

PUBLIC ELECTIONS (UNIT COMMITTEES) REGULATIONS, 1997

[C.I. 18]

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[(Article 51) (18th September, 1997)]

1. Units for elections

The units specified in the third column of the First Schedule to each legislative instrument establishing a District Assembly shall be the area of the local government unit for the purpose of elections to the unit committees for the district.

2. Election of unit committees

There shall be elected from each unit ten persons who shall be members of the unit committee.

3. Qualification of candidate to unit committees

- (1) A person does not qualify to be elected to a unit committee unless that person
- (a) is a citizen of not less than eighteen years of age;
 - (b) is a registered voter;
 - (c) is ordinarily resident in the particular unit for which that person seeks election; and
 - (d) has paid all taxes and rates or made arrangements satisfactory to the appropriate authority for the payment of the taxes and rates of that person.

(2) For the purposes of paragraph (c) of subregulation (1), a person is ordinarily resident in a unit if within the four years prior to the holding of the election to the unit, that person has lived in the area of the unit for an aggregate period of not less than twelve months.

- (3) A person does not qualify to be elected to a unit committee if that person
- (a) is of unsound mind;
 - (b) has been sentenced to death or imprisonment for an offence involving fraud, dishonesty or violence or has been convicted of an offence relating to or connected with elections under an enactment in force in the Republic at any time;
 - (c) is a person against whom adverse findings have been made by a competent authority and accepted by the Government or in respect of whom an offer of reparation has been made and accepted by the Government;
 - (d) is disqualified from practising that person's profession on grounds of malpractice, fraud or dishonesty by the competent professional body; or
 - (e) is exempted from payment of basic rate under paragraph (a) of subsection (2) of section 99 of the Local Government Act, 1993 (Act 462).

(4) Despite paragraphs (b) and (c) of subregulation (3), a person qualifies to be elected to a unit committee if ten years have elapsed since the end of the sentence, the acceptance of the adverse findings, the offer of reparation or if that person is pardoned.

(5) A person shall not at any one time contest election to more than one unit committee.

4. Nomination of candidates

(1) The nomination of a candidate shall be made by a proposer and seconded by a seconder who are resident and registered to vote in the unit.

(2) A candidate for election to a unit committee shall be nominated on a nomination form provided by the Commission.

(3) The nomination form shall be witnessed by the signature or mark of eight persons who are resident and registered to vote in the unit.

(4) The form shall be delivered by the candidate or the proposer to the district returning officer of the Commission on a date and time directed by the Commission.

(5) A registered voter shall not propose, second or witness the nomination of more than one person.

5. Qualification to vote

A voter registered in the unit is entitled to vote at the elections.

6. Mode of elections

(1) The unit committee elections shall be held by secret ballot.

(2) Voting shall take place in all units on a day and at the places and times specified by the Electoral Commission.

(3) A voter shall not thumbprint on the ballot paper for more than ten candidates.

7. Candidates to stand as individuals

(1) A candidate seeking election to a unit committee shall not

- (a) be presented to the electorate otherwise than as an individual;
- (b) use a platform which has not been mounted by the Commission for promoting or canvassing the election;
- (c) be required to make a deposit to the Commission.

(2) Despite subregulation (1) (b), a candidate may canvass for election from house to house.

8. Candidate not to use political party symbols

A candidate seeking election to a unit committee

- (a) shall not use the name, motto or symbol of a political party or an organisation; and
- (b) shall not solicit or accept the assistance of a political party in connection with the organisation of the elections.

9. Penalty

A candidate who contravenes a provision of regulation 7 or 8 commits an offence and on summary conviction the Commission shall cancel the nomination of that candidate.

10. Unauthorised platform mounting

(1) A person shall not mount a platform or cause a platform to be mounted for the purpose of promoting or canvassing for the election of a candidate to a unit committee unless the Commission has so authorised.

(2) A person who contravenes a provision of subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred penalty units or to a term of imprisonment not exceeding six months or to both the fine and the imprisonment.

(3) A political party or an organisation shall not mount a platform or cause a platform to be mounted for the purpose of supporting or not supporting the election of a candidate to a unit committee.

(4) A political party or an organisation which contravenes subregulation (3) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.

11. No political party sponsorship

(1) A political party or an organisation

- (a) shall not endorse or sponsor;
- (b) shall not canvass for votes for; and
- (c) shall not in any manner campaign for or against a candidate seeking election to a unit committee.

(2) A political party or an organisation which contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine not exceeding two hundred and fifty penalty units.

12. Returning officers

(1) The Commission shall appoint for each district a returning officer and deputy returning officers who shall be referred to as "returning officers".

(2) The returning officers shall, under the direct supervision of the Commission,

- (a) receive the nominations of candidates;
- (b) verify the qualifications and any other particulars of candidates;
- (c) create or cause to be created platforms for the candidates to present themselves;
- (d) appoint a presiding officer and the number of polling assistants that may be required for each polling station;
- (e) keep proper custody of election materials; and
- (f) perform any other functions that may be required for the conduct and supervision of unit committee elections.

13. Declaration of election results

The first ten candidates who obtain the highest number of votes cast shall be declared elected to the unit committee.

14. Elected candidates

The Commission shall communicate the names of the persons elected to the secretary of the District Assembly, the Minister responsible for local government and the regional co-ordinator.

15. Application of electoral laws

The Public Elections Regulations, 1996 (C.I. 15) and any other law applicable to public elections shall apply except where otherwise provided in these Regulations, to the unit committee elections with the necessary modifications.

16. Interpretation

In these Regulations, unless the context otherwise requires,

“**Commission**” means the Electoral Commission established by article 43 of the Constitution;

“**mount a platform**” means to create a forum or an opportunity for a candidate or the programmes of that candidate to be presented personally or otherwise to the electorate to answer questions for the purpose of local government elections.

17. Revocation

*Omitted.*¹

[Date of Gazette notification: 18th September, 1997]

1. Regulation 17 revoked by the Public Elections (Unit Committee) Regulations, 1995 (C.I. 10).