

# Handbook for Candidates

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Republic of Vanuatu, 2020



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### **You are thinking about running for office?**

Good for you! But you will need a clear understanding of the legal requirements you must meet, and of your role and responsibilities under the law. This handbook is meant to give individuals like you, interested in running for election in Vanuatu, an opportunity to familiarize yourself with how the electoral process works.

## **Introduction. About This Handbook**

This handbook is published by the Electoral Commission (EC) of Vanuatu, the authority which maintains the electoral register and conducts all elections in the country. It is addressed to all those individuals intending to run for office, whether at the national, provincial or municipal level.

Several acts of the Parliament regulate the various elections in Vanuatu, and you should be familiar with them. The EC thought that it would be helpful for candidates to have an additional resource that is easier to review, in order to familiarize you with the electoral rules, the various steps in the electoral process and, in particular, in running for election. And we thought that some “practical tips” could also be useful, to help you as you intend to contest in an election.

There are many intending candidates who have run for office before and have plenty of experience. Some of you are probably very acquainted with the contents in this handbook; however, it doesn't hurt to have an easy resource to remind you of various aspects of running for office. There are also many newcomers who are probably less familiarized with the candidate experience

and who need all possible help and information. This handbook covers the stages of the electoral process relevant to all intending candidates (experienced or not), aiming to provide a general understanding of the various aspects of the electoral processes. As such, different aspects of the overall legal framework and electoral operations will be presented succinctly.

This handbook emphasises the requirements that candidates must fulfill and the procedures they must follow in order to make it on to the ballot on polling day. It also clarifies the rights of candidates to monitor the electoral process along the way. The handbook explains the steps you will need to take to qualify as a candidate and to comply with the law before, during and after an election.

This handbook is intended to be a quick reference guide. It is not a legal document and is not meant as a substitute for the law. The Representation of the People Act 1982, as amended, and other relevant laws, are the ones candidates should review.

Candidates and political parties are key protagonists of the electoral process. For elections to be meaningful and credible, basic rights to be elected and to participate in public affairs must be respected. The electoral authorities provide the legal framework and its implementation. Candidates and political parties must respect the rule of law and respect the legal and regulatory provisions in place.



Welcome to “so you want to be a candidate”, a handbook designed by the Electoral Commission of Vanuatu for all those individuals wishing to be elected for the national parliament or provincial and municipal assemblies. The Electoral Commission of Vanuatu is pleased to present the Handbook for Candidates, developed to familiarize you with the electoral laws and rules around running for office and to briefly present the various steps in the electoral process. This information will be helpful for anyone running for office, whether they are old-timers in electoral competitions or new to the candidate experience.

If you are thinking of standing for in any of Vanuatu’s elections, you will need a clear understanding of the legal requirements you must meet, and of your role and responsibilities under the law. Remember, you and your supporters can play a significant role in helping to ensure, as far as possible, that every vote cast in an election counts. A great deal will happen from the moment you decide to become a candidate, and between nomination and polling day. This manual is designed to help you anticipate what will happen and be better prepared.

Political parties and candidates are key players in elections. And running for office entails a number of obligations, not the least being very well acquainted with the rules and regulations framing the electoral process. This handbook is meant to be used by all candidates, whether nominated by political parties or independent. It suggests ways in which candidates can engage effectively with their potential electorate. This manual will also encourage more women candidates to effectively run campaigns and get nominated in the face of substantial obstacles. Women’s increased nomination – and election – will be beneficial to their communities and Vanuatu.

The Electoral Commission welcomes every intending candidate and wishes each and every one of them good luck. At the same time, the Commission wants to ensure all candidates have the necessary information to ensure their candidacy complies with the legal and regulatory framework and international good practice. The electoral process requires all stakeholders, in particular candidates and political parties, to play a fair game, without breaking any of the electoral laws and rules. We are sure this handbook will help all candidates to run a fair race. And this is all that Vanuatu needs, regardless of who wins!



Martin Tete  
Chairman, Electoral Commission

# Part 1: Elections in Vanuatu. Institutional and legal framework



The Republic of Vanuatu gained independence on 30 July 1980 and adopted a Westminster style parliamentary political system. Since then the country has experienced a series of elections, which have been regarded as credible and as producing legitimate results.



# 1. Elections in Vanuatu: An introduction

As in most places around the world, the citizens of Vanuatu are represented in Parliament through their elected representatives. Members elected to office must always keep in mind that they are acting on behalf of all of the citizens of this country, and they should work to promote the best interests of the entire country and all its citizens.



Elections in Vanuatu include national, provincial and municipal elections, in order to elect the National Parliament, as well as provincial and municipal assemblies respectively. Additionally, there is an elected 22-member Malvatumauri National Council of Chiefs, whose role is solely advisory in areas relating to Melanesian indigenous values, custom and tradition. The law provides for the holding of national referendums in order to amend the Constitution, but to this day no referendum has been conducted in Vanuatu.

Vanuatu has 52-member unicameral national Parliament, which is elected in a combination of multiple-member and single member constituencies. In both cases, candidates run as individuals for parliamentary seats in their constituencies. Voters cast their vote for one candidate. The candidates with the most votes win the seats. There are 18 national constituencies, six of which are single-member and 12 being multiple-member (from two to

seven members).

Elections are also held in each of the six provinces, to elect the provincial assemblies (local government councils). Once again, these assemblies are elected either in single-member or multiple-member constituencies (the number of constituencies varies per province), following the model of the national parliamentary elections.

Municipal elections are held in the two urban centers of the country, Port Vila and Luganville. Municipal elections are held in four wards in each constituency (all of them multiple-member).

Elections are periodic events. National parliamentary, provincial and municipal elections are conducted every four years. The President sets the date of any election on the advice of the Prime Minister after consultation with the EC and the Principal Electoral Officer (PEO).





## 2. Electoral legal framework



Elections are political competitions based on a set of rules. In most countries, those rules are set in a series of legal documents, beginning with the general rules set in the Constitution as well as in the electoral laws and any regulations established by the electoral authorities. The combination of all these instruments compose the electoral legal framework for the country.

The legal framework for election in Vanuatu consists of the Constitution of the Republic of Vanuatu (1980), the Representation of the People Act (1982), the Municipalities Act (1980), the Local Government Election Rules (1982), the Decentralization Act (1994) and its amendments, the National Referendum Act (2004) and its amendment. Additionally, there are other laws administering elections in the country, including the Election of the President Act, the National Chiefs Act and the Referendum Act.

### 2.1 The Constitution

The Constitution, signed on 5 October 1979, provides for all matters relating to democracy, its institutions and elections. The 1980 Constitution guarantees fundamental rights and freedoms, including freedom of expression, assembly and association and participation in elections. The Constitution includes several important provisions related to elections and campaigns. Important constitutional articles related to elections include that

voting (“the franchise”) is universal, equal and secret; the fact that, subject to any conditions or restrictions established by Parliament, every citizen of Vanuatu who is at least 18 years of age is entitled to vote; that political parties may be formed freely and may contest elections. Article 17 deals with the election of members of Parliament, who are elected on the basis of “universal franchise” (everyone is allowed to vote).



The fundamental principle that should govern any legal framework for elections is that it should be structured in an unambiguous, understandable and transparent manner. It should address all components of an electoral system that are necessary to ensure democratic elections. At the same time, it should be able to provide clarity, predictability and consistency with other laws, while assuring their impartial application and enforcement.



## 2.2 The electoral laws and regulations

The Representation of the People Act (RPA) is the main electoral law in the country, approved in 1982 and amended several times since. The Act and its amendments set out the basic rules related to elections and includes several “schedules” that provide more detail on specific aspects of the elections. The “schedules” include, among other things, stipulations on the electoral authorities and their functions, as well as the processes pertaining to the registration of voters and the manner in which members of Parliament are to be elected.

Both local government and decentralization are enshrined in the Constitution. The legal basis for the provincial elections (to elect

“local government councils”) rests, besides the Constitution, in the Municipalities Act, the 1982 Local Government Election Rules and its amendments as well as the 1994 Decentralization Act and its amendments.

The 2004 Referendum Act and its amendment establish the basic modalities for national referendums. Among them is the provision that whatever option regarding the proposed constitutional amendments receives a majority of valid votes (50% plus one vote) cast in the referendum shall be deemed approved.

Complementing the electoral laws (and building on them), the EC and VEO issue rules, regulations and procedures.

### 3.

# Electoral Systems



There are a variety of ways in which members of the National Parliament, provincial and municipal assemblies can be elected – from single-member districts, from a number of multi-member districts, or even a combination of these. In addition, the way of determining the winners can vary. These varieties combine in different ways to form an electoral system.

The Constitution of Vanuatu requires an electoral system that “includes an element of proportional representation” in order to ensure fair representation of different political groups and opinions.

In fact, more than an electoral system is used: a) in single-member constituencies (one seat per constituency) a First Past the Post (FPTP) system is used, where the candidate with a majority of votes is elected; and b) in multiple-member constituencies, the Single Non-Transferable Vote (SNTV), where the candidates with the largest number of votes are elected, is used. For example, if the constituency has four seats, the four candidates with the highest number of votes are elected.

This arrangement of FPTP for single-member constituencies and SNTV is valid for the national general, provincial and municipal elections (all constituencies in the municipal elections are multi-member ones). Temporary special measures have been introduced for the municipal elections, with a 30% quota for women in Port Vila and Luganville municipal councils.

In both FPTP and SNTV, each voter is allowed only one choice when casting his/her vote.

# 4.

## Electoral Authorities

The Ni-Vanuatu legislative framework provides for an independent electoral management body, composed of two separate but inter-related entities: the Electoral Commission (EC), a policy-making, oversight body, and the Vanuatu Electoral Office (VEO), a corresponding executive, operational arm.

### 4.1 The Electoral Commission

Chapter 4 of the Constitution establishes the Electoral Commission (EC), as the most prominent electoral authority in the country. It is composed of a Chairman and two other members, who are appointed by the president for a term of five years on the advice of the Judicial Service Commission (JSC).

The EC is responsible for the registration of voters and the conduct of parliamentary, provincial and municipal elections and has a supervisory role for the (indirect) elections of the Chairman of the Malvatumauri. The EC is also responsible for the holding of national referendums and the (indirect) election of the President.

Article 20 of the Constitution specifies the powers and functions of the EC to oversee the conduct of voter registration and various elections in the country; to announce the electoral results; to promote public awareness and the provision and development of information for voter education; to provide policy advice to the Minister of Internal Affairs,

the government, the Parliament, and other departments and agencies; and to conduct research into electoral issues. The EC has the prerogative of adopting regulations which develop and interpret articles in the Constitution and the corresponding electoral laws.

The EC has powers to override the decisions of the Principal Electoral Officer (PEO) or dismiss a voter's appeal on his/her registration; to declare candidates endorsed for elections; to declare a candidate elected unopposed; to declare a vote null and void at the official count; to declare recounts for contested results and appeals; to declare candidates duly elected as members of Parliament; and to make appropriate orders for the conduct of voter registration and elections.

The Electoral Commission is assisted by an executive secretariat, called the Vanuatu Electoral Office (VEO), headed by the Principal Electoral Officer (PEO).



## 4.2 The Vanuatu Electoral Office (VEO)

The Vanuatu Electoral Office (VEO) is the operational arm of the EC, in charge of the electoral administration. The Constitution provides for a Principle Electoral Officer (PEO) to head the VEO. At the moment, staff capacity also comprises a deputy PEO, a compiler, an assistant compiler and an office assistant.

The VEO, which is based in Port Vila, currently has no permanent representation in the provinces and outer islands. Temporary staff is used to prepare and hold the elections in the provinces, and the law states that the PEO should appoint "registration officers" (RO's) for each of the electoral constituencies. The main RO's tasks are to collect and distribute election materials from/to the presiding officers and the oversee the electoral elections in his/her area of responsibility. The ROs then recruit and brief the "returning officers", who act as presiding officers in the polling stations, and the corresponding polling staff.

The PEO manages the VEO and is accountable to the EC regarding the exercise of his/her functions. The Representation of the People Act (the electoral law) further provides for the functions and duties of the PEO. The law stipulates that the PEO has responsibility for the overall administration on the conduct of elections, under the direction of the EC, specifying that the PEO is responsible for the preparation and conduct of registration of voters and the various elections.

The PEO and all other VEO officers are public servants. Their duties and responsibilities are set out in the legal framework. According to the law, the PEO's specific responsibilities include: (a) control of electoral expenditure; dividing Vanuatu into registration areas for the purpose of registering voters; (c) instruction and supervision of registration officers; (d) transport, travel and equipment for registration officers; (e) the design and printing of electoral cards, forms and other materials; (f) arrangements for voters residing overseas; (g) production, distribution and publication of electoral lists; (h) providing information to voters and the general public; (i) provision and distribution and security of ballot papers, ballot boxes and equipment for polling stations; (j) preparation and distribution of instructions for returning officers, and polling clerks; (k) maintenance, preservation and security of all electoral records; (l) preparation of the electoral reports; (m) such other duties as may from time to time be assigned by the EC in accordance with its powers under the Constitution and the laws.







# Part 2:

## Electoral Operations, Offences and Dispute resolution



Elections are complex activities, with a series of operations that often need to be conducted sequentially, requiring a significant amount of planning and preparation. The concept of “deadlines” is a critical one in electoral administration. The recruitment and training of staff, the preparation of staff training and public information materials, and the purchase and distribution of a wide variety of materials must all be correctly planned to ensure the elections take place on time and that all electoral operations are conducted on schedule.





In terms of electoral operations, the following are decisive for the success of the electoral process: voter registration, polling, counting, tabulation and announcement of results (nomination of candidates, an important electoral operation, will be handled separately in the next section).

Additionally, the electoral laws define a number of electoral offences which a candidate must be mindful of, as well of mechanisms established to resolve electoral disputes.

## 5. Voter registration

Ensuring universal suffrage and the enjoyment of the fundamental right to vote for all eligible people is essential to credible elections which, in most cases (as in Vanuatu), requires an efficient and credible electoral register. The register is the complete database of all registered voters. As such, complete, accurate and up-to-date registers are critical to ensure everyone's right to vote and allow orderly voting.

Voter registration serves to check, before polling day, the voting eligibility requirements for those individuals who apply for registration. Voter registration also helps electoral administrators plan for elections by being able to distribute resources in proportion to the number of voters in any given location.



### 5.1 Eligibility to vote and register

According to the law, in order to be eligible for registration on the electoral register, a person has to be a Ni-Vanuatu citizen, having attained 18 years of age on or before the qualifying date (the date when the continuous registration update is to close, six weeks before the polling day).

In order to be eligible for registration in the electoral list for a polling district, the person has to have been a resident in that polling

district over three months at the time of the preparation of the electoral list.

When an eligible person is resident in a polling district which is outside the registration area for which he/she is carrying out a registration, and provided the person has not been registered elsewhere, the registration officer will provide him/her with an application to be registered in the polling district of his/her place of residence.



## 5.2 Where and how to register to vote

Since 2017, the law allows for continuous voter registration. The law also stipulates that voter registration should cease six weeks before the determined polling date (if it is a national election, registration will be closed all over the country six weeks before polling date, if it is a provincial or municipal election, registration will be closed in the corresponding province or municipality six weeks before polling, but will continue in the rest of the country).

The VEO sets up registration centers in various provinces at different times during the year. Persons wanting to register should be attentive to the VEO schedule. The VEO HQs in Port Vila is open throughout the year for voter registration.

At the registration center, applicants are given a registration form, which must be duly filled out. All applicants must show their valid birth certificate. Without a birth certificate it is not possible to be registered as a voter (if an applicant doesn't have a birth certificate, they must apply for one at the corresponding Civil Registry office). Everyone must include in their forms two witnesses who reside in the same residential area as themselves, and who also have a valid birth certificate. One of the two witnesses must be from a different household but from the same polling district, preferably a neighbor. There is no fee for registering as a voter.

Voters are registered to vote at a

designated polling station, closest to their place of residence. If voters change their residence and their new address corresponds to a different polling station (even if it is within the same constituency), the voter then needs to re-register.

Once registered, the applicant will be provided with an electoral card. The electoral cards, issued by the VEO, are blue for rural areas and red for urban areas, in the form of a paper booklet. The electoral card has an ID number which is a row and sheet number. In order to vote, the voter needs to present the electoral card at the allocated polling station, with no exceptions allowed.

Voters who have misplaced their cards will be able to have them replaced ("duplicates"), for a 200 vatu fee, according to established schedules set by the registration officers. At headquarters, issuing of replacements ("duplicates") is a continuous process, but it stops two weeks before polling day.

Anyone who believes they should be allowed to vote and whose name is not on the voters list can ask the PEO to review their information. If they are still not happy with the PEO's decision, they can appeal to the EC. The EC's decision cannot be appealed to any other body.

## Joint Registration

In 2017 the government of Vanuatu decided to decide to issue a national ID card to all its citizens. At the same time, the government also decided to link the civil and voter registration database, in order to improve the quality of the voter register and build trust and confidence in the system, as well as creating synergies among various government agencies. These decisions resulted in the launching of a nationwide national ID card registration effort, jointly coordinated by the Department of Civil Registry and Vital Statistics and the VEO. A massive “joint registration” campaign is currently underway, due to end before the 2020 general elections.



## 6. Polling and counting

Elections are a complex process, starting with the establishment of the legal framework and electoral authorities, and includes voter registration, nomination of candidates, the political campaign, voter information and awareness efforts, the voting process and the counting of the results. All these steps are essential for the success of the elections. However, it is good to remember that the success (or failure) of polling and counting depends, to a large extent, on how the electoral preparations are conducted.



The quality of polling and counting operations on election day are crucial in determining the extent to which the elections are credible and ensure the acceptance of results. Vanuatu respects its core obligations under international law that elections be held by universal suffrage, by secret ballot, free of coercion, and in accordance with the principle of “one person, one vote.”



## 6.1 Polling

A polling process in which a citizen can cast a secret ballot free of intimidation or coercion and in which each person's vote has equal weight is the cornerstone of a democratic electoral process.



Polling days for national parliamentary elections are fixed for an election or the commencement of an election by the President acting on the advice of the Prime Minister, given after consultation with the Electoral Commission (EC) and the Principal Electoral Officer (PEO). For provincial (local government) and municipal elections, the date is equally set by the EC, but in consultation with the Minister of Internal Affairs.

Voting days are set on official working days, never on a weekend. Polling in Vanuatu takes place in a single day, from 7h30am to 4h30pm. The number of voters per polling station varies. For elections, the country, province or municipality is divided into constituencies, each constituency into polling districts.

A polling station is where voting takes place. The general rule is to establish one polling station per polling district. However, there are some districts with more than one polling station, depending on the number of voters and accessibility (this happens in populated areas, mostly urban). The location of polling stations is published in advance by the PEO. There are around 352 polling stations all over the country.

A person can vote in an election only if: a) his or her name is contained in the electoral register, also known as the electoral roll at the polling station as indicated on his or her electoral card; and b) he or she produces his/her electoral card at the polling station on polling day.



### IMPORTANT!

In order to be able to cast a ballot, a voter needs to show up at his or her assigned polling station. This is where his or her name appears on the voter list for that polling station. He or she **MUST** present the electoral card or national ID.

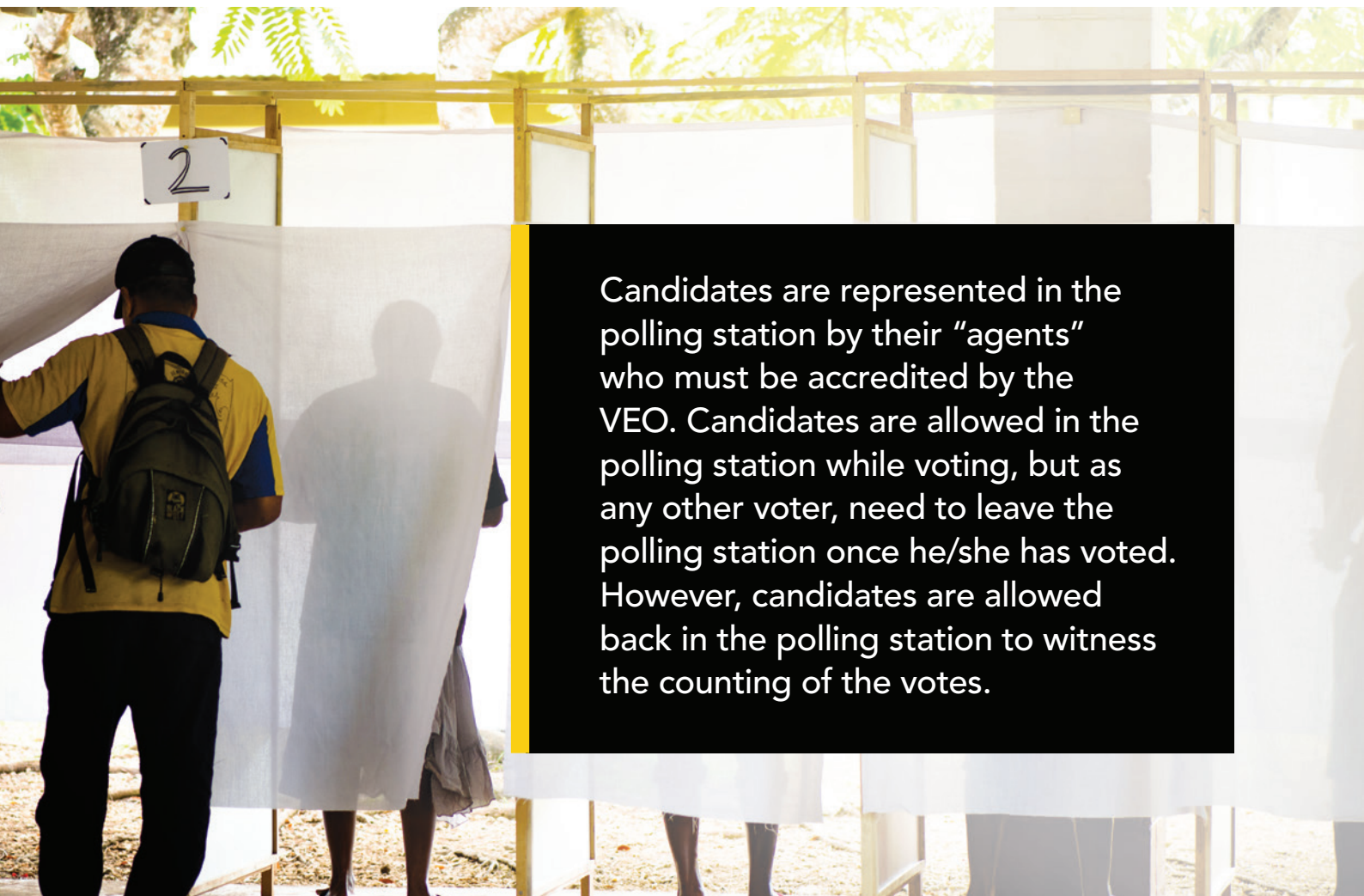


The registration officer suggests the locations for the polling stations in his/her constituency after consulting with the PEO, and the locations need to be approved by the EC. Approved locations for polling stations are published in the official Gazette in advance of polling. Polling stations are located mostly in schools and community centers, and are managed by presiding officers, assisted by polling clerks. Police provide security at polling locations. All registered voters must cast their ballots at the allocated polling station where they are registered. Political party agents and electoral observers are allowed to witness the procedures inside the polling station.

Every polling station has a returning ("presiding") officer appointed by the registration officer. The registration officer also appoints clerks to assist the returning ("presiding") officer.

**In addition to voters and polling officials, the following people are allowed to enter the polling station:**

- Accredited agents of political parties or candidates (wearing the badge)
- Accredited national/international observers (wearing the badge)
- Members of the media with valid press cards and VEO badge
- Police officers assigned to the polling station (normally stationed at the entrance but can enter the polling station by the presiding officer)?

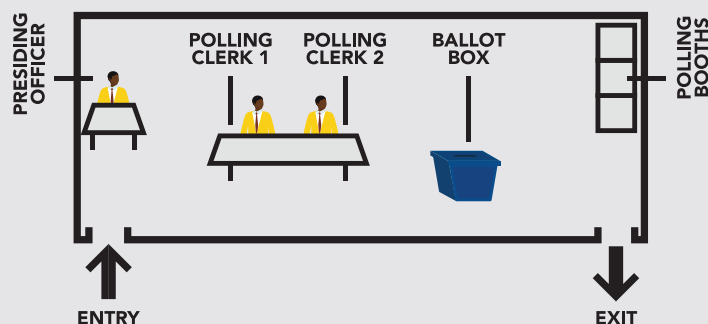


Candidates are represented in the polling station by their "agents" who must be accredited by the VEO. Candidates are allowed in the polling station while voting, but as any other voter, need to leave the polling station once he/she has voted. However, candidates are allowed back in the polling station to witness the counting of the votes.

## Regular Polling Station

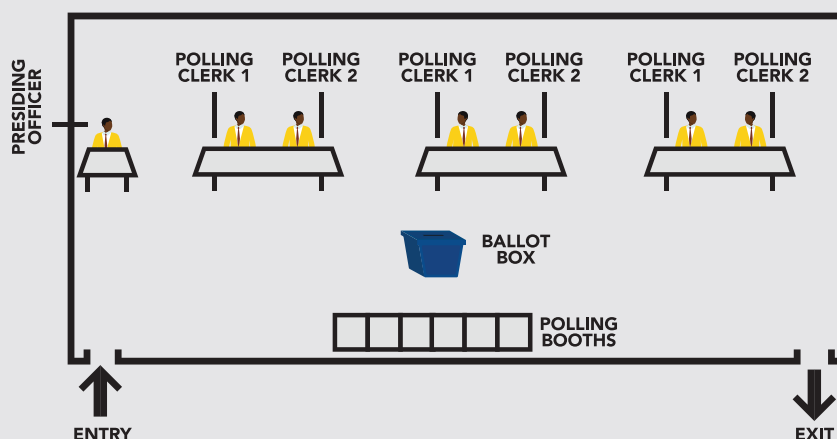
The polling station is managed by at least three officials:

- Presiding (returning) officer (PO)
- Two polling clerks (a pair of polling clerks make a checkpoint)



## Mega Polling Station

In big ("mega") polling stations (mostly in urban centers), there may be several checkpoints to speed up the process, as well as a queue controller to assist with the flow of voters.



Materials are sent from the VEO HQ to the provincial HQ offices and stored in previously identified secured storage facilities. The VEO staff and the Vanuatu Police escort sensitive electoral materials during their transportation. Registration officers deliver electoral materials to presiding officers before polling day. The POs may store the materials at the polling station, with police security if necessary. POs check all sensitive materials and hands them out to the clerks.

Voting procedures are the same for national, provincial and municipal elections. Procedures for the opening of the polls include checking sensitive materials inside the ballot box, displaying the empty ballot box to all persons present, including polling officials, candidates or their agents, and electoral observers. The presiding officer then immediately seals the empty ballot box with two uniquely numbered security seals.

Voters must present their electoral cards to the polling clerk in order to cast their vote. If a person does not present his/her electoral card, he/she will not be able to vote. The polling clerk checks that there is no stamp corresponding to the current election on the electoral card, and to confirm that the voter is at the correct polling station. The polling clerk then checks the electoral roll to confirm that the voter's name is on the roll. If a person's name is not found on the electoral roll, they cannot vote, irrespective of whether they have a valid electoral card. The polling clerk checks the details on the electoral card to satisfy themselves that the individual corresponds to the information (age, gender etc.). If satisfied, the polling clerk places a tick at the left-hand margin of the roll against the voter's number.





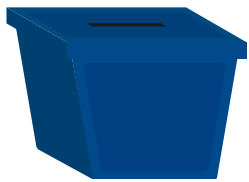
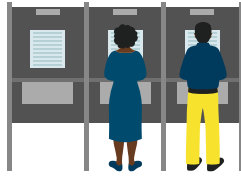


The polling clerk then hands a voting envelope and a "book" of ballot papers to the voter.

The voter proceeds alone to

the voting booth, where the voter records his/her vote by placing the ballot paper bearing the name, photograph and symbol of the chosen candidate into an envelope.

The voter presents to the polling clerk who, without touching it, verifies that the voter tenders one envelope only. The voter then places the envelope in the ballot box. The polling clerk observes the disposal of the



unused pages of the ballot book. Any person suffering from a physical disability, as well as older voters, may designate a person of their

choice to accompany them into the voting booth.

Finally, the polling clerk stamps the electoral card in the place marked "date of voting," with the official government stamp, and adds the date and their initials in the space provided.

The polling clerk inks the voter's left thumb with indelible ink, and then returns the card to the voter, who exits the polling station.

Voters are given one ballot paper for each candidate and one envelope. They must choose one ballot only and place it in the envelope.



Polling closes at 16.30h. However, the presiding officer has the power to extend the hours of polling if there are voters waiting to vote. The presiding officer consults with polling clerks and candidate agents at least half an hour prior to making a decision to extend the hours of polling.

The law has provisions for proxy voting, allowing certain categories of voters who are unable to vote on polling day to vote nominate a proxy to vote in their name.

The proxy must be registered in the same polling station as the applicant. No voter is allowed to cast a proxy vote for more than two voters. Any eligible voter is allowed to apply for proxy voting if it can be demonstrated that he/she cannot vote at his/her designated polling station because of health, disability, old age, work outside polling district, and work or study overseas. Additionally, electoral officers working outside their designated polling district are also eligible for proxy voting.

An applicant for proxy voting must fill the necessary form stipulated by law, and present proof of the reasons for not being able to vote at his/her allocated polling station. Proxy applications close two weeks before polling day. If the registration officer who receives an application for proxy voting is satisfied that the applicant is entitled to vote by proxy, and the person named as proxy is registered on the list at the same polling station as the applicant, he/she will inform the applicant and deliver by post or other means the completed proxy form and the applicant's electoral card to the proxy named by the applicant.

A proxy voter casts a vote for the person for whom he is proxy in the same manner as he/she casts his/her own vote. If a proxy voter wishes to cast his/her own vote, he/she must do it at the same time as he/she votes as a proxy. When a person votes as a proxy, he/she must produce his/her own electoral card, the proxy form authorizing him/her to vote as proxy and the electoral card of the person for whom he/she is voting.

At the opening of the poll, the polling staff opens the ballot box and allow those present to see the empty box. They seal the two opposite sides of the ballot box using the security seals and record the seal numbers used. Party/candidate agents can sign the form and may also record the numbers in their journals.

The voter presents his/her electoral card to the clerk. The voter is identified by comparing the data from the electoral card with the polling station electoral roll. The voter receives a book of ballot papers and a voting envelope. The voter enters alone into the voting booth and selects the ballot paper bearing the name, photo and symbol of the candidate of his/her choice. The voter places the chosen ballot into the envelope, deposits it in the ballot box and discards the unused ballots in a bin. The voter gets the left thumb inked and receives back his/her electoral card stamped. Then the voter exits the polling station.

Polling officials and police members registered to vote in the polling station where they are assigned to work are given preference to vote before the beginning of polling. National observers and party/candidate agents can be in the polling station at this point.

Party/candidate agents and observers will be processed and allowed to vote before the general public votes only if they are in the electoral roll for the polling station they are observing.

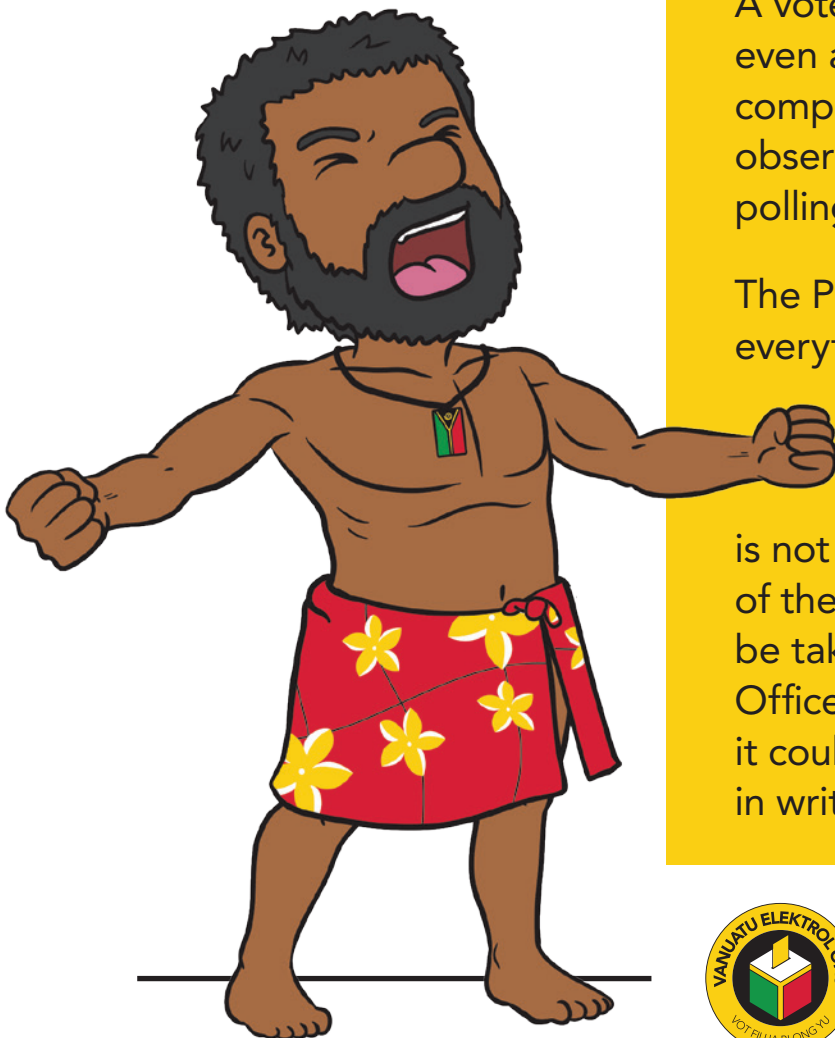
VEO has a policy of making the voting procedure for people with disabilities as easy as possible. The PO and the police officers assisting with the flow of voters outside the station must look out for people who need assistance and make sure they move to the front of the queue. They should ensure that they are treated with respect and dignity.

Any voter with a physical disability may designate a person of their choice –who must be a registered voter- to accompany them into the voting booth. Polling clerks, party/candidate agents and observers are not permitted to assist a voter, with the exception of the PO.



Polling closes at 16.30h. The presiding officer has the power to extend the hours of polling if there are voters waiting to vote. The PO closes the poll when there are no longer any people waiting to vote. Immediately after the last voter has voted, the PO:

- Informs polling clerks and party/candidate agents that the poll is closed.
- Seals the slot of the ballot box and records the number of the seal in the "Record of the seals" form.
- Instructs the clerks to count the number of voters who participated in the election, by counting the ticks against the names (clerk 1) and the names crossed out (clerk 2) in the electoral rolls.
- Records the number of voters (= ballot papers issued to voters) in the 'Notes' part of the official electoral report.
- If the numbers do not match, polling clerks count again and check where the error might be.
- Starts preparing the polling station for counting.



A voter, a party/candidate agent or even a polling official can lodge a complaint regarding irregularities observed during preparations for polling, polling or counting.

The PO should deal with and do everything to resolve complaints at the polling station immediately they are lodged. If the complainant is not satisfied about the handling of the matter, the complaint could be taken to the Principal Electoral Officer and if still not resolved then it could be referred to the EC HQ in writing. EC decisions are final.

## 6.2 Counting

An understanding of the counting procedures will help candidates know what to expect as the results of the election unfold. It is very important that the candidates and their representatives understand how counting is conducted, in order to avoid misunderstandings.



Votes are counted in the polling station, immediately following the close of polls. Counting is conducted by the polling station staff, with the presiding officer being the head of the counting staff. Political party and candidate agents, as well as electoral observers, are allowed to witness the counting inside the polling station. Members of the public can follow the process from outside the polling station. Candidates are also allowed to be present at the count.

Following the official close of polls, the ballot box is opened and all envelopes are removed from the box. The presiding officer then takes the ballot papers from the envelopes and the ballots are sorted by candidate and invalid/spoilt ballots. The invalid/spoilt ballots are placed on a separate pile. When all ballot papers have been sorted, they are counted for each candidate. The polling clerks record the number of votes cast for each candidate,

and all invalid votes, on two tally sheets provided for that purpose.

During the count, the presiding officer will declare a ballot paper invalid ("void") if: (a) any writing or mark in the ballot identifies the voter; (b) the ballot is not in an envelope or is in a non-official envelope; or (c) the ballot is in an envelope containing more than one ballot paper. Invalid votes are not counted.

The presiding officer instructs the polling clerks to count the number of checks (or the marginal signatures) in the voter roll. If the number of envelopes is found to be more or less than the marginal signatures or checks made on the voter roll, the discrepancy is stated in the report.

On the close of counting, or on a recount, a candidate or his/her authorised agent may request the presiding officer to conduct a recount and further recounts, but the presiding officer may refuse to do so if in his/her opinion the request is unreasonable.

## 7. Tabulation and announcement of results

At the end of the count, the presiding officer declares counting of votes completed and formally announces the votes cast for each candidate in the polling station.

Immediately after declaring the counting of votes completed, the presiding officer completes the official report on polling, including the following information: a) the number of registered voters; b) the number of voters who voted; c) the number of invalid (“void”) ballot papers; d) the number of valid votes cast for each candidate; e) other matters required by the rules, and such other matters as the PEO may decide. The report is made in duplicate in French, English or Bislama and is signed by the presiding officer and the polling clerks. It is also countersigned by any of the candidates or candidate agents present at the count. After the report has been signed, it is placed in a sealed envelope; the presiding officer also seals in separate packets the counted and invalid ballots.

Both the report and the sealed packets (which are placed in the ballot boxes) are delivered to the registration officer responsible for the constituency. When a registration officer has received the ballot boxes with reports from the constituency’s polling stations, he/she ensures the ballot boxes are safely transferred to the EC headquarters in Port Vila. Tallying of results is done by the EC in Port Vila and, as soon as practicable, the EC announces the number of votes cast for each candidate in each constituency. The candidates with the highest number of votes win the corresponding seats and are declared elected.

As soon as practicable after the election, the EC ensures the results are circulated in each constituency as appropriate and published in the official Gazette.

## 8. Electoral offences

Electoral offences are specifically breaches or violations of electoral laws and EC rules and regulations. Those actions that constitute an offence in connection with polling and counting procedures will result in fines and/or imprisonment when convicted. The law establishes a number of electoral offences.

Any person who obstructs, hinders or prevents an electoral officer from carrying his/her duties, or knowingly gives false information to the EC, the PEO or any other electoral officer commits an electoral offence and is liable on conviction to a fine or imprisonment.

Among other electoral offences, the following are included:

- defacing and destruction of cards, documents and notices;
- forging declaration of candidatures;
- being in unlawful possession of ballot papers;
- destroying or interfering with sensitive electoral materials;
- voting in an unauthorized manner (in a non-designated polling station, or voting more than once);
- impersonation (voting as some other person whether that other person is living or dead or is a fictitious person);
- bribery;
- treating (giving, providing or paying voters for the purposed of influencing voters);
- undue influence;
- making false statements about candidates;
- preventing an electoral officer from carrying out his duties;
- voting at a polling station different from the one is entitled to vote;
- engaging in corrupt practices like impersonation, bribery and treating or undue influence over voters;
- deliberately destroying or stealing ballot papers; and
- compromising the secrecy of the vote.

Candidates should ensure that they comply with the law and not commit any activity that has been declared an “electoral offence”. This applies during the electoral campaign period and on polling day. Committing an electoral offence is a criminal action that carries serious negative consequences for any candidate engaging in them.



Persons accused of committing electoral offences must have the chance to ensure that a full defence can be assembled. A conviction must meet the standard of criminal proof - beyond reasonable doubt. Appeal processes are provided for in the law. If an electoral offence occurs in the polling station, the presiding officer records any such event in his/her journal and hands the suspect over to the police.

## **Important articles of the RPA for candidates (61A):**

### **Cut-off date for using representation allowance, any money or donations in kind.**

A candidate is not allowed to spend, allocate or otherwise disburse to the constituency in which he/she is a candidate, any money, whether in the form of representation allowance (if the candidate is an incumbent MP) or any money obtained from cash donations or donations in kind. This provision applies from the period commencing at the end of the life or dissolution of Parliament up to, and including, polling day. Article 61 B presents exceptions on polling day and 61C presents exceptions during the campaign period.



## 9. Objections, Complaints and Petitions

The legal framework in Vanuatu provides for a series of mechanisms and channels to process various forms of inconformity regarding the process. It is important for voters, parties and candidates to be aware of those mechanisms, as inadequate information understanding can result in people not being fully aware of their rights, with the potential of impacting negatively on the credibility of the process.

It is important to differentiate between the nature of electoral disputes: whether an electoral objection or complaint, often directed to and dealt with by the electoral authorities; a legal challenge, usually handled by the relevant level in the judiciary but not exclusively; and appeals before the courts. In Vanuatu, the legal framework allows for different electoral disputes and their mechanisms for resolve. In summary, there are: a) objections (to inclusion on the electoral roll); b) complaints (on the behavior of electoral officials or other electoral actors); c) allegations of criminal offences. and d) petitions (legal challenges to the electoral results).

Elections are all about trust. For electoral results to be accepted as legitimate, procedures and mechanisms are put in place to address objections, complaints or challenges that different stakeholders in the process might have. When the integrity of elections is called into question, there needs to be effective processes of dealing with complaints to ascertain the facts and determine whether proper electoral procedures were followed as prescribed in the laws and regulations. In this way, the integrity of the electoral process is guaranteed and the political rights of citizens safeguarded.



## 9.1 Objections to the electoral roll

Any person may present the PEO with an objection if he/she considers that his/her name has been wrongly omitted from the electoral roll and may submit such evidence and declarations to the PEO as he considers appropriate. If the PEO finds that the claim is valid, he can order that the petitioner's name and details be included in the electoral roll and issue him with an electoral card.

A petitioner who is not satisfied with the PEO's decision may appeal to the EC within 48 hours of notification, by lodging it with a registration officer. The officer forwards the appeal without delay to the EC, who may either dismiss the appeal or not. The EC's decision cannot be questioned in any court.

The PEO may remove the name of any person from an electoral roll if, for any reason, he considers that that person should not be registered; the person needs to be notified without delay and the person needs to surrender any electoral card issued to him. The person may appeal against such removal to the EC, within 48 hours of notification of the removal by lodging it with a registration officer. The EC may either dismiss the appeal or not, and its decision cannot be questioned in any court.

## 9.2 Complaints against electoral officers

If any stakeholder has a complaint to make regarding the conduct of an electoral officer, he/she may lodge a complaint with the corresponding judicial authorities. The complaint must be lodged no later than 21 days from the date the alleged offence took place.

Complaints can be made in regards to the following offences, as stated by law:

- entering in any record, return or other official document any information that he/she knows or has reasonable cause to believe to be false, or does not believe to be true;
- permitting any person, who is not disabled, to have access to assisted voting;
- to refuse any person with disabilities, to have access to assisted voting;
- preventing a registered voter to cast his/her vote at the assigned polling station;
- rejecting, or refusing to count, any ballot paper which in fact is validly cast for any candidate;
- without reasonable cause, acting or omitting to act, in breach of his/her official duty.

If the complaint is found to be valid, the electoral officer is liable on conviction to a fine or to time in imprisonment, or both.





## 9.3 Electoral petitions

An electoral petition is a legal challenge to the electoral results. Every electoral petition is heard by the Supreme Court.

An electoral petition may be presented by:

- a. a person who is registered to vote; and
- b. a candidate.

An electoral petition is not be valid unless presented within the stipulated time (21 days of the publication of the electoral results in the Gazette). The person lodging a petition must make a deposit of VT 20,000 as security for costs; the deposit is to be returned to the petitioner after the petition has been heard, although the Supreme Court may deduct from the deposit any costs ordered to be paid.

Electoral petitions must be presented in writing, specifying the grounds upon which the election is disputed. The proceedings of the Court are conducted in English, French or Bislama, according to the choice of the petitioner, and interpreters are to be provided by the Supreme Court. On hearing a petition, the Supreme Court may:

- a. declare the election void;
- b. declare a different candidate (other than the person whose election is questioned) as duly elected; or
- c. dismiss the petition and declare that the declared winner was duly elected.

The Supreme Court may declare void an election if:

- a. it is proven that bribery, treating, undue influence or other misconduct prevailed so extensively that they may be reasonably supposed to have affected the result of the election;
- b. there has been non-compliance with the provisions of the law, in the conduct of polling or in any other matter, so that the results of the election were affected;
- c. the candidate was at the time of his/her election a person not qualified or disqualified for election; or
- d. there was such irregularity in the counting of the votes that the result of the election was affected.

The election of a candidate is declared void if he/she is convicted by a Court of committing a corrupt practice or of attempting or conspiring to commit a corrupt practice. When an unsuccessful candidate claims victory on the grounds that he had a majority of valid votes, the Supreme Court may direct an examination of the counted and invalid votes and of the counting of votes. The decisions of the Supreme Court are communicated without delay to the petitioner and to all persons concerned. There are no appeals from a decision of the Supreme Court on electoral petitions.

# Part 3:

## Running for Office



### **So, you want to be candidate?**

Great, you are about to embark on a challenging, yet rewarding adventure. Whether you have decided on your own to do this or you are being encouraged by your friends and supporters, there are a few things you should think about in your quest for elected office (other, of course, than being very well informed regarding the laws, rules and regulations to run for office).



# 10.

## Being a candidate: An introduction

Being a candidate is exciting (and a huge challenge), and being elected is a tremendous responsibility. Be aware that there are more candidates than elected posts, so acknowledging that you might lose is the first step in the right direction (even if, of course, you are running to win!).

Making a decision to stand as a candidate requires answers to a number of questions. The first one is **"why do you want to run for office?"**. Voters will want to know what kind of person you are and what you stand for. Be ready to answer this question in a clear and concise way.

### As a candidate, you need to have persuasive answers to the following:

1. Do you have a desire for or interest in public service?
2. Do you have strong feelings on a number of key issues?
3. Do you feel there is need for a change in leadership?
4. Do you think you can do a better job than the incumbent?
5. Can you answer the question of why you want to run for office in one sentence?
6. What are the major issues you want to deal with and what solutions are you proposing?
7. What makes you a good leader?



## Key factors to consider:

1. Do you have a strong sense of your own worth and do you believe in yourself?
2. Can you ask friends, family and associates for money and other assistance?
3. Can you withstand criticism and have your personal life closely scrutinized?
4. How does your family feel about your running for office? Are they 101% behind you? What will happen to your job while you run? Can you put in the amount of time necessary to win?
5. Can you face the thought of being defeated?
6. Have you thought carefully about the amount of stress, expense, and exhaustion that are part of political campaigns?

## Top six first-time candidate mistakes:

### **Candidate as Campaign Manager.**

This is just not possible. The candidate's job is to get the votes and raise money. The campaign manager is responsible for strategy and day to day operations.

### **It's too early to start.**

It's never too early to start work on a candidature!

### **I don't need too much money to run this race!**

Money is a major factor in a campaign's success.

### **My opponent will be an easy target.**

No candidate should make the mistake of underestimating his/her opponent.

### **I don't need help.**

The candidate should not underestimate the value of forming a strong team to back him/her.

### **No way I can win.**

If one is going into a race feeling like the campaign is a lost cause, the person is going to lose.



## 10.1 Lessons on running for office

### Lesson #1

Know why you are running. You should be able to state your purpose in one simple sentence.

### Lesson #2

What do you want to do? You must have a message and theme that binds the campaign together.

### Lesson #3

Your message must be positive, optimistic and stated in simple terms. While you want to accentuate your positives and your opponents' negatives, you cannot win on negativity alone.

### Lesson #4

Repetition is good. Repeat your message over and over again. Also, stick to your message and remember KISS (Keep It Short and Simple)

### Lesson #5

You must have empathy and identify with voters. You may be brilliant but if you cannot mingle with the common folk you cannot win.

### Lesson #6

You as a candidate must create your own image. Do not let your opponent create you image. If people can't describe who you are early in your campaign, your opponent will quickly fill that void.

## 10.2 Preparing to run

Once you've decided to be a candidate, you have to prepare well. Here are a few tips to do so, based on international experience:

### **Set the right tone.**

Make an excellent first impression on voters when you announce your candidacy. Your look, theme, setting, and staging must mirror the level of professionalism, preparation, clarity, and organization that the voters can expect of your administration.

### **Know why you can do it.**

Identify the three or four reasons you will be an excellent leader and keep them in the forefront of your mind. Knowing at all times why you should be in office can help you perform confidently under adverse circumstances. Being sure of these reasons also helps you communicate them to voters.

### **Take good care of yourself.**

Campaigns are notoriously unpredictable. Unexpected events and delays happen. Demand enough time in your schedule to ensure you are prepared, rested, professional, and presentable.

### **Hire a gender-balanced, experienced staff.**

Hire the most seasoned, experienced people you can. Aim to have a professional campaign manager selected soon after making the decision to run. Gender balance is also important. The most effective and disciplined campaign teams are gender-balanced, according to candidates and staff.

### **Hone your skills.**

Well before a decision to run, candidates should be meeting with key allies and honing their campaign skills. This will enable them to hit the ground running, which is critical for a candidate's success with voters.

# 11.

## Running for office: Women candidates.

Active participation of all major segments of society in political processes, women as well as men, is an indispensable aspect of a strong democracy; as such, the success of the consolidation of democracy in Vanuatu rests, in great part, on the clear and substantive participation by all major stakeholders, including women. On the other hand, electoral processes can no longer be considered credible if they don't include the opportunity for full and equal participation by women.



### 11.1 The importance of women's representation

Women make up more than half the population of the world, yet their participation in leadership positions and governance is disproportionately low. Nowhere is this inequality more glaring than in the South Pacific, which has one of the world's lowest levels of female representation in parliament. In Vanuatu, there is currently no woman MP. In fact, Vanuatu is among the countries with the lowest rates of women elected to parliament in the world.

In the face of massive under-representation, women candidates in Vanuatu face enormous obstacles and disadvantages. A multi-dimensional range of cultural, financial and political barriers go a long way to explain this situation. Prevailing societal, religious, economic and cultural factors and long history of absence of women in decision-making positions in the country makes

it difficult that women would be elected in numbers which would guarantee meaningful representation in the parliament. Such conditions compromise women's ability to compete equally as candidates with men.

Economic status as well as some deeply entrenched beliefs also contribute to limit women's prospects in electoral politics. The role of money in the political-electoral process also clearly disadvantages women's chances to run and be elected. There is the challenge of raising sufficient funds to run electoral campaigns – most often against male incumbents – which has contributed to the low levels of success when women have decided to run in elections. Finally, another important issue which keeps women out of politics is violence targeting women during elections or who hold political mandates.





## Barriers to women's political participation:

1. Nature of big man politics – people vote for personality/clan group not parties. Cultural attitudes are a long-term problem, which also means that many women do not vote for women.
2. Limited financial resources for women candidates by comparison – ongoing problem with no solutions identified yet.
3. Most women do not see standing for election a viable option for them – even those who could succeed.
4. Lack of social and economic security.
5. Lack of awareness of own capabilities.
6. Lack of exposure.
7. Often women don't see running as viable even when they are qualified. They underestimate their abilities and assume they need to be much more qualified than men to run for the same office.
8. Political parties in the region are not, on the whole, very aware of the benefits of mainstreaming gender considerations and of nominating women candidates.



## 11.2 Challenges facing women candidates

Women face the double challenge of needing to show competence and likeability. Voters will support a male candidate they do not like, but for women – this quality is non-negotiable.

Women candidates have to prove they are qualified. When it comes to men, their qualifications are assumed. As more women run for office and are elected, the voters question how women can serve constituents and take care of family responsibilities at the same time. Voters recognise there is a double standard when it comes to mothers, but actively and consciously participate in it.

### Practical tips for women candidates

1. Women must be prepared before they publicly announce their plans to run for office. Women must underscore prior political experience with their history of professional accomplishments. Tying experience to accomplishments helps to establish qualifications—one of the hallmarks of electability.
2. Women candidates must come across as confident, qualified, and competent in their initial presentation. They also need to maintain that confidence, as it is critical to appearing qualified. Voters immediately hone in on perceived weaknesses, because women candidates have added visibility.
3. While women candidates tend to hold on to doubts about whether they should be running, they cannot begin their campaigns looking anything but qualified and confident.



## 11.3 Demonstrating Qualifications and Personal Life Messaging

The best way for a woman candidate to establish her qualifications is to weave her experience and professional accomplishments into her narrative. To help women relay their qualifications, they must focus on both the presentation and content of their introductions. It is important for women to lead with their

expertise and accomplishments before sharing their personal stories.

Voters believe that most women running for major office are hard-working, qualified, confident, organized, knowledgeable, compassionate, assertive and strong leaders.



While these are all positive qualities, they do not all convey to voters that a candidate is qualified. The traits that well describe women who run for office and convey qualifications are: confident, organized, and knowledgeable.

The most important traits to convey that a woman is qualified include being honest, standing up for what is right, being knowledgeable, getting results, being confident, being organized, having a vision, and being in touch with the people and their needs.

Managing a family - whether that includes a partner, children, parents, siblings, or any combination thereof - is certainly a facet of that full-life experience. It is important for women candidates, no matter what their family situation is, to talk to voters about their personal lives. When questions arise about a woman's ability to manage personal and professional responsibilities, she must respond. If voters' doubts and concerns go unaddressed, it negatively impacts the candidate's perceived likeability and effectiveness, both of which are essential to electability for women.



# 12.

## Candidate eligibility

In Vanuatu, there are three different kinds of elections: national general elections (to elect the members of the national parliament); provincial ("local") elections (to elect the members of provincial assemblies); and municipal elections. Eligibility requirements are established in the Constitution and are developed in the electoral laws. The eligibility requirements to be a candidate in each type of election have common features, but also have some differences.

### 12.1 Eligibility to run for national parliamentary elections

The Constitution stipulates that, in order to be a candidate for parliamentary elections, a person needs to be a Ni-Vanuatu citizen and at least 25 years of age and above.

Additionally, the law prescribes that a candidate:

- i) must not be disqualified from voting,
- ii) be serving a prison sentence,
- iii) be an undischarged bankrupt or have any debts due to government or a government agency (the conditions for candidate eligibility are provided for in part 12 of the RPA).

Under the law, public servants are disqualified from contesting elections. The law also states that the following additional persons shall not be qualified as candidates for election to Parliament:

- (a) the President of the Republic;
- (b) judges and magistrates;
- (c) members of the police force;
- (d) members of the National Council of Chiefs, any member of the District Council of Chiefs, Island Council of Chiefs and Area Council of Chiefs, who holds the position of chairman, vice-chairman, secretary or treasurer of these councils;
- (e) members of the teaching service; and
- (f) members of the Citizenship Commission.

A person wishing to contest an election in a rural constituency must be a native or a person originating from that rural constituency. Consequently, a person not originating from a rural constituency is not eligible to qualify as a candidate for election for that particular constituency.

## 12.2 Eligibility to run for provincial elections

A person is eligible to stand as a candidate for election to a local government council if he/she is a citizen of Vanuatu, is registered as voter in the local government region in which he/she is intending to run, is not disqualified from voting, has not received a sentence including a suspended sentence of a term or terms of imprisonment which has not ended, is not an undischarged bankrupt, and has attained 21 years of age.

A person cannot be qualified for election or appointment as a member of a local government council if he/she is a member of Parliament, is disqualified from being a member of Parliament or is in the service of the local government council.

## 12.3 Eligibility to run for municipal elections

A person is eligible to stand as a candidate for election to a municipal council if he/she is a citizen of Vanuatu, is registered as an voter in the municipality in which he/she is a candidate, is not disqualified from voting, has not received a sentence including a suspended sentence of a term or terms of imprisonment which has not ended, is not an undischarged bankrupt, and has attained 21 years of age.

A person is not qualified for election as a councillor if he/she is a Minister, is disqualified from being a member of Parliament, is in the service of the council, is the legal advisor or auditor of the council or the partner or employee of such advisor or auditor. Additionally, if a person engaged in a profession, is disqualified for or suspended from the practise of such profession, he/she

is disqualified to run for the municipal council. Finally, if a person is also disqualified to run if he/she is in default of payment of any rates, charges or other debts due to the council for a period exceeding two months or is a person having a contract with the council to provide municipal services.

If the electoral officer suspects that the nominated person does not comply with either of the above qualification requirements, he/she should question the person and request proof of their citizenship or age. This proof may be in the form of confirmation by trusted members of the community and, in the case of persons who claim to have acquired citizenship, may include a request to see the person's citizenship papers.

# 13.

## Candidate nomination process

In Vanuatu, the legal framework allows for candidates to be nominated by political parties or to be nominated as independents. The nomination of candidates is the formal procedure by which political parties and/or individuals put candidates forward for an election, and the acceptance of that nomination by the EC. In the electoral systems adopted by Vanuatu, candidates are nominated individually, and they can be nominated either by a political party or by an individual (as an independent candidate). A political party can nominate more than one candidate for each constituency (this is more common in multi-member constituencies).



Through the candidate nomination process, political parties and individuals intending to run as independents are required to show that their candidates meet the basic requirements for taking part in the elections as far as minimum age, being registered voters, and any other qualifications set in the Constitution or electoral laws.

The nomination procedures for all three types of elections follow the same principles, with certain specific steps and requirements for each type of election.

Aspiring candidates are required to lodge a nomination application to the VEO in the forms provided and within the period set by the Electoral Commission.

The Electoral Commission determines and publishes the nomination period for the election, which is generally fourteen-days long (although the number of days might change, depending on special circumstances, such as the nature of the elections. By-elections and snap-elections, for example, are likely to have

shorter nomination periods). Candidate nomination opens at 8.00h on the first day of the nomination period, and closes on the fourteenth day (or the last day as determined by the EC) at 17.00h.

Following the nomination, the VEO will design the ballot papers. Ballot papers for all types of elections consist of "booklets" with each individual candidate having a specific ballot. Each ballot will have a party color as approved by the Electoral Commission; independent candidates will have white ballot papers. Candidates will be placed in the "booklet" according to the order of approved nominations: first candidate approved will be on top, and so on. The ballot "booklet" will first have all candidates nominated by political parties, followed by independent candidates.





## 13.1 Rules and procedures for nomination to parliamentary elections

In the days leading up to nomination, the VEO should inform the public where nominations will be received.

Individuals interested in being elected to Parliament must submit to the VEO, within the period as declared by the EC, a declaration of candidature in the corresponding form, duly filled-in and signed, including a declaration that the applicant is eligible to run as a parliamentary candidate as provided by the law. Late nominations cannot be accepted under any circumstances.

The VEO officer should review the nomination form with the aspiring candidate and ask him/her to verify that all details on the form are correct. The VEO officer should emphasise to the aspiring candidate that they are declaring that “they are qualified (and not disqualified) for election as a member of Parliament” noting all the requirements listed.

If the VEO officer has any doubts about the qualification of a candidate, these should be raised at that moment and a note made for the attention of the Electoral Commission on the matter. Following the closing date of candidature application, the EC will make a decision on whether the application is accepted or if the aspiring candidate is officially disqualified.

The EC may, where it considers that a declaration of candidature is invalid by reason of a bona fide error, request the candidate to resubmit a valid declaration within 72 hours after such request, but not less than 14 days before polling day.

The aspiring candidate should also make a deposit of VT 100,000 (non-refundable), and provide two full face personal photographs

(preferably black and white).

If the individual is being nominated by a political party that already has a registered symbol, that party’s symbol will be used – in this case, there is no need to submit a personal symbol. In the case of candidates nominated by a political party that doesn’t have a registered symbol, a party symbol needs to be approved by the Electoral Commission and the candidate will be issued with that symbol.

Independent candidates are required to produce an illustration on paper of his/her personal electoral symbol (the symbol should be in black and white and should not include any words).

A nomination cannot be amended to change the candidate’s status, either to become an independent or to represent a party different than the one who initially nominated him/her. However, the candidate may withdraw his/her nomination and nominate again under a different status during the nomination period.

A declaration of candidature shall also contain the signatures of not less than five sponsors, which need to be persons registered to vote in the constituency of the candidate. Sponsors cannot be related to the candidate. A person can only be a sponsor of one single candidate. If a person sponsors more than one candidate, only the first nomination will be valid. All other candidates which have been sponsored by that person will be null and void (that is, they cannot be accepted) and those aspiring candidates will have to complete a new nomination with new sponsors.

When receiving a declaration of candidature, the PEO will give a receipt to the candidate.



Note that an individual can only be a candidate in a single constituency. A sitting MP cannot be nominated in any other constituency in case of a by-election. Political parties are allowed to nominate more than one candidate in a constituency.

The PEO will, within 24 hours after the end of the nomination period, make a list of the candidates named in the declarations of candidature received by him/her and send copies to the EC, along with his/her comments on the validity of the candidature of any person named in the list.

The EC will declare a candidature invalid if the candidate or his/her sponsors do not have the necessary qualifications or are disqualified. The decision of the EC that a candidature is valid or invalid is final and cannot be overruled.

The candidature will no longer be valid if the EC receives satisfactory evidence that the candidate has died, or if the candidate withdraws by notice in writing given to the Principal Electoral Officer.

A list of candidates shall be displayed at the office of every Local Government Council, the Parliament Building, the VEO and any other places in Vanuatu chosen by the EC for no less than 14 days before polling day.

If a political party candidate is declared ineligible or dies more than 14 days before the election, the party is allowed to propose a new candidate as long as their declaration of candidacy is received within 72 hours of the death or declaration of ineligibility of the previous candidate. If the new candidate is approved, their name will be displayed on the candidate list for at least nine days.

## 13.2 Rules and procedures for nomination provincial elections

In the days leading up to nomination, the VEO should inform the public where nominations will be received.

An intending candidate for a provincial (local government council) election must lodge, with a registration officer in the local government region in which the election is to be held, a declaration of candidature signed by him/her in the official form. The declaration must be submitted within the stipulated period by the EC. Late nominations cannot be accepted under any circumstances.

Additionally, the intending candidate must make a (non-refundable) deposit of VT 20,000, and present two full face photographs of himself or herself.

Except for a candidate sponsored by a political party having a symbol approved by the EC, the applicant must also present an illustration on paper of his/her personal electoral symbol.

A declaration of candidature must also contain the signatures of not less than five sponsors who are registered to vote in the local government region and are not related to the candidate.

No person may lodge a declaration of his/her own candidature for more than one local government region.

The registration officer who receives a declaration must forward the declaration immediately to the PEO, who must, as soon as practicable, sends a receipt to the candidate.

Within 48 hours of receiving all declarations, the PEO must make a list of the candidates named in the declarations, and give copies to the EC together with comments on the validity of the candidature of any person named in the list.

The EC can declare a candidature invalid if the candidate or his/her sponsors do not have the necessary qualifications or are disqualified; or the declaration of candidature is not sponsored as provided in the rules.

The EC may, where it considers that a declaration of candidature is invalid by reason of a bona fide error, request the candidate to resubmit a valid declaration within 72 hours after such request, but not less than 14 days before polling day.

Where a declaration of candidature sponsored by a political party is declared invalid by the EC, another candidate sponsored by the same party may lodge a declaration of candidature provided that he/she does so within 72 hours of the decision.

If a candidate dies not less than 14 days before polling day declaration or death, another candidate sponsored by the same party may lodge a declaration of candidature provided that it does so within 72 hours of the declaration of death. There is no provision in the law regarding the death of an independent candidate, but it is likely that the EC would accept a replacement nominated by the diseased candidate's executive committee based on its supporters' demand.

A list of candidates will be displayed at the offices of the local government council, the Parliament building, the office of the Minister, the VEO, and any other places in the local government region as the Minister may direct, for not less than 14 days before polling day.

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### 13.3 Rules and procedures for nomination municipal council elections

In the days leading up to nomination, the VEO should inform the public where nominations will be received.

Every intending candidate for municipal councils must lodge, no later than the date fixed by the Electoral Commission, a declaration of candidature signed by him/her in the official form, including a declaration that the candidate is eligible as provided for in the law and regulations; two full face photographs of himself/herself. Late nominations cannot be accepted under any circumstances.

Independent candidates or candidates with political parties without an official symbol, need to present an illustration on paper of his/her personal electoral symbol. There is a non-refundable nomination fee of VT20,000.

A declaration of candidature must also contain the signatures of not less than five sponsors being persons registered to vote in the municipality of the candidate and not being related to the candidate.

No person may lodge a declaration of his/her own candidature for more than one ward; or, in the case of a by-election, if he/she is a member of the municipal council.

The electoral officer who receives a declaration of candidature gives a receipt to the candidate and forwards the declaration immediately to the VEO. The PEO makes, within 24 hours of

the day declared by the Minister responsible for the Municipalities (the Minister), a list of the candidates named in declarations of candidature received by the VEO and send copies to the Minister. The PEO sends comments on the validity of the candidature of any person named in the list.

The Minister can declare a candidature invalid if the candidate or his/her sponsors do not have the necessary qualifications or are disqualified; or the declaration of candidature is not sponsored as provided in the regulations.

The Minister can, where he/she considers that a declaration of candidature is invalid by reason of a bona fide error, request the candidate to resubmit a valid declaration within 48 hours after such request, but not less than four days before polling day. Where a declaration of candidature sponsored by a political party is declared invalid by the Minister, or a candidate dies not less than four days before polling day, another candidate sponsored by the same party may lodge a declaration of candidature provided that he/she does so within 48 hours of the declaration or death.

A list of candidates is displayed, for not less than four days before polling day, at the Town Hall, the Parliament building, the office of the Minister, the VEO and such other places in the municipality as the Minister may direct.

# 14.

## Code of conduct for political parties and candidates

Political parties and candidates wishing to contest any election in Vanuatu undertake voluntarily and in good faith to adhere to this Code of Conduct's guiding principles, and are thus committed to:

- subscribe to the principles of democratic elections, and in so doing will respect electoral laws, strive to maintain public confidence in the electoral process, and will uphold the democratic rights of the citizens of Vanuatu;
- respect and adhere to the principles and rules of conduct set out in this Code and actively promote adherence to the Code on the part of other members. All political parties shall make the Code available to their members, agents and other representatives;
- maintain and promote respect for the electoral laws, regulations and rules. This involves complying with both the letter and spirit of the provisions of all electoral laws and regulations, including the administrative, regulatory and offence provisions of the law;
- maintain and assist in maintaining the fair and proper administration of the vote, and the secrecy of the vote;
- conduct themselves in ways that uphold the integrity of, and the public's respect for, the electoral system;
- make every effort to ensure that their conduct is above reproach. This means that they should not engage in conduct which could be regarded as unfair or unacceptable by reasonable, fair-minded and informed persons;
- co-operate with electoral officials who are charged with the responsibility to conduct elections, and refrain from interfering with electoral officials in the performance of their duties;
- extend all necessary help and co-operation to the law-enforcing authorities, in responding fully and accurately to any inquiries or investigations of electoral offences.



# 15.

## Electoral campaign

The electoral campaign period usually lasts fourteen days. It starts on the day the EC presents the final list of approved candidates. There is a 48 hours long “silence” period, before polling day.

During the campaign period, the parties and candidates work to convince the voters that they are better able than other parties or candidates to protect the interests of the country and its citizens. The EC Code of Conduct for candidates (presented above) is particularly pertinent for ensuring a free and peaceful campaign period. Also note that many of the electoral offences are often committed during the campaign period.



Fair conditions for providing the electorate with information that is relevant to making electoral choices are critical for a credible election. In addition to being inclusive and transparent, a democratic election requires a campaign period in which rights such as freedom of opinion and expression, freedom of association, freedom of movement, security of the person, and access to information are respected and upheld by all stakeholders of the election.

An effective campaign period, where candidates actively promote their visions and programs, ensures that voters have a free choice of candidates.

The laws and regulations in place are meant guarantee that citizens are able to learn about those who are running for public office and understand that they may make their electoral choices free from intimidation, threat of retribution and other forms of coercion.

While not required by law, it is good practice for the candidates to follow basic financial disclosure measures regarding contributions and donations the campaign has received, as well as campaign expenditures. Financial disclosure greatly enhances transparency.



## **Section 50 of the RPA states:**

("Certain activities prohibited on polling day"):

(1) During the hours of polling no person shall within 100 meters of any polling station –

- (a) seek to influence any person to vote for any candidate;
- (b) seek to ascertain for which candidate any voter intends to vote; or
- (c) hold any deliberations or discussions.



## **Candidate campaign plan**

A candidate is more likely to win an election if he/she develops and follows a campaign plan.

The campaign plan is a candidate's road map to victory on polling day, and if viewed as such will help the candidate plan it to the best of their ability because the aim is to win the election. The campaign plan outlines each step in the candidate's campaign from the time he/she decides to run until the polls close on polling day.

### **The key elements of the campaign plan include:**

1. Determining the issues and setting the objectives: The campaign strategy is to a large extent based on the key issues that are identified during the stage of developing the objectives of the campaign.
2. Carrying out the research and data collection: The research and data collected helps to provide further information about the campaign issues. This is information that is used in developing the campaign messages.
3. Identifying the target groups/opponents/ swing voters and allies: It is important to identify the target group for each issue. This will help the candidate design and package the message appropriately.
4. Identifying allies and opponents: Campaigns are based on convincing the electorate to vote for the candidate. It is important to know how many people are in his/her constituency and who his/her opponents and allies are. The candidate's messages should be designed to address their different concerns.
5. Building the team: The campaign team carries the candidate's image. It is important that the candidate identifies a strong core team. The candidate should choose a few trusted people on his/her team who can tell her the truth about the campaign and he/she should meet with them regularly.

If nominated by a party, it is important that the candidate works with party structures at all levels to help him/her organize the campaign strategy.



### Developing campaign messages

1. **Identify the problems:** Talk to voters throughout the constituency and identify their concerns.
2. **Develop solutions:** Think of ways to solve the voters' problems.
3. **What has government done about it?**
4. **Create your message:** Think of a message that addresses the voters' concerns and highlights your solutions and strengths.

## Speaking in public

Speaking well in public is an important part of campaigning. The best way to improve public speaking skills is through practice, practice, practice.

Tips for speaking in public:

1. Speak slowly and clearly;
2. Stay focused on the topic;
3. Keep your speeches short;
4. Share personal stories and examples;
5. Speak loudly;
6. Make eye contact with your voters;
7. Be relaxed and confident;
8. Stand straight;
9. Use some humor;
10. Know your topic;
11. Repeat your campaign message.

### Good example:

Standing straight, making eye contact – introduce yourself loudly and clearly stating your name, party and purpose for speaking.

### Bad example:

Wringing your hands, speaking softly and looking at the ground, start into a speech about how you should win the election.



# Part 4: Candidate and party agents (Representatives)

Political party and candidate agents are representatives of political parties and their candidates or independent candidates accredited by the VEO.

Candidate and party representatives play immensely important role in the electoral process. They are the monitors of the process, safeguarding the interest of their candidates and guaranteeing that the rules of the game are respected. They are an essential component in ensuring the transparency of the process. Political parties and candidates should endeavor to mobilize as many representatives as possible for the credibility to the process.



## 16. Role and importance of candidate/party agents

Candidates have a range of clearly defined rights and responsibilities, but are not permitted to participate in the administrative conduct of an election. Because of this, candidates and political parties that have fielded candidates have the right to appoint agents (“representatives”) to represent them at polling stations during polling and counting.

Candidate and party agents are the accredited representatives of political parties or independent candidates. Only political parties and independent candidates that contest elections are entitled to nominate agents.

The party and candidate agents are essential to guarantee the integrity of the polling and counting and to ensure the interest of their candidates are respected. When a political party backs a candidate, it is easier to mobilize agents for polling and counting. However, independent candidates should ensure, as much as possible, that they have agents representing them at these critical electoral operations.

Importantly, agents must sign polling and counting forms and record the results, as a transparency measure.

For party and candidate agents to successfully fulfill their role, it is important that they are well aware, and understand correctly, the polling and counting operations as well as their rights and responsibilities. It is the duty of parties and candidates to ensure sufficient information and training for their agents prior to polling day.



# 17.

## Accreditation of candidate and party agents

At the start of electoral process, the Electoral Commission (EC) will give an opportunity to political parties and candidates to present their application for the accreditation of agents ("representatives") to monitor the electoral process on their behalf.

The process of accreditation starts at an appropriate time before the polling date and ends 24 hours before polling day.

Parties and candidate agents must be appointed either by an independent candidate or any registered party contesting the

election. Each candidate, whether nominated by political parties or independent, presents a list of authorized persons to be his/her representative at the polling stations (not less than 24 hours before polling).

The political parties and candidates may appoint an authorized person to communicate with the Vanuatu Electoral Office (VEO), submit signed documents as required and duly filled out VEO forms, and all administrative matters related to the process of accreditation of agents.

### **The application presented by the political parties or candidates for agents' accreditation must include the following information:**

- Name, address, phone number and email (if any) of party's chairperson or candidate.
- Name, phone number and email (if any) of contact person.
- Signed copy of the VEO code of conduct established for political parties and candidates.
- Documents of registration with the relevant legal authorities.
- List with all the names of authorized agents and the code and number of the polling station they will monitor. (Ideally, the agent should be registered to vote in the polling station being assigned; otherwise he/she will not be able to vote there.)

### **A person can be certified as an agent if he or she meets the following conditions:**

- To be a citizen of Vanuatu.
- To be over 18 years old.
- To be a registered voter.





If certified, the Principal Electoral Officer (PEO) will issue a letter of authority and an identification badge to each accredited agent. For parties and candidates outside Efate, the PEO will send badges to provinces to be filled out by the returning officers. If a person claiming to be an authorized agent cannot produce a letter of authority, the presiding officer will not permit that person to remain in the polling station. A list of all authorized political party or candidate agents is to be displayed at all polling stations.

Party and candidate agents must wear their VEO badge at all times when observing any electoral processes either in the polling stations or approved designated observation areas. Agents should at all times respect the rights of voters, observers and polling staff and not to interfere in the electoral process or influence its conduct.



# 18.

## Rights and responsibilities of candidate and party agents

According to the law, regulations and rules, each political party or independent candidate is allowed only two agents per polling station. Only one of the two agents are allowed in a polling station at a time, so they must alternate. Agents can be authorized for more than one candidate and more than one polling station.

The VEO accredits candidate agents as proposed by political parties and independent candidates, but it has no further responsibilities in their regard. Presiding officers will allow duly accredited agents to enter the polling station (one per party per candidate at a given time). All agents should carry with them the official badge or authorization form issued by the VEO along a photo ID. The presiding officer might revoke the accreditation of an agent and request him/her to leave the premises, should he/she not comply with the established procedures. As mentioned earlier, they must display their VEO accreditation card at all stages while attending the polling and counting processes.

Party and candidate agents may be present at the polling station to follow the polling and counting procedures. Agents have two main functions: they observe the polling and counting processes with a view of reporting whether it was conducted in accordance with the law. They also protect the interests of their nominated candidate or political party in the polling and counting processes. As such, political party and candidate agents are not just “observers”, they are monitors of the process, looking to ensure that the interests of their parties and/or candidates are assured. As such, they are allowed to make comments, lodge a dispute or protest to be included in the polling station electoral report by the presiding officer.

While in the polling stations, the party and candidate agents must not campaign in favour of or against any candidate or political party.



A candidate agent can obtain information about the process from the presiding officer without affecting the conduct of polling or counting. Agents must NOT interfere with the processes in any way. They can bring questionable or irregular practices to the attention of the presiding officer and ask that they be included in the polling station report.



# 19.

## Code of conduct for candidate and party agents

Every person who participates in elections as an accredited political party and candidate agent must be committed to doing the following:

- familiarize themselves with, and observe, the rules and regulations governing elections;
- understand the polling and counting processes;
- produce his/her formal appointment document ("letter of authority") on entering a polling station, to satisfy the presiding officer of the status as to his/her identity;
- wear his/her accreditation badge issued by the VEO at all times in the polling station;
- follow instructions from the presiding officer at all times while in a polling station;
- communicate only with the presiding officer, including when wanting to lodge a complaint;
- address all concerns to the presiding officer in a manner that will not obstruct the voting process;
- not communicate with polling staff and voters in the polling station;
- not interfere with any of the electoral processes, whether the polling or counting;
- not touch any electoral materials;
- not attempt to assist the electoral officers with their duties;
- not use any electronic devices inside the polling station;
- not take pictures in the polling station;
- inform the presiding officer of his/her intention to retire from the polling station during the poll, after which he/she may do so;
- conduct him/herself in a courteous and responsible manner. This includes showing respect for others, exercising sound judgment and observing the highest level of professional conduct at all times.





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