



No of 2007

Electoral Law (Local-level Government Elections) Regulation 2007,

Being a Constitutional Regulation,

MADE by the Head of State, acting with, and in accordance with the advice of the National Executive Council, under the ***Organic Law on National and Local-level Government Elections.***

1. INTERPRETATION.

(1) In this Regulation, unless the context otherwise requires, or some other meaning is clearly intended “the Law” means the ***Organic Law on National and Local-level Government Elections.***

(2) In this Regulation a reference to a form by number shall be read as a reference to a form so numbered in the Schedule.

2. APPLICATION.

This Regulation applies only to local-level government elections.

3. APPLICATION OF NATIONAL ELECTION REGULATIONS.

The provisions of the ***Electoral Law (National Elections) Regulation 2007*** are adopted with such modifications as are necessary with respect to the following-

- (a) writ and nominations under Part VIII;
- (b) voter identification systems and use of such systems under Part XII;
- (c) polling under Part XIII;
- (d) scrutiny under Parts XIV and XV;
- (e) return of writs under Part XVI;
- (f) prosecution for offences under Part XVII;
- (g) offences under Part XVIII.

4. APPOINTMENT OF POLLING OFFICERS.

The appointment of a polling officer may be made in Form 1.

5. ELECTORAL ROLL.

A Roll prepared under the Law and under the ***Electoral Law (National Elections) Regulation 2007*** for a Ward shall be the Roll for local-level government elections for each Ward.

6. NOMINATION.

- (1) The nomination fee is K200.00.
- (2) The nomination shall be in Form 2.

Electoral Law (Local-level Government Elections)

(3) A withdrawal of consent to nominate is to be in Form 3.

7. SCRUTINY.

The scrutiny of votes may be done at the place of polling.

8. CANDIDATE POSTER.

(1) The Electoral Commission or a Returning Officer is to arrange the printing of a candidate poster within such time as the Electoral Commission determines after the declaration of nominations.

(2) A candidate poster shall contain-

- (a) the name of the electorate; and
- (b) the name of the election, whether it is a general election or a by-election; and
- (c) the names of all candidates contesting the election set out in the order determined by the draw done under Section 9; and
- (d) a candidate identification number beside a candidate name; and
- (e) any other features or information as the Electoral Commission considers desirable or necessary.

(3) Candidate identification numbers shall commence with number 10 in respect of the candidate appearing first on the candidate poster and consecutive numbers following the candidate numbered 10 in respect of each candidate appearing next until all candidates are so numbered.

(4) Entries or instructions on a candidate poster may be in English, Pidgin or Motu as determined by the Electoral Commission.

(5) A candidate poster is to be in Form 4.

9. ORDER OF CANDIDATES ON CANDIDATE POSTER.

(1) The order of candidates to be printed on a candidate poster shall be determined as follows:-

- (a) the Returning Officer shall, at the place of nomination, immediately after the close of nominations and before all persons present, make out in respect of each candidate a slip bearing the name of the candidate as shown on his nomination or the electronic advice on his nomination, enclose the respective slips in separate blank envelopes in a locked ballot-box; and
- (b) the Returning Officer shall then thoroughly shake and rotate the ballot-box and shall permit any other person, if he so desires, to do the same; and
- (c) the ballot-box shall then be opened and an officer shall take out and open the envelopes from the ballot-box one by one; and
- (d) the candidate whose name appears on the slip enclosed in the envelope first taken from the ballot-box shall be placed first on the candidate poster, the candidate whose name appears on the slip enclosed in the envelope next taken from the ballot-box shall be placed next on the candidate poster, and so on until the placing of all the candidates has been determined.

Electoral Law (Local-level Government Elections)

(2) Where similarity in the names of two or more candidates is likely to cause confusion, the names of those candidates may be set out with such description or addition as will distinguish them from one another.

10. OFFENCES RELATING TO CANDIDATE POSTERS.

A person-

- (a) who writes or puts any other mark on a candidate poster printed under Section 8 that is likely to confuse or mislead a voter; and
- (b) who displays, or in other ways causes such marked candidate poster to be brought to the view of voters in the relevant electorate during the period between the issue of writ and end of polling in an election,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

11. BALLOT-PAPER.

(1) A ballot-paper shall have three spaces or boxes for a voter to indicate his preferences – 1, 2 and 3 – either by the prescribed candidate identification number or by candidate name.

(2) The size of the ballot-paper and the colour and type of paper used shall be as determined by the Electoral Commission.

(3) The Electoral Commission may in its discretion decide to include in a ballot-paper serial numbers and bar coding.

(4) The Electoral Commission may include in a ballot-paper instructions in English, Pidgin or Motu as it determines.

(5) A ballot-paper is to be in Form 5.

12. BALLOT-BOX.

(1) A ballot-box shall have a cleft in the cover through which ballot-papers may be deposited in the box, and shall be provided with means for securely closing the cleft so that, when the cleft is so closed, no ballot-papers or other matters or things can be deposited in the box or withdrawn from it.

(2) A ballot-box shall be capable of being securely fastened with a lock.

(3) The Electoral Commission shall determine the type of material used to make a ballot-box and the size of a ballot-box.

13. VOTING BY POST.

(1) A Returning Officer may, together with a postal vote certificate and a ballot-paper under Section 100 of the Law, forward to an elector who has applied for postal vote certificate and postal ballot-paper a candidate poster where the Returning Officer considers that the elector is not familiar with the candidate names or codes.

(2) The Electoral Commission may publish candidate posters on the internet on its website for voters living abroad to consult.

(3) A postal vote certificate and declaration by an elector is to be in Form 6.

Electoral Law (Local-level Government Elections)

14. DECLARATION WHERE NAME HAS BEEN MARKED.

(1) A voter shall before he is permitted to vote under Section 141(1) of the Law make a declaration in Form 7.

(2) A voter shall, before he is permitted to vote under Section 142(1) of the Law, make a declaration in Form 8.

15. FORMS.

The Electoral Commission may modify forms as and when necessary to meet changing needs and circumstances.

Electoral Law (Local-level Government Elections)

Law.Sec.19,118
Reg.Sec.4

Form 1

THE INDEPENDENT STATE OF PAPUA NEW GUINEA

Organic Law on National and Local-level Government Elections

APPOINTMENT OF POLLING OFFICIAL

Local-level Government

The Returning Officer/Assistant Returning Officer, by virtue of the powers conferred by Sections 19 and 118 of the *Organic Law on National and Local-level Government Elections* and by Section 4 of the Regulation, hereby appoints

(Insert Name of Polling Official)

- Presiding Officer,
 - Assistant/Substitute Presiding Officer
 - Poll Clerk
 - Door Keeper
 - Interpreter
- (tick whichever is applicable and delete others)*

at the polling place on the date and time hereunder indicated:-

Polling place: _____

Date: _____

Time: _____

Name of Returning Officer

Dated the _____ 20 _____.

Acknowledgement of Appointment

I, _____ accept this appointment and undertake to perform
(insert name)

the lawful duties of a polling officer faithfully and in full compliance with the requirements of the *Organic Law on National and Local-level Government Elections and the Regulations*.

(Signature)

Dated the _____ of _____ 20 _____.

Electoral Law (Local-level Government Elections)

Law Sec.85
Reg.Sec.6(2)

Form 2

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections

**NOMINATION OF CANDIDATE FOR ELECTION
AS A MEMBER OF LOCAL-LEVEL GOVERNMENT ASSEMBLY.**

To: [] The Returning Officer
 [] The Assistant Returning Officer
 [] Provincial Returning Officer
 [] Person authorized by the Electoral Commission
 (Tick whichever is applicable).

_____ Electorate.

I hereby nominate as a candidate to the Local-level Government Assembly for the
_____ Ward.

Name (to appear on candidate poster): _____

Place of Nomination: _____

Occupation: _____

Qualifications

1. I am [] enrolled on the electorate Roll for the said ward electorate; or
 [] am entitled to enrolment on the electorate Roll for the said ward
 and I have submitted a claims for enrolment or transfer of
 enrolment together with this nomination.

2. I was born in the electorate on the date and place stated below.

I have [] resided in the said ward electorate for a continuous period of two
 years immediately preceding this nomination; or
 [] resided in the said ward electorate for a period of five years
 during the periods and at the places stated below; or

- Resided for continuous period of 5 years -

- at _____ between _____ and _____
- at _____ between _____ and _____
- at _____ between _____ and _____

Electoral Law (Local-level Government Elections)

3. I have not nominated for another ward electorate; or
 nominated for the ward electorate named but that nomination has been withdrawn.

(Name of ward electorate nomination made and withdrawn:) _____.

4. I am not under 25 years of age, having been born on the date and at the place named below.

Dated of birth: _____

Place of birth: _____

5. And I declare that: -

- I am a citizen of Papua New Guinea. Yes No
- I am entitled to vote in elections to the Provincial Assembly. Yes No
- I am not under sentence of death or sentence of imprisonment for a period of more than nine months. Yes No
- I have not, in the last three years, been convicted of an offence relating to elections prescribed by an Organic Law or an Act of the Parliament for the purposes of Section 50(1)(b) *Constitution*. Yes No
- I have not been dismissed from office for misconduct in office under Division 111.2 of the *Constitution* within the three years immediately preceding the date fixed for the return of the writ for this election. Yes No
- I am not insolvent. Yes No
- I have not been convicted for an indictable offence after 25th June 2002. Yes No
- I am of full capacity. Yes No

6. I declare that I am otherwise qualified under the laws of Papua New Guinea to be elected as a member and I consent to act if elected.

Nomination Fee.

7. I submit payment of the required K200.00 nomination fee: -

in bank check; or

attach the original of bank deposit receipt evidencing payment of the fee into bank account approved by the Electoral Commission.

RECEIPT BY RETURNING OFFICER

- Received by Returning Officer
 Assistant Returning Officer Name: _____
 Provincial Returning Officer
 Authorised person

- Received at: _____

Electoral Law (Local-level Government Elections)

- Received on: _____ at _____ am/pm.

Law Sec.94 (1)
Reg.Sec.6(3)

Form 3

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections

WITHDRAWAL BY CANDIDATE OF CONSENT TO NOMINATION

- To: [] The Returning Officer
[] The Assistant Returning Officer
[] Provincial Returning Officer
[] Authorized person,

_____ Ward Electorate

I _____ hereby withdraw my consent to nomination as candidate for election to the Local-level Government Assembly dated _____ day of _____ 20____.

(Personal signature of candidate)

Dated:_____/_____/_____

(Personal signature of witness)

Place of residence:_____

Received on the _____ at _____
(date) (time)

(Signature of Returning Officer/Assistant Returning Officer/Provincial Returning Officer/Authorized Person).

(Name of Returning Officer/Assistant Returning Officer/ Provincial Returning Authorized Person).

Electoral Law (Local-level Government Elections)

Law Sec.125
Reg.Sec.8(5)

Form 4

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections

CANDIDATE POSTER

_____ Ward Electorate.

Local-level Government Election 20_____.

DIRECTIONS:

- This is a candidate poster, do not write on it.
- Write your vote on the BALLOT PAPER.
- Choose three preferred candidates from this poster.
- Write the code numbers or the names of the three candidates of your choice beside the numbers 1, 2 and 3 on the Ballot Paper.

Code numbers and names of candidates.

(Name of candidate and other particulars added under Section 125 of Law).

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections.

BALLOT-PAPER

_____ Ward Electorate
General Election or By-election.



- Write the code or name of your first choice candidate beside number 1.
- Write the code or name of your second choice candidate beside number 2.
- Write the code or name of your third choice candidate beside number 3.

DO NOT PUT ANY OTHER MARK ON THIS BALLOT PAPER!

1

()

2

()

3

()

Electoral Law (Local-level Government Elections)

Law Sec. 100
Reg.Sec.13

Form 6

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections.

POSTAL VOTE CERTIFICATE

No:.....

I certify that the elector whose personal details are: -

- (a) Elector ID number: _____
- (b) Surname or family name: _____
- (c) Given name: _____
- (d) Sex: _____
- (e) Occupation: _____
- (f) Place of residence appearing on Roll: _____

is entitled to vote by post subject to the provisions of the Law in respect of the Electorate at the election for the Local-level Government Assembly to be held from the _____ day of _____ 20____ to the _____ day of _____ 20____.

Returning Officer

_____ Ward Electorate

Dated the _____ day of _____ 20____.

Electoral Law (Local-level Government Elections)

DECLARATION BY ELECTOR

I have not already voted in connection with the election referred to in the above certificate.

The reason I wish to vote by post is (*tick applicable paragraph*) –

- I will not throughout the hour of polling be -
- within the electorate for which I am enrolled; or
 - within 16 km by the nearest practicable route of a polling booth in the electorate for which I am enrolled.
- I am seriously ill or infirm and by reason for that illness or infirmity will be precluded from attending at a polling booth in the electorate for which I am enrolled.
- I will, by reason of approaching maternity or caring for my infant, be precluded from attending at a polling booth for the electorate for which I am enrolled.
- By reason of membership of a religious order or my religious belief I am precluded from –
- attending at a polling booth; or
 - voting at a reasonably accessible polling place.
- I am a citizen of Papua New Guinea residing abroad.

I am aware that if I falsely personate or attempt to personate any other person for the purpose of securing a ballot-paper to which I am not entitled or for the purpose of voting at an election, or willfully make any false statement in this declaration, I am liable to imprisonment for two years.

(*Personal signature of elector*)

(*Personal signature of witness*)

Occupation: _____
Address: _____

Dated the _____ day of _____ 20____.

Where vote is recorded outside Papua New Guinea, the witness need not be an elector or entitled to be an elector but shall be a person to whom the elector is well known.

Electoral Law (Local-level Government Elections)

Law Sec.141 (1)
Reg.Sec.14(1)

Form 7

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections

**DECLARATION AND CLAIM TO VOTE UNDER PROVISIONS OF SECTION
141(1) OF THE *ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL GOVERNMENT
ELECTIONS.***

Polling place where elector claims to vote:

_____ Ward Electorate.

I, _____(Name) of _____(Place of residence)
_____ (Occupation)

declare that –

- (1) my name appears on the certified list of voters at the above-named polling place;
- (2) I claim to vote under the provision of Section 141(1) of the Law; and
- (3) I have not previously voted in connection with the election being held, notwithstanding that a mark has been placed opposite my name on the certified list of voters to indicate that a ballot-paper has been issued to me at the polling.

Personal signature or mark of
voter.

Signed before me at _____ Polling Place_____.

Dated the _____ day of _____ 20__.

Presiding Officer.

Electoral Law (Local-level Government Elections)

Law Sec.142 (1)
Reg.Sec.14(2)

Form 8

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

Organic Law on National and Local-level Government Elections

**DECLARATION AND CLAIM TO VOTE UNDER PROVISIONS OF SECTION
142(1) OF THE ORGANIC LAW ON NATIONAL AND LOCAL-LEVEL GOVERNMENT
ELECTIONS.**

Polling place where elector claims to vote:

_____ Ward Electorate.

I, _____(Name) of _____(Place of residence)
_____ (Occupation)

declare that –

- (1) my name appears on the certified list of voters at the above-named polling place;
- (2) I claim to vote under the provision of Section 141(1) of the Law; and
- (3) I have not previously voted in connection with the election being held, notwithstanding that a mark has been placed opposite my name on the certified list of voters to indicate that a ballot-paper has been issued to me at the polling.

(Personal signature of mark of voter).

Signed before me at _____ Polling Place_____.

Dated the _____ day of _____ 20____.

Electoral Law (Local-level Government Elections)

Presiding Officer.

DATED this _____ day of _____ 20__.

DATED this _____ day of _____ 2007.

GOVERNOR-GENERAL.



No of 2007

Electoral Law (Local-level Government Elections) Regulation 2007,

ARRANGEMENT OF CLAUSES,

1. Interpretation.
2. Application.
3. Application of national election regulations.
4. Appointment of Polling Officers.
5. Electoral Roll.
6. Nomination.
7. Scrutiny.
8. Candidate poster.
9. Order of candidates on candidate poster.
10. Offences relating to candidate posters.
11. Ballot-Paper.
12. Ballot-Box.
13. Voting by post.
14. Declaration where name has been marked.
15. Forms.

SCHEDULE.

- | | |
|--------|---|
| Form 1 | Appointment of Polling Official. |
| Form 2 | Nomination of candidate for election as a member of local-level government assembly. |
| Form 3 | Withdrawal by candidate of consent to nomination |
| Form 4 | Candidate Poster. |
| Form 5 | Ballot-Paper. |
| Form 6 | Postal vote certificate. |
| Form 7 | Declaration and claim to vote under provisions of Section 141(1) of the <i>Organic Law on National and Local-level Government Elections.</i> |
| Form 8 | Declaration and claim to vote under provisions of Section 142(1) of the <i>Organic Law on National and Local-level Government Elections.</i> |