

REPUBLIC OF VANUATU

THE CONSTITUTION THIRD AMENDMENT ACT No. 20 OF 1983

Arrangement of Sections

1. Amendment.
2. Commencement.

THE CONSTITUTION THIRD AMENDMENT ACT No. 20 OF 1983

To amend the Constitution.

BE IT ENACTED by the President and Parliament as follows :-

AMENDMENT

1. The Constitution is amended by :

(a) repealing article 18 and replacing it with the following article :

"ELECTORAL COMMISSION

18. (1) There shall be an Electoral Commission consisting of a chairman and two members appointed by the President of the Republic acting in accordance with the advice of the Judicial Service Commission.

(2) The following persons shall not be qualified for appointment as chairman or member of the Commission :

(a) a member of or a candidate for election to Parliament;

(b) a member of or a candidate for election to local government or municipal councils;

(c) a member of or a candidate for election to the National Council of Chiefs;

(d) any person who exercises any position of responsibility in a political party.

(3) A chairman or a member of the Commission shall vacate his office,

(a) at the expiration of five years from the date of his appointment; or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such."

(b) adding the following new articles after article 18 :

**"PRINCIPAL ELECTORAL OFFICER**

18A. There shall be a Principal Electoral Officer who shall be a public servant.

**FUNCTIONS OF ELECTORAL COMMISSION AND PRINCIPAL ELECTORAL OFFICER**

18B. (1) The Electoral Commission shall have general responsibility for and shall supervise the registration of electors and the conduct of elections to Parliament, the National Council of Chiefs, local government and municipal councils. The Commission shall have such powers and functions relating to such registration and elections as may be prescribed by Parliament.

(2) The Principal Electoral Officer shall have such powers and functions relating to such registration and elections as may be prescribed by Parliament. The Principal Electoral Officer shall keep the Commission fully informed concerning the exercise of his functions and shall have the right to attend meetings of the Commission, and shall comply with any directions that the Commission may give to him in the exercise of his functions.

(3) Every proposed bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of Parliament, the National Council of Chief, local government and municipal councils or to the election of such members shall be referred to the Commission and to the Principal Electoral Officer at such time as shall give them sufficient opportunity to make comments on it before the bill is introduced in Parliament or, as the case may be, before the regulation or instrument is made.

(4) The Electoral Commission may lay before Parliament such reports concerning the matters under their supervision, or any draft bill or instrument that is referred to them, as they may think fit."

(c) renumbering article 32 as 32(1) and by adding the following subarticle :

'(2) When a vacancy in the office of the President of the Republic arises, election to that office shall be held within 3 weeks of the vacancy arising, or in the event of a vacancy arising when Parliament is dissolved, within 3 weeks after the first meeting of the new Parliament.'

(d) repealing article 35 and replacing it with the following :

**'SPEAKER TO ACT AS PRESIDENT**

35. (1) Whenever there is a vacancy in the office of the President of the Republic or the President is overseas or incapacitated the Speaker of Parliament shall perform the functions of President under this Constitution and any other law.

(2) When Parliament is dissolved and there is a vacancy in the office of the President of the Republic or the President is overseas or incapacitated, the Speaker of Parliament at the time of the dissolution shall perform the functions of the President of the Republic under this Constitution and any other law until a new Speaker is elected.'

**COMMENCEMENT**

This Act shall come into force on the date of its publication in the Gazette.