer may appoint one or more persons (as the Revising Officer considers appropriate) as Assistant Revising Officers for a ward or wards.

(3B) An Assistant Revising Officer has the powers and functions of a Revising Officer, but is subject to any directions of the Revising Officer.”.

Section 15 amended

6. Section 15 of the principal Act is amended in subsection (1) by inserting “and unless the Commission determines otherwise,” after “Notwithstanding the provisions of the previous section,”.

Section 16 substituted

7. Section 16 of the principal Act is repealed and substituted with the following section –

“Preparation of registers”

“16. (1) The Registration Officer for a registration area shall publish, in each ward in the registration area, a notice in accordance with subsection (2) –

- (a) as soon as practicable after this Part starts to apply to the registration area;
- (b) at any time the Registration Officer is directed to do so by the Commission; and
- (c) on the day five years after the last occasion on which a notice was published under paragraph (a) or (b), or as soon as practicable after that day.

(2) The notice to be published by the Registration Officer is a notice in Form A in the Second Schedule, requiring persons who desire, and who claim to be entitled, to be registered as electors in the registration area to deliver their claims, in Form B in the Second Schedule, to the Registration Officer or to an Assistant Registration Officer for the registration area, by the end of the initial claim period for the notice specified in subsection (3).

(3) For the purposes of subsection (2), the initial claim period for the notice is –

- (a) the period of forty days after the day the notice is published; or
- (b) any alternative period nominated by the Commission.”.

8. Section 17 of the principal Act is amended –

Section 17
amended

- (a) in subsection (1), by omitting “period of sixty days” and substituting “initial claim period”; and
- (b) in subsection (3), by omitting “he shall register the claimant in the manner hereinafter provided” and substituting “the Officer shall deliver to the Commission the claimant’s Form B notice”.

9. Section 18 of the principal Act is repealed and substituted with the following section –

Section 18
substituted

“List of electors” “18. (1) The Commission shall, in the appropriate Form C or C1 in the Second Schedule, make an alphabetical list for each ward or part of the ward in the registration area of the persons whose Form B notices were delivered to the Commission under section 17(3). The Commission shall do so within –

- (a) fourteen days after the last day of the initial claim period, specified in section 16(3); or
- (b) any alternative period nominated by the Commission for the purposes of this subsection.

(2) The Commission shall give the list or lists to the Registration Officer as soon as practicable after the end of the period that applies under subsection (1).

(3) The Registration Officer shall publish the list, signed and dated by the Registration Officer or by an Assistant

Registration Officer, in a manner the Registration Officer considers appropriate to bring the list to the attention of the persons entitled to be on the list, within –

- (a) twenty-eight days after the last day of the initial claim period referred to in subsection (1)(a); or
- (b) any alternative period nominated by the Commission for the purposes of this subsection.”.

Section 19
amended

10. Section 19 of the principal Act is amended –

- (a) in subsection (1)(b), by omitting “been omitted from the list of electors” and substituting “not appeared on the list of electors for the ward or part of the ward to which the person’s claim related”; and
- (b) in subsection (1), by omitting “within ten days after the publication of such list” and substituting “by the end of the claims and objections period specified under subsection (3)”;
- (c) in subsection (2), by omitting “within ten days after publication of the list” and substituting “by the end of the claims and objections period specified under subsection (3)”;
- (d) by repealing subsection (3) and substituting the following subsection –
 - “(3) For the purposes of subsections (1) and (2), the claims and objections period is –
 - (a) the period of ten days starting on a day nominated by the Commission; or
 - (b) the period starting and ending on the days nominated by the Commission.”.

11. The principal Act is amended by inserting the following section after section 19 –

“Objection by
Commission”

“19A. (1) In the course of making a list under section 18(1) of electors for a ward or part of a ward, the Commission shall determine whether it appears that any person who has claimed to be entitled to be registered as an elector in the ward has made another claim or claims in relation to another part of that ward or another ward (whether or not in the same registration area).

(2) If the Commission identifies a person in the course of making a list under subsection (1), then after making the list the Commission shall, in Form E1 in the Second Schedule, object to the person as not being entitled to have the person’s name retained on the list.

(3) The Commission shall give the Commission’s objection to the Registration Officer for the registration area to which the ward belongs, by the end of the claims and objections period that applies under section 19.”.

12. Sections 20, 21 and 22 of the principal Act are repealed and substituted with the following sections –

Sections 20, 21
and 22 substituted

“What
Registration
officer must do
after end of
claims and
objection periods”

“20. (1) If a Registration Officer receives no notices of claims or objections under section 19 or 19A by the end of the claims and objections period that applies under section 19 or by the end of any other period nominated by the Commission under section 19(3)(b), the Officer shall, within a reasonable time after the end of the period, notify the Commission of this.

(2) If a Registration Officer receives any notices of claims or objections under section 19 or 19A, the Officer shall, within four days after the end of the claims and objections period that applies under section 19 or by the end of any other period nominated by the Commission, deliver to the Revising Officer for the registration area –

(a) the notices; and

- (b) the list or lists of electors to which the notices relate.

(3) The Registration Officer or an Assistant Registration Officer shall, within ten days after the end of the claims and objections period that applies under section 19 or by the end of any other period nominated by the Commission, prepare and publish, or cause to be prepared and published, in each ward, a list of the notices and the names and addresses of the persons who gave them.

“Public inquiry into claims and objections”

“20A. (1) If notices of claims or objections are given under section 19 or 19A in relation to a list of electors, the Commission shall determine the starting date and finishing date of the period during which public inquiries are to be held into the claims or objections (or both) in relation to that list. The period shall not exceed twenty days or any other number of days nominated by the Commission.

(2) A Revising Officer to whom notices of claims or objections are delivered in accordance with section 20(2) shall hold, or arrange for an Assistant Revising Officer to hold, public inquiries into the claims or objections (or both), during the public inquiry period determined under subsection (1).

(3) A Revising Officer or Assistant Revising Officer may hold a public inquiry at any place or places within the electoral constituency, at any time or times the Officer considers appropriate, and may adjourn the inquiry from place to place and time to time, as long as –

- (a) the inquiry begins and ends within the public inquiry period determined under subsection (1); and
- (b) the Officer gives at least four days’ notice of the places and times at which the inquiry is to be held; and
- (c) if the inquiry includes an inquiry into an objection made by the Commission under

section 19A, the person objected to or a representative of the person has been informed, or reasonable attempts have been made to inform the person or a representative, of the objection at least four days before the inquiry into that objection is to be held.

(4) The Revising Officer or Assistant Revising Officer may, at or in respect of any inquiry under this Part –

- (a) summon any person to appear at the inquiry; and
- (b) require any person at the inquiry to give any information the Officer considers necessary for the due discharge of the Officer's duties; and
- (c) take evidence on oath, and such oath to be administered by the Officer.

(5) If the Revising Officer is of the opinion that a claim or objection made under section 19 is without foundation or is frivolous, the Revising Officer may order such person to pay such sum as appears to the Revising Officer to represent the actual costs of the inquiry, including the cost of witnesses, attributable to the objection or claim.

(6) An order made under subsection (5) is deemed to be an order of a Magistrate's Court and may be executed on the application of the Registration Officer or an Assistant Registration Officer in any manner authorised by law for the execution of orders, judgments or decrees of the courts in Solomon Islands.

“Handling of omissions from the list at public inquiry”

“20B. At a public inquiry into a claim made under section 19(1) in relation to a list of electors, the Revising Officer or Assistant Revising Officer shall –

- (a) consider the claim and any evidence available on it; and

- (b) decide whether the claimant is proved to the Officer's satisfaction to be entitled to have the claimant's name inserted on the list.

"Handling of public objections at public inquiry"

"20C. (1) At a public inquiry into an objection made under section 19(2) in relation to a list of electors, the Revising Officer or Assistant Revising Officer shall –

- (a) if the objector appears in person at the inquiry, consider the objection and any evidence available on it and decide whether the person objected to is proved to the Officer's satisfaction not to be entitled to have the person's name retained on the list; and
- (b) otherwise, decide that the name of the person objected to shall be retained on the list.

(2) Notwithstanding subsection (1)(b), the Revising Officer or Assistant Revising Officer shall decide that the name of a person objected to is to be deleted from the list if

–

- (a) the person agrees to the person's name being deleted; or
- (b) it is proved that the person is dead.

"Handling of Commission objections at public inquiry"

"20D. (1) At a public inquiry into an objection made by the Commission under section 19A(2) in relation to a list of electors, the Revising Officer or Assistant Revising Officer shall –

- (a) if the person objected to or a representative of the person appears at the inquiry, consider the objection and any evidence available on it (which shall include the person's opinion about where the person is entitled to be

registered) and decide whether the person is proved to the Officer's satisfaction not to be entitled to have the person's name retained on the list; and

- (b) otherwise, decide that the person's name shall be deleted from the list.

"Record of decisions"

"21. A Revising Officer or Assistant Revising Officer holding a public inquiry into claims and objections made under sections 19 and 19A in relation to a list of electors shall –

- (a) record the Officer's decisions about the insertion, retention or deletion of names from the list, in a form approved by the Commission; and
- (b) send the record of decisions, together with the notices of the claims and objections to which the decisions relate, to the Commission;

as soon as practicable after the end of the public inquiry period for the list under section 20A(1).

"Settlement of lists of electors"

"22. The Commission shall, within a reasonable period after receiving the record of decisions and notices referred to in section 21, alter the relevant list made by the Commission under section 18(1) in accordance with the record.

"Register of electors"

"22A.(1) The list or lists of electors for each ward in a registration area –

- (a) made by the Commission under section 18(1); or
- (b) if any claims or objections were made in relation to a list under section 19 or 19A, made by the Commission under

section 18(1) and altered by the
Commission under section 22;

constitute the register of electors for the registration area,
until replaced by a register made following a subsequent
application of this Part.

(2) The register is *prima facie* evidence of whether a
person is entitled to vote at an election. However, nothing in
this Act entitles a person to vote at any election if the person
is not qualified to do so, or is disqualified from voting by a
law in force in Solomon Islands.

(3) The register, and any lists made by the Commission
in preparing the register, may be made and maintained in
any form or forms (including electronic) the Commission
considers appropriate.”.

Section 23
amended

13. Section 23 of the principal Act is amended –

- (a) by repealing subsection (1); and
- (b) in subsection (2), by omitting “on the first day of
January, or as soon thereafter as may be practicable”
and substituting “on a day determined by the
Commission”; and
- (c) in subsection (2)(b), by omitting “strike off from the
book the name of that person” and substituting
“inform the Commission that the person’s name is to
be deleted from the register”; and
- (d) by inserting the following subsection (2A) after
subsection (2) –

“(2A) For the purposes of subsection (2)(a),
section 19A(1) is modified as follows –

“(1) In the course of making a list under
subsection 18(1) of electors for a ward or
part of a ward in a registration area, the
Commission shall determine whether it
appears that any person who has claimed

to be entitled to be registered as an elector in the ward –

- (a) has made another claim or claims in relation to another part of the ward or another ward in the registration area; or
 - (b) is already registered as an elector in another part of the ward or another ward in the registration area; or
 - (c) if the Commission is also updating the register for another registration area, has made another claim or claims in relation to that other registration area or is already on the register for a ward in that other registration area.”; and
- (e) in subsection (3), by omitting “he shall enter the name of such person in the book” and substituting “the Registration Officer shall inform the Commission that the person’s name is to be inserted in the register”; and
- (f) by repealing subsection (4) and substituting the following subsection –
- “(4) The Commission shall, if informed by a Registration Officer under this section that a person’s name is to be deleted from or inserted in the register –
- (a) alter the register accordingly; and
 - (b) publish annually, in a manner it considers appropriate, a list showing the names deleted from or inserted in the register.”.

New section 23A
inserted

14. The principal Act is amended by inserting the following section after section 23 –

“Second Schedule
forms”

“23A. For the purposes of this Part, a reference to a form in the Second Schedule is taken to include a reference to a form approved by the Commission that is substantially the same as that form.”.

Section 34 amended

15. Section 34 of the principal Act is amended –

(a) by inserting the following subsection after subsection (2) –

“(2A) If the presiding officer reasonably considers that the number of ballots likely to be cast at the station will exceed the capacity of a single ballot box, the presiding officer shall provide as many additional sealed and secured ballot boxes in the station as the officer reasonably considers might be needed.”; and

(b) in subsection (3), by inserting “that is to be used on commencement of the voting” after “the empty ballot box”; and

(c) by adding the following subsections –

“(4) If at any time during the voting the ballots cast fill the ballot box in use, the presiding officer shall –

(a) seal the filled ballot box with the presiding officer’s own seal, unopened and sealed so as to prevent the addition of further ballot; and

(b) 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

- (c) then close and seal the empty box in a way that will prevent it being opened without breaking the seal.

(5) The presiding officer shall ensure that only one ballot box is being used at any particular time.”.

16. Section 38 of the principal Act is amended in paragraph (g) by adding “in the presence of a police officer or another polling assistant” at the end of that paragraph. Section 38 amended

17. Section 44 of the principal Act is amended by inserting the following subsection after subsection (2) – Section 44 amended

“(2A) The Returning Officer shall, before the counting of votes begins, advise any Assistant Returning Officers for the electoral constituency of the name of any person appointed as the counting agent for a candidate in the constituency.”.

18. Section 46 of the principal Act is amended – Section 46 amended

- (a) in subsection (1), by omitting “in each ward”; and
- (b) in subsection (2), by omitting “balloting” and substituting “counting”.

19. Section 50 of the principal Act is repealed and substituted by the following section – Section 50 amended

“Votes to be counted if intention is clear

“50. (1) A ballot paper shall be counted if it is clear which candidate the voter intended to vote for.

(2) The determination of a ballot paper under subsection (1) shall be done in the presence of a police officer and counting agents for candidates in that constituency.

(3) Notwithstanding subsection (1), the following ballot paper shall not be counted —

- (a) a ballot paper which does not bear an official mark; or

- (b) a ballot paper on which anything is written or marked by which an elector can be identified other than the printed matters.”.

Section 51
amended

20. Section 51 of the principal Act is amended by omitting “section 50” and substituting “section 50(2)”.

Section 54
amended

21. Section 54 of the principal Act is amended by omitting all the words after “the counted and rejected ballot papers.”.

Second Schedule
substituted

22. The Second Schedule to the principal Act is repealed and the following Second Schedule is substituted –

“SECOND SCHEDULE

(Section 16)

FORMS

FORM A

National Parliament Election Provisions Act, Section 16

NOTICE TO PERSONS ENTITLED TO VOTE

All persons who claim to be entitled to be registered as electors in the Registration Area and who are qualified to be and are desirous of being so registered are hereby required to deliver to me or to an Assistant Registration Officer a claim in the prescribed form.

Prescribed forms are available free of charge from me and from an Assistant Registration Officer at the addresses set out below.

Completed forms shall be delivered on or before this...day of ... 20....

Name of Registration Officer:

Address of Registration Officer:

Names and Addresses of Assistant Registration Officers:

Dated this day of 20.....

FORM B

National Parliament Electoral Provisions Act, Sections 16 and 17

CLAIM TO BE REGISTERED AS AN ELECTOR

I, [First name/s]..... [Other name/s]

[Family name]..... of [residential area].....claim to be entitled to be registered as an elector in:

Province :.....

Constituency:.....

Ward:.....

Village/Area:.....

My particulars are as follows:

- a) Gender: Male Female
- b) Occupation:.....
- c) Place of Birth:.....
- d) Day of Birth ... Month of Birth Year of Birth.....
- e) Father's first name(s): Father's other names Father's family name
- f) Mother's first name(s): Mother's other names
- Mother's family name
- g) [If applicable]: Phone.....Fax.....E-mail

Have you previously registered during any previous voter registration?

Yes [] – if YES, complete questions on the back of this sheet, and then continue to the declaration below

No [] - if NO continue on to the declaration below.

DECLARATON TO BE SIGNED BY APPLICANT

I am a citizen of Solomon Islands.

I am aged 18 years or more.

I have not registered in any other place during this registration period.

I have listed on the back of this form the places where I was previously registered as an elector, and I hereby authorise the Commission to delete my name from the register of voters for those places.

Under section 55 of the Constitution, I am eligible to register for the election of a member of the National Parliament for the constituency and province named above.

I declare that all the information I have given on this form is true and complete.

Signature or Mark of Applicant:

Date:/...../.....

WITNESS:

Marked in the presence of: (Registration Officer/Assistant Registration Officer/Registration Assistant/Other) (circle correct person)

Signature or Mark:.....

Name:.....

Title:.....

Complete as many sections as necessary, and then return to the declaration over the page

- A. I previously registered under the name of: in:
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....
 In (year if known)
- B. I previously registered under the name of: in:
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....
 In (year if known)
- C. I previously registered under the name of: in:
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....
 In (year if known)
- D. I previously registered under the name of:in:

Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....

In (year if known)
 E. I previously registered under the name of:..... in
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....

In (year if known)

Now return to the declaration over the page

FORM C

National Parliament Electoral Provisions Act, Section 18

**PROVISIONAL LIST OF ELECTORS FOR DISPLAY FOR CLAIMS
 FOR OMISSION AND OBJECTIONS PERIOD**

Constituency

Ward

Voter number	First name(s)	Other name(s)	Family name	Gender M/F	Address

FORM C1

National Parliament Electoral Provisions Act, Section 18

**PROVISIONAL LIST OF ELECTORS FOR USE BY REVISING
 OFFICER**

Constituency.....

Ward.....

Vote r num ber	First name (s)	Othe r name (s)	Fam ily nam e	Gen der M/F	Moth er's name	Fathe r's Nam e	DO B	Pla ce of birt h	Addr ess	Rema rks

FORM D

National Parliament Electoral Provisions Act, Section 19

CLAIM TO BE REGISTERED AS AN ELECTOR

I, [First name/s]..... [Other name/s]

[Family name]..... of [residential area].....

claim to be registered as an elector in:

Province:.....

Constituency:.....

Ward:.....

Village/Area:.....

My particulars are as follows:

- a) Gender: Male Female
- b) Occupation:.....
- c) Place of Birth:.....
- d) Day of Birth Month of Birth Year of Birth.....
- e) Father's first name(s): Father's other names
- Father's family name
- f) Mother's first name(s): Mother's other names
- Mother's family name
- g) [If applicable]: Phone.....Fax.....E-mail

I delivered a notice of claim to be registered as an elector on.....

My name has been omitted from the list of electors for the above ward and village, and I claim to have my name inserted.

Have you previously registered as an elector in any other place?

Yes [] – if YES, complete questions on the back of this sheet, and then continue to the declaration below

No [] - if NO continue on to the declaration below.

DECLARATON TO BE SIGNED BY APPLICANT

I am a citizen of Solomon Islands.

I am aged 18 years or more.

I have listed on the back of this form the places where I was previously registered as an elector, and I hereby authorise the Commission to delete my name from the register of voters for those places.

Under section 55 of the Constitution, I am eligible to register for the election of a member of the National Parliament for the constituency and province named above.

I declare that all the information I have given on this form is true and complete.

Signature or Mark of Applicant:

Date:/...../.....

WITNESS:

Marked in the presence of: (Registration Officer/Assistant Registration Officer/Registration Assistant/Other) (circle correct person)

Signature or Mark:.....

Name:.....

Title:.....

Complete as many sections as necessary, and then return to the declaration over the page

F. I previously registered under the name of:in
Province:.....
Constituency:.....
Ward:.....
Village/town:.....
In (year if known)

G. I previously registered under the name of:in
Province:.....
Constituency:.....
Ward:.....
Village/town:.....
In (year if known)

H. I previously registered under the name of:in
Province:.....
Constituency:.....

Ward:.....
 Village/town:.....
 In (year if known)
 I. I previously registered under the name of:..... in
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....
 In (year if known)
 J. I previously registered under the name of: in
 Province:.....
 Constituency:.....
 Ward:.....
 Village/town:.....
 In (year if known)
Now return to the declaration over the page

FORM E

National Parliament Electoral Provisions Act, Section 19

NOTICE OF OBJECTION BY ANOTHER ELECTOR

I, [First name/s]..... [Other name(s)]

[Family name].....of [address]

being a person whose name appears on the list of electors for

Province:.....

Constituency:.....

Ward:.....

Village/Urban Area:.....

do hereby give notice that I object to the name of:

First name(s) Other name(s)Family name

being retained on the list of electors for the above-named constituency and ward.

My grounds for objection are:

.....

I declare that all the information which I have given on this form is true and complete.

Signature or mark of applicant:Date:.....

WITNESS:

Marked in the presence of: (Registration Officer/Assistant Registration Officer/Registration Assistant/Other) *(circle correct person)*

Signature:

Name:.....

Title:.....

A copy of this form is to be given to the person objected to at least 4 days before the inquiry is to be held on this objection

FORM E1

National Parliament Electoral Provisions Act, Section 19A

NOTICE OF OBJECTION BY SOLOMON ISLANDS ELECTORAL COMMISSION (SIEC)

The Solomon Islands Electoral Commission hereby objects to the inclusion of

First name(s).....Other name(s)Family namein the list of electors for:

Province:.....

Constituency:.....

Ward:.....

Village/Area:.....

on the grounds that he or she is also registered as an elector for:

Province:.....

Constituency:.....

Ward:.....

Village/Area:.....

Province:.....

Constituency:.....

Ward:.....

Village/Area:.....

Province :.....

Constituency:.....

Ward:.....

Village/Area:.....

Province:.....

Constituency:.....

Ward:.....

Village/Area:.....

Signed on behalf of the S.I.E.C. by:

Signature:

Name:.....

Title:..... Date:



NATIONAL PARLIAMENT ELECTORAL PROVISIONS (AMENDMENT BILL 2010)

OBJECTS AND REASONS

The objects of the Bill are to –

- (a) amend the voter registration process in order to reduce the number of duplicate registrations and to improve the quality of the voter register. This will be done through initiatives to –
 - (i) explicitly empower the SIEC to direct and instruct electoral registration officials in the conduct of their duties so as to ensure greater consistency and homogeneity in the voter registration process across the country;
 - (ii) enable and require the SIEC to check for duplicate registrations across constituencies, and to submit objections to registrations that appear to be duplicates;
 - (iii) make consequent revisions to the forms in the second schedule to the Act;
 - (iv) slightly revise the time periods specified in the law in order to enable the different elements of the voter registration process to occur at the same time throughout the country, and to enable cross-constituency checks;
- (b) make small adjustments to the polling process to embed the ‘single ballot box’ system of voting. The proposed amendments would –
 - (i) explicitly empower the SIEC to direct electoral officials and therefore to ensure greater consistency in the polling process across the country; and
 - (ii) allow for more than one ballot box to be used during the day of polling within each polling station, if and only if the first one becomes full.

.....
MINISTER FOR HOME AFFAIRS

EXPLANATORY MEMORANDUM

- Clause 1 provides for the short title and commencement
- Clause 2 Amends section 2 to define “count” as comprising both verification of the ballot paper account and the counting of votes
- Clause 3 amends section 5 to confirm the constitutional provision that the Commission is responsible for the conduct of national elections and explicitly empowers the Commission to direct electoral officials
- Clause 4 amends section 6 to confirm the constitutional provision that the Commission is responsible for the conduct of the registration of electors for national elections and explicitly empowers the Commission to direct registration officials

Referring to Part II of the principal Act – Registration of Electors

- Clause 5 amends section 12 to allow a Revising Officer to appoint Assistant Revising Officers
- Clause 6 amends section 15 to allow the Commission to register electors for the national parliamentary election irrespective of whether they are registered under the Local Government voter registration regulations
- Clause 7 Repeals section 16 and inserts a provision allowing the Commission to conduct a new registration of electors at such time as it decides is necessary, while retaining the requirement to conduct such a registration at least once every 5 years. It also gives the Commission the power to vary the period allowed for the initial claim period.
- The new subsection (2) largely comprises the wording of the previous section 16
- Clause 8 Amends section 17 to reflect the new timescale, and to state that the names of people submitting successful Form B claims for registration are entered onto the register at an office of the SIEC rather than in the registration area, thus allowing for use of a computer database rather than handwritten registers, and related efficiency measures
- Clause 9 Repeals section 18 and inserts a new clause reflecting the same issues as in the previous clause, stating that the

Commission, rather than the Registration Officer, shall make the list, changing the time periods for the production and publication of the provisional voter lists to allow for transportation between registration areas and a Commission office, and allowing the Commission to vary these time periods if necessary.

Subsections (1) and (3) of the new section 18 largely comprise the wording of the previous section 18.

Clause 10 Amends section 19 to deal only with claims of omission from the provisional voter list, changing the time periods for such claims to ensure simultaneity throughout the country, and allowing the Commission to vary these time periods.

Clause 11 Inserts a new section 19A to introduce the requirement for the Commission to check for the same individual attempting to register more than once at different locations, and to object to that individual appearing on the voter list at those locations; it also defines a time period for this action to occur.

Clause 12 Repeals sections 20, 21 and 22, and introduces new sections 20, 20A, 20B, 20C, 20D, 21, 22, and 22A, in order to clarify the various elements of the claims, objections, inquiry and revisions procedures. Many of these new sections contain elements from the previous sections of the principal Act

The new section 20 defines the activities of the registration officer at the end of the claims and objections period, including specifying a process to follow if he receives none. In the case that he receives claims or objections, it defines a new time period for publication of the list of claims and objections and for the delivery of notices to the Revising Officer, while allowing the Commission to vary these time periods

New subsection 20(2) has the same content as, but slightly different wording from, previous subsection 20(1)

New subsection 20(3) is very similar to previous subsection 19(3).

The new section 20A requires the Commission to determine the dates for the public inquiry process, giving guidance as to the timescale but allowing the Commission to vary it; it then defines the holding of public inquiries by Revising and Assistant Revising Officers and requires an attempt to be made to inform any person subject to an objection by the Commission of the objection.

New subsection 20A(2) is very similar to the first part of the previous subsection 20(2).

The first part of new subsection 20A(3) is almost identical to previous section 21(5), and new subsection 20A(3)(b) is the same as the proviso in previous subsection 21(5), but with a different timescale.

New subsection 20A(4) is almost identical to previous subsection 21(3).

New subsection 20A(5) is almost identical to previous subsection 21(6).

The new section 20B defines how the Revising Officer should handle claims for omission from the list, partly incorporating the previous subsection 21(1).

The new section 20C defines the handling of objections made by an individual to the inclusion of another individual on the list.

New subsection 20C(1) has the same content as the first part of the previous subsection 21(2), but with different wording.

New subsection 20C(2) has the same content as the second part of previous subsection 21(2), but with slightly different wording.

The new section 20D defines the handling of objections made by the Commission to multiple registrations, and is a completely new provision.

The new section 21 defines how the Revising Officer's decisions shall be recorded and forwarded to the Commission.

It is in effect an amendment of the previous subsection 21(4).

The new section 22 requires the Commission to produce the final voter list (which will be done on the computer register, replacing the current requirement for writing the voter list into a book).

This section is an amendment of the previous subsection 22(1)

The new section 22A defines the register as the lists of electors made through the process of Form B claims and

revised through the claims and objections period, and allows the Commission to keep the register in electronic form.

New subsection 22A(1) incorporates some of the first part of previous subsection 23(1).

New subsection 22A(2) is substantially the same as the second part and the proviso of subsection 23(1).

- Clause 13 Amends section 23 to allow the Commission to choose the dates during which any annual voter register update should take place; to delete names from or insert names into the voter register at the request of the Returning Officer; and to make objections against multiple registrations during this update.
- Clause 14 Inserts a new section 23A, allowing the Commission to vary the forms to others substantially the same as those prescribed in the law. This will allow the Commission to use translations and graphics to ensure electors can complete the form, and to update the form to keep pace with technology.

Referring to Part III of the principal Act – Elections

- Clause 15 Amends section 34 to allow the presiding officer to introduce a second ballot box if the first one becomes full, a third box if the second becomes full and so on, while ensuring that each ballot box is sealed before the next is introduced, and that the next is shown to be empty before being sealed
- New subsection 34(4) is based on previous subsection 34(3) and incorporates much of its wording.
- Clause 16 Amends section 38 to ensure that blind or illiterate person vote in the presence of witnesses (police officer or another polling assistant).
- Clause 17 Amends section 44 to require the Returning Officer to inform Assistant Returning Officers of the names of appointed counting agents
- Clause 18 Amends section 46 to allow counting to occur outside the wards, thus allowing for centralised counting centres to be used for operational and security reasons; and to correct a possible error by replacing the word ‘balloting’ with the word ‘counting’.

- Clause 19 Replaces section 50 to enable votes to be counted even if they were not marked strictly in accordance with instructions, by introducing the provision that a ballot paper shall be counted if the voter's intention is clear, unless the original provisions of this section apply.
- Clause 20 Amends section 51 in accordance with the amendments to section 50.
- Clause 21 Amends section 54 by deleting those elements moved to the new section 48.
- Clause 22 Amends the Second Schedule to provide further registration forms in line with the amendments to the process.

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MINISTER FOR HOME AFFAIRS