GOVERNMENT OF FIJI GAZETTE SUPPLEMENT

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[LEGAL NOTICE NO. 97]

ELECTORAL ACT 2014

Electoral (Local Government Elections) Regulations 2025

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SCHEDULE—BALLOT PAPER FOR THE ELECTION OF MEMBERS OF MUNICIPAL COUNCILS

IN exercise of the powers conferred on me by section 154 of the Electoral Act 2014, I hereby make these Regulations—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) These Regulations may be cited as the Electoral (Local Government Elections) Regulations 2025.

(2) These Regulations come into force on the date of publication in the Gazette.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"Act" means the Electoral Act 2014;

"alternative voting" means any form of voting that is not carried out at a polling station on the polling day, and includes methods such early voting;

"assisted voter" means a voter who is provided assistance in casting his or her vote in accordance with regulation 64, and "assisted voting" has a similar meaning;

"ballot paper" or "ballot" means the paper in the form prescribed in the Schedule and which is used by a voter to cast his or her vote in an election;

"by-election" has the meaning given in section 2 of the Local Government Act 1972;

"campaign period" means the period specified in regulation 96, and as may be extended under regulation 54;

"campaign rules" means the rules prescribed in regulation 103;

"candidate list" means the list of candidates for an election, prepared under regulation 42;

"category A offence" or "category B offence" means an offence for which the penalty is prescribed in regulation 125;

"code of conduct" means the code of conduct established by the Supervisor;

"Council" has the same meaning under section 2 of the Local Government Act 1972;

"discarded ballot paper" means a ballot paper that has been issued to a voter and that has been left unattended in the polling venue but has not been deposited in the ballot box by the voter;

"election" has the meaning given in section 2 of the Local Government Act 1972;

"election expenditure" means funds expended and expenses incurred by political parties and candidates for the purpose of promoting candidates or political parties at an election or otherwise related to campaigning at an election;

"election income" means income or funding derived from the sale of merchandise and campaign material sold by political parties or candidates for the purposes of promoting candidates or political parties at an election or otherwise related to campaigning at an election;

"election official" includes the Supervisor and any persons appointed by the Supervisor under the Act or these Regulations;

"Electoral Commission" means the Commission established or continued under section 75 of the Constitution of the Republic of Fiji;

"electoral sub-offices" means those offices of the Fijian Elections Office which are set up under the Act in electoral divisions outside Suva;

"early voting" means the conduct of voting prior to polling day at early voting polling stations established in hospitals, long-term care facilities, pre-trial detention centres, prisons and any other location approved by the Electoral Commission, in accordance with regulation 47(6);

"early voting polling venue" means a polling venue established for the conduct of early voting;

"invalid ballot paper" means a ballot paper that is invalid under regulation 80;

"local government election" means an election to elect councillors of municipalities in the Republic of Fiji;

"Local Government Register of Voters" has the meaning given in section 2 of the Local Government Act 1972;

"media" or "media organisation"

"Municipal Results Tally" means the tally form prepared by the Supervisor under regulation 91;

"municipality" has the meaning given in section 2 of the Local Government Act 1972;

"National Register of Voters" has the meaning given in section 2 of the Electoral (Registration of Voters) Act 2012;

"nomination period" means the period in relation to an election, between the date that nominations open and close as specified in the writ and notified by the Supervisor under regulation 28;

"Official Municipal Results Tally" means the form setting out the official tally prepared by the Supervisor under regulation 91;

"place of nomination" in relation to an election, means the place designated for the receipt of nominations of candidates for the election and notified by the Supervisor under regulation 28;

"political party" means a political party registered under the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013;

"polling" means the casting of votes on polling day or a date determined and approved by the Electoral Commission under regulation 52 or following an adjournment of polling under regulation 53, and includes the casting of votes through alternative voting methods;

"polling day" means the day prescribed by the Electoral Commission in the writ for polling to take place in an election, or the polling day prescribed by the Electoral Commission under regulation 54 following an adjournment of the local government election;

"polling agent" means a person appointed pursuant to regulation 51 as a polling agent by an independent candidate or a political party;

"polling station" means a building, structure , vehicle, vessel or enclosure, or a part of a building, structure, vehicle, vessel or enclosure, which is identified pursuant to regulation 47 for the purpose of taking votes during polling;

"polling venue" means a location that has one or more polling stations at the location;

"presiding officer" means any person appointed under regulation 48 to perform the duties of a presiding officer at a polling station;

"protocol of results" means the form which records the number of votes cast for each candidate at a polling station;

"publish" means to make available to the public in whatever form and by whatever means, including broadcasting by wireless telegraphy and or transmission on the Internet, and "published" and "publication" have a similar meaning;

"public office" and "public officer" have the meanings given in section 2 of the Local Government Act 1972;

"qualified person" means a person who has a right, in accordance with section 11 of the Local Government Act 1972, to be registered as a voter, and entered on the Local Government Register of Voters, for the ward and municipality where he or she is a resident;

"Register" means the Local Government Register of Voters established under regulation11;

"residential address" means the address where a person is a resident;

"spoiled ballot paper" means a ballot paper referred to in regulation 63;

"Supervisor" means the Supervisor of Elections appointed under section 76 of the Constitution of the Republic of Fiji;

"tendered ballot" or "tendered ballot paper" means a ballot paper referred to in regulation 62;

"town clerk" has the meaning given in section 2 of the Local Government Act 1972;

"unforeseen event" includes—

(a) Whether the event is imminent or not, any storm, tempest, flood, or any other natural disaster, riot or open violence, and pandemic; and

(b) any other circumstances that in the opinion of the Supervisor and the Electoral Commission impede the ability to conduct polling, such as, but not limited to, structural damage to polling premises, inability to access polling premises, loss of electricity, insufficient material or human resources to conduct polling;

"voter" means a qualified person whose name has been entered in the Register;

"voter card" has the same meaning given in section 2 of Electoral (Registration of Voters) Act 2012;

"voter number" means a unique identification number assigned to every voter in the National Register of Voters;

"voter registration period" means the registration period set out in regulation 6;

"ward" has the meaning given in section 2 of the Local Government Act 1972; and

"writ" means a formal written order made by the Electoral Commission for an election in a municipality.

(2) Where in these Regulations a person or political party is required to send or deliver any document to the Electoral Commission or the Supervisor, subject to these Regulations, it is sufficient for the person or party to send or deliver the document to any person or location, or by way of any platform, that has been approved and published by the Electoral Commission or the Supervisor as the case may be, for the receipt of such document.

Application

3. These Regulations govern the election of councillors for municipalities.

Objective

4. These Regulations provide for the conduct of local government elections in municipalities within the Republic of Fiji, as provided for under the Local Government Act 1972.

Local Government electoral administration

5.—(1) Elections must be conducted and administered by the Electoral Commission and the Fijian Elections Office, as set out in the Local Government Act 1972 and these Regulations.

(2) Subject to regulation 27(4), and except for during the period between the first day on which the writs for a local government election are issued and the day on which the last of those writs is returned, the Electoral Commission may in consultation with the Supervisor, extend for a reasonable period, any timeframes set out in these Regulations for a voter, the Supervisor, or the Electoral Commission to complete any action under these Regulations.

(3) If a timeframe is extended in accordance with subregulation (2), the Electoral Commission must—

(a) provide written notice of the extended timeframe to any party involved in the activity; and

(b) if the activity applies to voters in general, the Electoral Commission must publish a notice of the extended timeframe on the Fijian Elections Office website and on any other forms of media, and in one or more locations in each municipality.

(4) For the avoidance of doubt, Part 2 of the Electoral Act 2014 may apply *mutatis mutandis* to these Regulations, except for the following provisions that do not apply—

(a) section 3(1)*(h)*, which pertains to the making of Rules; and

(b) section 6(1B) and 6(1C), which pertain to the powers of the Supervisor and associated offence.

Assistance of municipal councils

6. Without limiting section 13(5) of the Local Government Act 1972, a municipal council must, at any time during the electoral cycle, provide any forms of assistance required by the Supervisor, including the following—

(a) the publication of notices at one or more locations within the municipality;

(b) the display the Register within the municipality;

(c) voter education and awareness activities;

(d) the provision of appropriate facilities to facilitate the conduct of the nominations process for an election;

(e) the provision of appropriate facilities to facilitate alternative forms of voting within the municipality; and

(f) the designation of personnel to assist with the enforcement of campaign restrictions during polling, including during the early voting period.

PART 2—REGISTRATION OF VOTERS

Registration of voters

7. The Supervisor must, at least once a year publish on the Fijian Elections Office website and on any other forms of media, and in one or more locations in each municipality, a notice calling on every qualified person who has not been registered as a voter to apply for registration.

Voter registration period

8. For the purpose of these Regulations, the voter registration period is—

(a) in respect of the first local government elections conducted under these Regulations, the period determined by the Electoral Commission to the date and time specified in the writ for when the Register is to close;

(b) in respect of any other local government election, unless the Supervisor announces an earlier commencement date, the period from and including 30 days after the date of the return of the writs for the previous local government election, to the date and time specified in the writs for the following local government election as the time the Register is to close; and

(c) in respect of a by-election, or a Local Government election for a municipality, the voter registration period for that municipality ceases at the time specified in the writ for the by-election or election for the municipality that the Register is to close and recommences on the date the writ for that by-election or election within the municipality is returned.

Application for voter registration

9.—(1) A qualified person may make an application for registration as a voter in the Register within the voter registration period.

(2) The application must be made to the Supervisor and must record the qualified persons—

(a) full name as it appears on the voter card;

(b) date of birth;

(c) current residential address;

(d) period the qualified person has resided at that address in subparagraph *(c)*;

(e) voter card number;

(f) any other particulars as may be approved and published by the Supervisor; and

(g) a declaration by the qualified person to the truthfulness of the information contained in the application.

(3) The application for voter registration must be made in the form approved by the Supervisor and must be accompanied by a qualified person's voter card.

(4) The Supervisor may reject an application that is not completed in accordance with this regulation.

Effect of voter registration

10. Any qualified person who has applied in accordance with this Part for registration as a voter and whose application has not been rejected, must be registered as a voter from the date his or her name is entered in the Register under section 11 of the Local Government Act 1972.

Local Government Register of Voters

11.—(1) This regulation establishes the Local Government Register of Voters.

(2) The Register—

(a) must include the full name, date of birth, residential address, municipality and ward of each voter, arranged alphabetically according to a voter's last name;

(b) may include any other information about the voter that is recorded in the National Register of Voters; and

(c) may, at the discretion of the Supervisor, be established alongside the National Register of Voters or established as a separate register.

Preparation of the Register

12.—(1) The Supervisor must ensure that the particulars of any person who successfully registers as a voter under this Part are entered in the Register.

(2) Before the entry of the person's particulars in the Register—

(a) the Supervisor may make any enquiries necessary to satisfy himself or herself that the person is qualified to be registered as a voter; and

(b) if the Supervisor is not satisfied, the Supervisor must not enter the person's name in the Register and must notify him or her of the reason of the decision in writing.

(3) The Supervisor must issue a confirmation of registration and the designated polling venue to the person referred to under subregulation (1).

Manipulation of Register and its database

13. Any person who without the authority of the Supervisor, alters, interferes with or manipulates any information contained in or obtained from the Register or any other Local Government Registered Voters database commits a category A offence.

Information to be made available to voter

14. The Supervisor must ensure that any voter information in the Register is made available to the voter by any means as the Supervisor considers necessary or convenient to enable the voter to verify his or her information in the Register.

Publication of Register

15.—(1) The Supervisor must, at least on an annual basis—

(a) publish the Register in the form and manner approved by the Electoral Commission;

(b) make available for inspection at each of the Fijian Elections Office and each municipal council office, the portion of the Register for that municipality; and

(c) broadcast the date and location that the Register will be published and made available for inspection and the right to object under regulation 18.

(2) A political party or candidate may, on the payment of a fee approved by the Electoral Commission, obtain a copy of the Register for one or more wards.

(3) Any person, upon request to the Supervisor, may inspect and obtain a copy of the particulars of any voter in the Register for the purpose of completing a form, application or objection, in relation to the registration of a voter under these Regulations.

(4) A copy of any particulars obtained from the Register in subregulation (3) must not be reproduced.

(5) Any person who breaches subregulation (4) commits a category B offence.

Revision of Register

16. The Supervisor may revise the Register to—

(a) correct the particulars of registration of a person;

(b) record, upon the application of a registered voter, a change to his or her particulars;

(c) remove the name of any person that has died or has otherwise ceased to qualify as a voter under section 11 of the Local Government Act 1972;

(d) remove a duplicate entry;

(e) remove the name of any person who, on an inquiry made at the last residential address for that person cannot be found;

(f) reinstate any name removed by mistake, clerical error or false information;

(g) amend the residential address if the name of a street or any other part of a residential address that appears on the Register is changed;

(h) reflect any changes made to municipal or ward boundaries;

(i) amend any information in the Register that is inconsistent with the National Register of Voters;

(j) remove any voter registration obtained by fraudulent means or by providing incorrect details required by the Supervisor to successfully register an eligible voter; or

(k) remove any voter whose name has otherwise been removed from the National Register of Voters.

Removal from Register

17.—(1) If a person's name and other information are to be removed from the Register for any reasons, except under regulation 16*(k)* or upon a decision of the Electoral Commission under regulation 19, the Supervisor—

(a) must notify the person of that intention by sending a notice of the proposed removal to the person's last known residential address which states—

(i) the Supervisor's intention to remove the person's name from the Register;

(ii) the reason for the removal; and

(iii) the time within which the voter must respond in writing which is at least 3 days after the date of the notice; and

(b) may make any other enquiries the Supervisor considers reasonable in the circumstances.

(2) If the person referred to in subregulation (1) believes his or her name must remain in the Register, he or she must, within the timeframe set out in the notice, provide a written response to the Supervisor of the reasons why his or her name and other information must remain in Register.

(3) If the Supervisor is not satisfied with the reasons provided under subregulation (2), or if the person fails to provide a written response within the timeframe specified, the Supervisor may remove the person's name and other information from the Register and provide written notice of his or her decision to the person.

(4) The Supervisor must, at least once a year publish on the Fijian Elections Office website and on any other forms of media, and in one or more locations in each municipality a notice of the list and voter number of people whose names have been removed from the Register, and broadcast on radio the date and location where the notices are available for inspection.

Objections to inclusion in Register of Voters

18.—(1) A person whose name appears in the Register for a municipality may make an objection to the inclusion of the name of any other person on the Register for that municipality.

(2) An objection made under subregulation (1) must—

(a) be made in the form approved by the Supervisor;

(b) contain a declaration made by the objector stating that the objector has made a conscientious effort to determine that the facts are true to the best of his or her knowledge and belief; and

(c) be delivered to the Supervisor in the form and manner approved by the Supervisor.

(3) Where a writ for an election has been issued, the Supervisor must not accept any objection in respect of the municipality the election is for, if it is made after the date specified in the writ on which the period for objections is to close.

(4) If an objection is accepted under this regulation, the Supervisor must make such enquiries as he or she may deem necessary.

(5) Subject to subregulation (6), the Supervisor must dismiss the objection and notify the objector and the voter in writing of his or her decision with reasons if—

(a) an objection does not comply with subregulation (2); or

(b) the Supervisor considers that the objection is frivolous.

(6) The Supervisor must not dismiss an objection solely on the ground that the objection does not comply with subregulation (2)*(a)* if the Supervisor is satisfied with the identity of the objector and the voter.

(7) If an objection is not dismissed under subregulation (5), the Supervisor must—

(a) send a notice by registered post or by personal service requiring the voter to respond to the objection; and

(b) state the time, which must be at least 3 days after the date of the notice, within which the voter must respond to the objection either in person or in writing.

(8) If the voter does not respond to the objection within the timeframe specified by the Supervisor under subregulation (7), the Supervisor must proceed to deal with the objection and may either dismiss or uphold the objection.

(9) The Supervisor must either uphold or dismiss an objection within 7 days from the date the objection is delivered to him or her.

(10) If an objection is upheld, the Supervisor must notify the objector and the voter in writing and remove the voter's name and other information from the Register.

(11) If the objection is upheld in the period between the date specified in the writ for the closure of the Register and the first polling day in the municipality, the name and other information of the voter must be entered in the list of post-register deletions.

Electoral Commission review of decision of Supervisor on voter registration

19.—(1) This regulation applies to any application made under regulation 20 or 21 for review of a decision of the Supervisor.

(2) On receipt of an application under regulation 20 or 21 the Electoral Commission must—

(a) give written notice of the application to the Supervisor; and

(b) in relation to applications made under regulation 20, give written notice to either the objector or the voter who is not the applicant and provide them with an opportunity to respond to the application within such time, subject to subregulation (3), as determined by the Electoral Commission.

(3) The Electoral Commission must, within 3 days of the receipt of an application, review the decision in question and provide a decision in writing either—

(a) affirming the decision; or

(b) setting aside the decision and making a substitute decision in accordance with the Local Government Act 1972 and these Regulations.

(4) The consideration and adjudication of an application by the Electoral Commission must respect the fundamental principle of due process, including the right to a fair hearing, at which relevant evidence in support and in response to the application may be submitted.

(5) The Electoral Commission must notify the voter and the Supervisor, and where relevant the objector in writing of its decision, including the reason for the decision.

(6) The decision of the Electoral Commission under this regulation is final and is not subject to any further appeal to, or review by, any court, tribunal or any other adjudicating body.

Review of decision of Supervisor on objection to inclusion in the Register

20.—(1) If an objector or voter is dissatisfied with the decision of the Supervisor on an objection to the inclusion of a voter in the Register, the objector or the voter must, within 3 days from the date of receipt of the Supervisor's decision, apply in writing to the Electoral Commission for a review of the decision.

(2) An application for the review under subregulation (1) must state the reason for the application.

Review of decision of Supervisor to not register a person or to remove his or her name from the Register

21.—(1) Any person—

(a) who makes an application for registration as a voter before the date and time specified in the writ for the close of the Register, and whose name is not entered in the Register in accordance with regulation 10; or

(b) whose name is removed from the Register under regulation 17,

may, within 3 days from the date of receipt of the Supervisor's decision, apply in writing to the Electoral Commission for a review of the decision.

(2) An application for review under subregulation (1) must state the reason for the application.

Date of closure of Register

22.—(1) The Register must be closed—

(a) subject to regulation 16 and subregulation (2), on the date and time specified in the writ for a local government election and no name must be entered into it after such day until the beginning of the following voter registration period;

(b) where a writ is issued for a by-election or an election for a municipality, the Register must be closed only in respect of the municipality the by-election or municipal election is for; and

(c) for the periods that the National Register of Voters is closed under the Electoral Act 2014.

(2) Notwithstanding subregulation (1), where required to give effect to any decision of the Electoral Commission under regulation 19, the Supervisor must amend the Register accordingly and, if the Register has already closed under subregulation (1), the Supervisor must—

(a) enter or remove from the Register the name and other information of the voter;

(b) enter that information in the list of post-register additions or the list of post-register deletions; and

(c) notify the voter in writing of the change.

False or invalid document in connection with voter registration

23. The Supervisor may take possession of any document produced to the Supervisor in connection with voter registration if the Supervisor reasonably suspects that the document is false or invalid.

Non-disclosure of information

24.—(1) The Supervisor or any person employed by the Fijian Elections Office must not disclose any information in relation to the registration of a person unless the disclosure is required by a court of law or under any other written law.

(2) Subregulation (1) does not apply to the publication by the Supervisor or the Fijian Elections Office of the Register or any other document prescribed by these Regulations.

(3) For the avoidance of doubt, these Regulations prescribe the minimum publication requirements, and the Supervisor may authorise such publications at additional locations or during additional periods.

(4) The Supervisor or any person employed by the Fijian Elections Office who contravenes this regulation commits a category B offence.

PART 3—CONDUCT OF ELECTIONS

Division 1—Writ and vacancies in councils

Writ

25.—(1) The Electoral Commission must issue a writ to the Supervisor for every local government election and provide a copy to the Minister and the Minister responsible for local government.

(2) The polling day for a local government election must be on a day determined by the Electoral Commission.

(3) The Electoral Commission must, prior to issuing any writ—

(a) consult with the Supervisor, the municipal councils, and the Minister of Local Government regarding practicable timeframes for the conduct of the election; and

(b) to the extent practicable, consider potential timing for the conduct of any pending election for members of Parliament.

Vacancy in municipal council

26.—(1) Where the seat of a member of a Council has become vacant under section 15A(3) of the Local Government Act 1972, the Council must promptly forward a copy of the notice of the vacancy to the Electoral Commission.

(2) The Electoral Commission must, subject to subregulations (3) and (4), promptly provide a copy of the notice referred to in subregulation (1) to the Supervisor and must, within 28 days from the date of the vacancy issue a writ to fill the vacancy.

(3) A writ must not be issued until the expiry of the 7 day period prescribed in section 15A(6) of the Local Government Act 1972 and, if an application is made to the Electoral Commission within that period, a writ must not be issued until the Electoral Commission has made its determination on the application.

(4) If an application is received under section 15A(6) of the Local Government Act 1972, the Electoral Commission must—

(a) notify the Supervisor and the chief executive officer of the relevant Council, and make a decision on the application as soon as practicable;

(b) consider and adjudicate on the application with regard to the fundamental principles of due process, including the right to a fair hearing, at which relevant evidence in support and in response to must be submitted; and

(c) upon making a decision on the application immediately notify its decision with written reasons to the applicant, the Supervisor, and the chief executive officer of the Council;

(5) The decision of the Electoral Commission is final and is not subject to any further appeal or review by any court, tribunal or any other adjudicating body.

(6) Where on an application under section 15A (6) of the Local Government Act 1972 the Electoral Commission declares that the seat has not become vacant, no writ must be issued.

Requirement for writ

27.—(1) The Electoral Commission must forward the writ for every local government election to the Supervisor who must, within 7 days of receiving the writ—

(a) publish a copy of the writ on the Fijian Elections Office website and in one or more locations in the municipality named in the writ; and

(b) broadcast on radio the date on which the poll will be held for the local government election or by-election, the other dates specified in the writ, and the dates and locations the publications will be available for inspection.

(2) The writ must specify the municipality the election is for, or the ward or wards within a municipality that one or more by-elections are for.

(3) Subject to subregulations (4) and (5), every writ must specify, in relation to the municipality the local government election is for—

(a) the date and time of the close of the Register, which must be not less than one day or more than 60 days after the issue of the writ;

(b) the date on which the Register is to be published, which must be not less than 7 days after the close of that Register;

(c) the date on which the publication of the Register ceases, which must be not less than 7 days after that publication commenced;

(d) the date on which the period for objections to inclusion on the Register closes, which must be the day on which the publication of the Register ceases;

(e) date and time on which nominations of candidates for the election open, which must be not less than 14 days after the publication of the Register ceases;

(f) date and time which nominations for candidates close, which must be not less than 14 days after nominations opened;

(g) number of members of a Council for each ward to be returned at the election;

(h) date on which the poll will be held if the election is contested, which must be a Saturday and must be not less than 32 days and not more than 40 days after nominations for candidates close; and

(i) date on or before which the writ is returnable to the Electoral Commission, which must be not less than 21 days and not more than 28 days after the date the poll is to be held.

(4) Where adhering to the timeframes set out in subregulation (3) may result in failure to comply with any mandatory statutory timeframe for the election of any councillor or councillors to any municipality—

(a) the Electoral Commission may, in consultation with the Supervisor, reduce any of the minimum timeframes set out in subregulation (3) in relation to the content of the writ for that election; and

(b) in such circumstances, to the extent practicable, priority should be given to minimising the impact on voters and candidates as a result of any such reduced timeframes.

(5) Subject to any mandatory statutory timeframe for when the local government elections are to be held, the writ for the election in each municipality must specify the same date and time for the matters set out in subregulation (3).

Division 2—Nomination

Notice of nomination

28. The Supervisor must, upon receipt of a writ for an election, publish on the Fijian Elections Office website and in one or more locations in the municipality named in the writ, and broadcast on radio, a notice setting out—

(a) the nomination period;

(b) the place of nomination, which—

(i) for a local government election, must include the Fijian Elections Office in Suva and electoral divisional offices, and any other place designated by the Supervisor; and

(ii) for an election for a municipality or a by-election, must be either the nearest electoral divisional office or the Council, if neither of those offices is practicable, any other place within or near to the municipality as designated by the Supervisor; and

(c) information as to where nomination forms will be available, which must include the places of nomination and the website of the Fijian Elections Office.

Candidate nomination

29.—(1) A person who intends to stand as a candidate in a local government election, whether as an independent candidate or as a party candidate, must—

(a) meet the eligibility criteria for candidates for election to a Council set out under section 10 of the Local Government Act 1972; and

(b) be duly nominated in writing on a nomination paper in the form approved by the Electoral Commission.

(2) The nomination paper must specify the municipality and ward the candidate is being nominated for, and set out the following details of the candidate—

(a) full name as it appears on the candidate's voter card;

(b) where the candidate intends to use an alternative first name that they are commonly known by on the ballot paper, that alternative name;

(c) residential address;

(d) occupation;

(e) voter number;

(f) whether the person is standing as an independent candidate or a party candidate; and

(g) if the person is standing as a party candidate, the name of the political party.

(3) The nomination paper must be accompanied by a recent photograph of the candidate, which must comply with such requirements as approved by the Supervisor.

(4) A nomination of a candidate is not valid unless the candidate indicates his or her consent by signing the nomination paper and making a declaration on the nomination paper that—

(a) to the best of his or her knowledge and belief, he or she is qualified under the Local Government Act 1972 and these Regulations to be elected as a member of the Council in the election to which the nomination relates;

(b) he or she is not, and does not intend to be, nominated as a candidate for election by any other political party in the election to which the nomination relates; and

(c) he or she is not, and does not intend to be, nominated as a candidate for election in any other ward in the election to which the nomination relates.

(5) The nomination for a candidate to an election which the nomination relates, is invalid if the person is nominated —

(a) as an independent candidate and as a party candidate;

(b) as a candidate in more than one ward; or

(c) by more than one political party.

Nomination of independent candidates

30.—(1) In the nomination paper, an independent candidate must specify a place within Fiji as his or her address for service.

(2) Delivery of any notice, claim, writ of summons, petition or any other document addressed to the candidate at the place specified in subregulation (1) is deemed to be service on the candidate of the document.

(3) A nomination of an independent candidate is not valid unless it is accompanied by a—

(a) fee of $200 in legal tender; and

(b) statement of demonstrated support in the form approved by the Supervisor.

(4) A statement of demonstrated support for an independent candidate must—

(a) contain the signatures of at least 8 voters registered in the ward to which the nomination pertains; and

(b) contain the full name, residential address, occupation and voter number of each supporter.

(5) Where a candidate has chosen to use an alternative first name under regulation 29(2) *(b)*, the statement of demonstrated support must attest to the candidate being commonly known by that name.

(6) If an independent candidate wishes to use a symbol on the ballot paper—

(a) the candidate must provide a copy of the symbol in a format specified and approved by the Supervisor; and

(b) the symbol must not be —

(i) offensive;

(ii) of a political party, or a symbol reserved by a political party under the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 and which has not yet been refused under that Act; or

(iii) must not so nearly resemble such symbol that it is likely to be confused with or mistaken for the symbol of that party.

(7) If the Supervisor refuses the symbol for any of the reasons set out in this subregulation, that refusal does not invalidate the candidate's nomination.

(8) The nomination paper and accompanying deposit, recent photograph, statement of support, and symbol, if any, must be delivered to the Supervisor by the candidate, or by a person appointed by the candidate in writing, at the place of nomination, by the close of nominations for the election.

Nomination of party candidates

31.—(1) Only political parties registered in accordance with the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 may nominate party candidates for an election, and must do so in accordance with this regulation.

(2) A political party that intends to nominate one or more party candidates in an election must provide a party list for each ward signed by the president and the registered officer of the political party that—

(a) is set out in the form approved by the Supervisor;

(b) includes the name of each candidate the party nominates for the ward, including any alternative first name under regulation 29(2)*(b)* which the president and the registered officer of the political party must attest to, and must be arranged in alphabetical order by surname; and

(c) specifies the municipality and ward that each candidate is being nominated for; and.

(3) A nomination of a party candidate by a political party is not valid unless it is accompanied by—

(a) a deposit of $200 in legal tender for each party candidate on the party list of the political party; and

(b) a nomination form, photo and accompanying declaration specifying the candidate is standing as a candidate for that party, completed by the candidate.

(4) When a party list is delivered to the Supervisor in accordance with subregulation (5), the inclusion of a person as a party candidate on a party list of a political party is deemed to be a nomination made by that person for the purposes of the Local Government Act 1972, these Regulations and any other written law.

(5) The party list of a political party must be delivered to the Supervisor with the accompanying deposit, candidate nomination form and a recent photo, during the time appointed for receiving nomination, either—

(a) at each place of nomination; or

(b) at an office of the Fijian Elections Office designated by the Supervisor to receive the party list for a political party in relation to a local government election or a by-election.

Acceptance or rejection of nomination

32.—(1) A nomination must not be rejected because of any defect or error in the nomination if the Supervisor is satisfied that the provisions of this Part have been substantially complied with.

(2) The Supervisor is entitled to satisfy himself or herself, after making any enquiry he or she considers appropriate, that a candidate is duly nominated.

(3) Once the Supervisor has decided to accept a nomination as valid, or to not accept a nomination because it is invalid, the Supervisor must immediately notify the candidate and any nominating political party of his or her decision with written reasons.

(4) If the Supervisor rejects a party candidate nomination, the Supervisor must strike the name of that person from the party list and add a note of the reason.

Withdrawal of candidacy

33.—(1) A candidate, whether a party candidate or independent candidate, may withdraw his or her nomination once it has been accepted by the Supervisor.

(2) A withdrawal under subregulation (1) must be done by giving notice in writing to the Supervisor before 12.00 pm on the day following the close of nominations for the election, after which a candidate may not withdraw.

Nominations to be published

34. The Supervisor, within 2 days following the close of nominations for the election, must—

(a) publish at each place of nomination for the election and on the Fijian Elections Office website a copy of the nomination paper including the statement of demonstrated support for each independent candidate and the lists of party candidates whose nominations have been accepted by the Supervisor;

(b) publish in one or more locations in each municipality a copy of the nomination paper including the statement of demonstrated support for each independent candidate and the lists of party candidates nominated for the municipality; and

(c) broadcast on radio the dates and locations the publications will be available for inspection.

Electoral Commission review of decisions of Supervisor on nominations

35.—(1) This regulation applies to any application, whether an objection or an appeal, made under regulation 36 or 37 for the review of a decision of the Supervisor on the nomination of a candidate.

(2) On receipt of an application under regulation 36 or 37 the Electoral Commission must—

(a) give written notice of the application to the Supervisor, and an opportunity for the Supervisor to respond to the application; and

(b) in relation to objections made under regulation 36, give written notice to the candidate whose nomination is being objected to and provide the candidate with an opportunity to respond to the objection within such time, subject to subregulation (3) as determined by the Electoral Commission.

(3) The Electoral Commission must within 3 days of the receipt of an application, review the decision in question and provide a decision in writing either—

(a) affirming the decision; or

(b) setting aside the decision and making a substitute decision in accordance with the Local Government Act 1972 and these Regulations.

(4) The consideration and adjudication of an application by the Electoral Commission must respect the fundamental principle of due process, including the right to a fair hearing, at which relevant evidence in support and in response to the application may be submitted.

(5) Upon making the decision on the application, the Electoral Commission must immediately notify the candidate and the Supervisor, and where relevant the objector, in writing of its decision with reasons.

(6) If the Electoral Commission sets aside the decision of the Supervisor in accordance with subregulation (3)*(b)*, the fee paid with the application under regulation 36 or 37 must be refunded to the applicant.

(7) The decision of the Electoral Commission under this regulation is final and is not subject to any further appeal to, or review by, any court, tribunal or any other adjudicating body.

Objections to nomination

36.—(1) A person who is a registered voter in a municipality may object to the nomination of any candidate for that municipality on the ground that the nomination of the candidate as an independent candidate or as a party candidate does not comply with the requirements of the Local Government Act 1972 and these Regulations.

(2) An objection under subregulation (1) must be in writing and must—

(a) set out the full name of the candidate as it appears in the nomination form, and the ward and municipality they are nominated for;

(b) set out the full name as it appears on the voter card, the address and the voter number, of the person objecting;

(c) set out the ground or grounds of the objection;

(d) set out the facts giving rise to the ground or grounds of the objection;

(e) contain a declaration that the person objecting has made a conscientious effort to ascertain the truth of those facts and that they are true to the best of his or her knowledge and belief; and

(f) be accompanied by a fee of $50.

(3) An objection must be delivered or sent by the person objecting, to the Electoral Commission, before 4.00 pm on the third day following the close of nominations for the election.

Appeal on nominations

37.—(1) Any person who has applied for nomination as an independent candidate or as a party candidate on a party list, may lodge an application to the Electoral Commission for a review of the decision of the Supervisor, if his or her nomination has not been accepted by the Supervisor.

(2) An application under subregulation (1) must be in writing and must set out the following particulars—

(a) the full name of the candidate as it appears in the nomination form;

(b) the ward and municipality he or she is nominated for;

(c) the ground for appeal; and

(d) the facts giving rise to the ground for appeal.

(3) The appeal application must be delivered or sent to the Electoral Commission, before 4.00 pm on the third day following the close of nominations for the election and be accompanied by a fee of $50.

Disqualification of candidate after nomination

38. —(1) This regulation applies to the powers of the Electoral Commission to disqualify a candidate under section 10A of the Local Government Act 1972.

(2) The Electoral Commission, before disqualifying a candidate under subregulation (1) must provide him or her with—

(a) a notice setting out the reasons for the proposed disqualification; and

(b) the opportunity to respond to the notice within a reasonable time as determined by the Electoral Commission.

(3) The consideration and adjudication of a candidate disqualification must respect the fundamental principle of due process, including the right to a fair hearing, at which relevant evidence in support and in response to the application must be submitted.

(4) The decision of the Electoral Commission on the disqualification is to be made as soon as practicable, and must not be issued on or after polling day.

(5) Upon making the decision on the disqualification, the Electoral Commission must immediately notify the candidate and the Supervisor, in writing of its decision with reasons.

(6) In the event that the Electoral Commission has not reached its decision by polling day, the Electoral Commission must notify the Supervisor and the candidate that no decision has been made, and the candidate has not been disqualified.

Termination of candidacy or death of candidate

39.—(1) This Regulation applies to the termination of a candidate nomination or the removal of a candidate from any list due to—

(a) the withdrawal of the candidate's nomination under regulation 33;

(b) the occurrence of any of the circumstances set out in regulation 40(3); or

(c) the candidate dies, before the declaration of the election results under regulation 92, and the Supervisor has notice of the death before the declaration of results of the election under regulation 92.

(2) Where subregulation (1) applies—

(a) no new nomination to replace any such candidate may be made after the close of nominations for the election;

(b) before the nominations have been published, the Supervisor must, as applicable, either remove or strike through the name of the candidate on any party list or candidate list and add a notation of the reason and, if practicable, remove the nomination form for the candidate;

(c) after the nominations have been published, or ballot papers have been printed, the Supervisor must—

(i) immediately notify voters of the removal of the candidate by a notice on the Fijian Elections Office website, a notice in one or more locations in the municipality, a notice in the polling venues for the ward the candidate was nominated for, and a broadcast on radio; and

(ii) if practicable, strike through the name of the candidate on any candidate list or ballot paper and add a notation of the reason on the candidate list; and

(d) any vote cast for that candidate must be deemed to be invalid and must not be counted in any way for the purposes of determining the results of the election.

Return and forfeiture of deposits

40.—(1) Any deposit that accompanied the nomination of a candidate must be returned if the—

(a) candidate withdraws his or her nomination under regulation 33;

(b) candidate dies before or during the polling day, including any period for early voting, before the declaration of the election results under regulation 92, and the Supervisor has notice of the death before the declaration of the election results; or

(c) candidate is elected or would have been had he or she not died between the close of the poll and the declaration of the election results.

(2) Any deposit under subregulation (1) must be returned within 30 days of the date of declaration of the election results, to the person who submitted the deposit or, if that person has died, to his or her personal representative.

(3) Any deposit that accompanied the nomination of a candidate is forfeited to the State and paid into the Consolidated Fund if—

(a) the Supervisor does not accept the nomination, and an application for review of the Supervisor's decision under regulation 35 is not lodged with the Electoral Commission;

(b) the Supervisor does not accept the nomination, an application for review of the Supervisor's decision under regulation 35 is lodged with the Electoral Commission, and the Electoral Commission confirms the decision of the Supervisor;

(c) the Supervisor accepts the nomination, an objection to the nomination is lodged with the Electoral Commission under regulation 36, and the Electoral Commission upholds the objection; or

(d) the Supervisor accepts the nomination, and the Electoral Commission disqualifies the candidate under section 10A of the Local Government Act 1972.

Uncontested elections

41. If the number of candidates nominated for a ward, or who remain nominated for a ward at any time before or on polling day—

(a) is equal to or less than the number of vacant seats for the ward, the Supervisor must declare those candidates elected in accordance with these Regulations, as of the polling day, and no election must be conducted for that ward; and

(b) any vacant seats remaining for the ward must be filled at a by-election, with such vacancies deemed to have occurred on the last day for nominations as set out in section 9(4) of the Local Government Act 1972.

Division 3—Preparations for Poll

Notice of poll

42.—(1) If an election is contested, that is, if the number of candidates nominated are more than the total number of seats for which the election is being held, then the Supervisor must, within 7 days after the close of nominations publish a notice of poll for each municipality in which elections will be held.

(2) The notice under subregulation (1) must be approved by the Electoral Commission and must contain—

(a) the candidate lists for each ward, setting out in relation to each candidate—

(i) in alphabetical order, particulars of the candidate as described in his or her nomination paper, with the last name, if any, of the candidate appearing before the first name provided that not more than 2 names plus any alternative first name are required on the candidate list unless further names are required to differentiate between candidates having the same first and last names; and

(ii) residential address, occupation and voter number of each candidate;

(b) the place or places at which polling stations and venues will be established for the purpose of taking votes during polling; and

(c) the date and hours between which the Supervisor or presiding officer will attend at the various polling stations to take votes.

(3) The notice under subregulation (1) must be published on the Fijian Elections Office website, and in one or more locations in the municipality the election is for, and a broadcast on radio must inform voters of the date and locations that the notice of poll will be published and available for inspection.

Voting by ballot

43.—(1) The votes in a poll must be taken by ballot and the ballot of each voter must consist of a paper prepared in accordance with these Regulations.

(2) The ballot paper must be in, or substantially in accordance with, the form prescribed in the Schedule, with the candidate names arranged alphabetically in order according to his or her surname or, in the case of a candidate who does not habitually use a surname, his or her first and another name.

(3) For the avoidance of doubt, the back of the ballot paper may contain spaces as approved by the Supervisor, for administrative purposes.

(4) A ballot paper must be capable of being folded and must be bound in books with serially numbered counterfoils.

(5) The ballot papers must be kept in safe custody at all times.

Printing and distribution of ballot papers

44.—(1) The Supervisor must ensure that there are adequate security features incorporated into the design and printing of the ballot papers as a safeguard.

(2) The Supervisor must ensure that ballot papers are printed and ready for distribution before polling day.

(3) The number of ballot papers to be printed must equal the total number of registered voters in the Register for the ward the election is conducted for, plus a contingency determined by the Supervisor.

(4) The Supervisor must ensure that the transfer of ballot papers to polling stations is done before the commencement of voting on polling day.

(5) Each polling station must receive a number of ballot papers equal to the number of registered voters on the voter list of the polling station plus a contingency determined by the Supervisor.

(6) Notwithstanding subregulations (4) and (5), where it eventuates that there are insufficient ballot papers at a polling station during polling the Supervisor may—

(a) authorise the transfer of ballot papers in accordance with regulation 60(7) *(b)*; or

(b) authorise the distribution of further ballot papers to the polling station,

and in such circumstances the presiding officer must receive, count and record the ballot papers in accordance with regulation 55 in the presence of any polling agent or observer within the polling station.

(7) At all times during the printing and distribution process, the Supervisor must ensure that the ballot papers are kept in safe custody.

(8) The Supervisor must give to the person printing the ballot papers a receipt specifying the total number of ballot papers to be printed and received by the Supervisor, and the printer must ensure that copies of the ballot papers other than those delivered to the Supervisor are immediately destroyed.

(9) A presiding officer must take personal responsibility for the safe custody of each ballot paper at the polling station at which he or she presides.

Assignment of voters to polling stations

45.—(1) The Supervisor is responsible for the conduct of polling in a ward and must determine the number of polling venues for each ward and the number of registered voters to be assigned to specific polling stations.

(2) Notwithstanding subregulation (1), where the Supervisor considers it practicable, the Supervisor may permit voters to vote at any polling station within a ward and in such case the voter list referred to in regulation 46(1) must comprise all the voters for the ward.

Voter lists

46.—(1) The Supervisor must ensure that the Register is divided into voter lists for each ward in a municipality.

(2) Subject to regulation 45(2), the voter list referred to in subregulation (1) must be subdivided into voter lists for each established polling station with the details of the voters assigned to that polling station as determined by the Supervisor.

(3) The Supervisor must ensure that each voter list is printed and distributed to the respective polling station for the use of the election officials at the polling station.

(4) The Supervisor must ensure that special voting lists are compiled for voters voting by alternative methods under these Regulations and where relevant, distributed to the respective polling stations.

(5) The Supervisor may require the heads of any institution at which early voting will take place—

(a) to compile a list in the form approved by the Supervisor of the voters residing at their facilities, and forward the list to the Supervisor within 7 days of the issue of writ for an election; and

(b) to assist the Supervisor with any other requirements to facilitate early voting at their facility.

(6) The Supervisor must include a notation beside the name of each voter on the regular voter list who is also on a special voter list indicating that the person is registered for an alternative voting method, and any such notation must indicate that such person is not entitled to vote on the polling day at the polling station to which he or she is assigned.

Polling station and polling venue

47.—(1) The Supervisor must identify the physical location of a polling station and polling venue, including an early voting polling venue, no later than 30 days before polling day.

(2) The Supervisor must publish the address of a polling station and polling venue, on the Fijian Elections Office website, and in one or more location in the municipality the polling station and venues are designated for, and broadcast the date and location the list of polling stations and venues will be available for inspection.

(3) All polling stations and polling venues must be located in a place within a ward for a municipality that is adequate for the efficient and orderly conduct of polling and is readily accessible to the voters.

(4) More than one polling station may be located in a polling venue, provided there is sufficient space for the efficient and orderly conduct of polling.

(5) Once the list of all polling venues is published, a venue may only be changed before polling day if—

(a) an unforeseen event makes one or more venues unavailable;

(b) polling is not adjourned under regulation 53 or 54; and

(c) the change is approved by the Supervisor.

(6) The Supervisor may establish early voting polling venues prior to the polling day in hospitals, long term care facilities, pre-trial detention centres, prisons and other locations approved by the Electoral Commission, and special procedures for the conduct of polling at such early voting polling venues may be approved by the Electoral Commission.

Presiding officer

48.—(1) The Supervisor must appoint a presiding officer to preside at each polling station.

(2) The presiding officer is responsible for the orderly conduct of the voting and counting process at the polling station.

(3) A person appointed as a presiding officer must—

(a) be present at the relevant polling station on the polling day; and

(b) subject to these Regulations, receive the votes of all persons whose names are on the voter list for that polling station and who appear and are issued a ballot paper.

(4) The Supervisor may appoint an assistant presiding officer to perform the duties of a particular presiding officer at a polling station during the temporary absence of the presiding officer.

(5) The Supervisor may appoint as many other election officials as he or she considers necessary to effectively conduct the voting and counting process at any polling station.

(6) An assistant presiding officer may do any act that the presiding officer is authorised or required to do under these Regulations.

(7) A person appointed under this regulation must not begin to perform his or her duties unless he or she has signed a declaration or a code of conduct in the form approved by the Supervisor.

Facilities at polling stations

49.—(1) The Supervisor must ensure that every polling station is provided with—

(a) voting booths of a sufficient number to accommodate an orderly flow of the number of voters assigned to that polling station;

(b) an appropriate number of translucent ballot boxes of sufficient size and capacity to accommodate all ballot papers of voters assigned to that station, and that—

(i) each ballot box is provided with one or more official seals; and

(ii) each ballot box is constructed that the ballot papers can be placed in them but cannot be taken out without the boxes being unsealed;

(c) sufficient number of official seals with serial numbers for securing ballot boxes;

(d) a copy of the voter list for the polling station concerned;

(e) materials for voters to mark the ballot papers;

(f) indelible substance to mark the voter's finger or (where no finger can be marked, another visible part of the body) after voting; and

(g) such written directions not inconsistent with any provision of these Regulations issued by the Supervisor to every presiding officer with respect to the orderly conduct of the election.

(2) The voting booths in a polling station must be so constructed and arranged that a voter can cast his or her vote in private.

(3) The arrangement of the polling station must be such that it ensures an orderly flow of voters.

Arrangements for persons with disabilities

50. The Supervisor must, to the extent practicable, ensure that appropriate arrangements are made for persons with disabilities or other special needs to enable their participation of their electoral rights, including the following—

(a) polling activities located at ground level and ramp access at polling stations; and

(b) voting booths designed for persons in wheelchairs to allow such persons to vote.

Polling agents

51.—Each independent candidate or nominating party may appoint one or more polling agents, only one of whom may be present at a polling station or designated area at any one time.

(2) The candidate or party must notify the presiding officer or officer in charge of the designated area in writing of any appointment and the notice must specify the names and addresses and voter numbers of the polling agent or polling agents appointed.

(3) All polling agents must be provided with an official badge issued by the Fijian Elections Office and before being allowed to act, must before the presiding officer or officer in charge make a declaration and sign a code of conduct in the form approved by the Supervisor.

Division 4—The Poll

Times for polling

52.—(1) Unless otherwise specified in the notice of poll issued by the Supervisor, the poll at every polling station must open at 8.30 am and must not close until all voters in the queue at the polling station at 4.00 pm, and desiring to vote, have voted.

(2) At 4.00 pm, or after the last person in queue at 4.00 pm has voted, including any voter with a disability waiting outside the venue to be assisted with casting their vote in accordance with regulation 61, the presiding officer must announce the closing of the poll and a person must not be admitted to a polling station after that time for the purpose of voting.

(3) Notwithstanding subregulation (1), an early voting polling venue may operate during the times approved by the Electoral Commission.

Adjournment of polling at one or more polling stations

53.—(1) In circumstances of an unforeseen event, and in accordance with this regulation, one or more polling stations may not commence polling or polling may be adjourned on polling day.

(2) A presiding officer must immediately notify the Supervisor if they consider it necessary to not commence or to adjourn polling at the polling station on the polling day due to an unforeseen event.

(3) Subject to subregulation (4), the Supervisor, upon consultation with the Electoral Commission, may approve the non-commencement or adjournment of the polling at one or more polling stations.

(4) Subject to regulation 54, the Electoral Commission, with the advice of the Supervisor, may order the non-commencement of polling or may adjourn polling for one or more wards or municipalities due to an unforeseen event.

(5) If a decision is made to not commence polling, or to adjourn polling, under subregulation (3) or (4)—

(a) the Supervisor must notify the relevant presiding officers of the adjournment;

(b) the presiding officers must, if practicable, post a public notice at the polling stations to this effect and the Supervisor must publish a notice in one or more locations in the affected municipalities and broadcast on radio;

(c) any vote cast by that time in the affected polling stations must be cancelled; and

(d) polling at the affected polling stations must take place on a date determined and approved by the Electoral Commission.

(6) If the election continues as planned despite the non-commencement or adjournment at one or more polling stations under subregulation (3) or (4), subject to regulation 55, the polling for those affected polling stations must, if the Supervisor considers it possible, be held on the day after the polling day, for the same hours the election was held on polling day, and if polling is not feasible the next day, polling must be held on the second day after the polling day and if not feasible that day then on the third day after the polling day or soon thereafter.

(7) For the avoidance of doubt, despite the non-commencement or adjournment of polling, the campaign period ceases at the close of polling on the polling day specified in the writ.

(8) Despite any other requirements of Divisions 5 or 6 of this Part, until all polling under this subregulation has been completed the Supervisor must not release or publish any results of any votes counted for the affected municipality or municipalities and must ensure that the protocol of results is not posted at any polling stations in the affected municipalities.

(9) The Supervisor must publish a notice of the new date for polling, at the affected polling stations and in one or more locations in the affected municipalities and broadcast on radio.

(10) Where due to an unforeseen event it is not practicable to recommence polling at an affected polling station or stations, the Supervisor may designate alternative polling stations and inform the public by publishing one or more notices in the affected municipalities and broadcast on radio.

Adjournment of local government election

54.—(1) If, in the opinion of the Electoral Commission and on the advice of the Supervisor, the number of polling stations which cannot and will not open or at which polling is adjourned due to an unforeseen event, is a significantly high number such that the adjournment of the local government election in all municipalities is warranted, the Supervisor must immediately make a public announcement of the adjournment of the local government election and publish a notice to that effect in a national daily newspaper and in one or more locations in each municipality, and broadcast on radio.

(2) Any votes cast before the adjournment of the local government election must be cancelled.

(3) If the local government election is adjourned, subject to regulation 54, the Electoral Commission—

(a) must, when feasible and in consultation with the Supervisor, determine another date for the local government election and at such time make a public announcement to inform the public of the new date for the election and publish a notice to that effect in a national daily newspaper and in one or more locations in each municipality, and broadcast on radio; and

(b) may, if it chooses to, consult with the municipal councils regarding a practicable date for the conduct of the election.

(4) For the avoidance of doubt, where it is not practicable to recommence polling at any affected polling stations, the Supervisor may designate alternative polling stations and inform the public by publishing one or more notices in the affected municipalities, and broadcast on radio.

(5) The Electoral Commission may declare a new date to be substituted for the date set out in the writ for the return of the writ.

(6) Notwithstanding regulation 96 the campaign period must close at the close of polling on the new date for the local government election.

Polling station record book

55.—(1) The Supervisor must provide a record book for each polling station, which must remain under the control of the presiding officer who must record in the record book all significant matters pertaining to the conduct of the election at the polling station, including but not limited to—

(a) the names of all election officials, polling agents and observers present during the polling and counting process;

(b) number of ballot papers received and a note of any missing election materials;

(c) key events including the opening and closing times;

(d) serial numbers of seal or seals used to secure ballot boxes;

(e) the name of each assisted voter and the person who assisted them;

(f) any disturbance or incident that take place in or around the polling station and requests for police assistance; and

(g) any complaints filed and decisions on complaints.

(2) The record book may be accessed during adjudication of any complaint.

Preparations for opening of polling station

56.—(1) The presiding officer and election officials must have the polling stations prepared for polling at least 30 minutes prior to the start of the polling, in the presence of any polling agent and observer present at the polling station.

(2) The presiding officer must confirm that all assigned election officials and all ballot papers and other material necessary for the conduct of the polls are present in the polling station.

(3) All unused ballot papers received by the polling station must be brought out of the secure place by the presiding officer and counted, and the total number recorded in the record book.

(4) All unused ballot papers should be returned to and kept in a secure place at the polling station when not in use throughout the polling day.

(5) If any election official, ballot papers or other necessary material is missing, the presiding officer should immediately notify the Supervisor who must address the deficiency in resources where possible.

(6) The presiding officer at a polling station must, immediately before the start of the poll at that polling station—

(a) show each of the ballot boxes empty to the persons present at the polling station;

(b) secure each ballot box with the official numbered plastic seal or seals in such a way to prevent it being opened without breaking the seal or seals, and call out and record the serial number of the seal or seals in the record book and have this witnessed and signed by a polling agent or, if no polling agent is present, an observer; and

(c) place each ballot box within his or her view for the receipt of ballot papers.

(7) Each ballot box, after being sealed in accordance with this regulation, must not be opened until the time designated for counting the votes or where regulation 53 or 54 are invoked.

Where voters are entitled to vote

57.—(1) Subject to regulation 45(2), on polling day a registered voter is entitled to vote only at the polling station at which he or she is assigned according to the voter list of the polling station.

(2) Subject to subregulation (3), the following voters may vote at the polling station at which they are working or at a polling station convenient to their location of assignment, provided they have obtained an absentee certificate according to a process established by the Supervisor—

(a) election officials;

(b) any municipal personnel or police officers or Fijian Elections Office service providers appointed to work on polling day at a polling station to which they are not assigned to vote; or

(c) public servants with election duties in an area not convenient to the location of the polling station to which they are assigned to vote.

(3) A voter on a voter list with an indication beside his or her name that he or she is registered as a special voter for alternative voting under these Regulations must not—

(a) vote at the polling station to which he or she is assigned; and

(b) be issued an absentee certificate by the Supervisor under subregulation (2).

Identification of voter

58.—(1) Prior to being issued a ballot paper, a voter must present his or her voter card to the election official to substantiate that he or she is in fact a person registered to vote at that polling station for that ward, or must present another form of identification to the satisfaction of the Supervisor or presiding officer.

(2) If a voter does not have any voter card or any other form of identification, the Supervisor or presiding officer must, before issuing them a ballot paper, take necessary measures to verify the identification of the voter by asking the voter such questions as necessary to verify his or her identity.

(3) A mistake in spelling of the name, address or date of birth of a voter does not warrant the rejection of a person to vote at a polling station if, in the opinion of the presiding officer, the voter is sufficiently identified in the voter list of that polling station for that ward.

(4) If a registered voter has since the compilation of the Register or voter list changed his or her name by marriage or deed poll, he or she is not disqualified from voting under the name appearing in the register, provided he or she can provide sufficient proof to the presiding officer that he or she is the same person as the name that appears in the Register or voter list.

(5) If the voter list indicates that the voter is registered for any form of alternative voting, he or she is not entitled to cast a vote in the polling station and must be so notified by the election official.

(6) Prior to issuing a ballot paper, a designated election official must check the voter to determine if he or she has on a finger, or where no finger could be marked, another visible part of the body, the indelible substance marked in the way directed under these Regulations to indicate that the voter has voted.

(7) If a voter's finger, or other visible part of their body is marked with such indelible substance to indicate he or she has voted, the voter must not be issued a ballot paper.

(8) If a voter whose finger (or other visible body part) has been marked with the indelible substance attempts to vote a second time, the election official must notify the presiding officer that a voter has attempted to vote more than once and the presiding officer must notify the police to detain the person in question and investigate the matter as a potential criminal offence.

(9) In all other circumstances the person's claim to vote must be accepted and he or she must be issued a ballot paper.

Materials brought into polling stations

59.—(1) It is unlawful for any voter to bring into a polling station or polling venue any campaign materials or any other document prepared by or on the authority of any candidate or political party, or any document that resembles a ballot paper.

(2) A voter must remove from the polling station or venue all materials he or she brought in with them.

(3) A polling agent or an approved observer must only bring into a polling station materials prescribed under regulation 67(2) that he or she may use to carry out his or her duties as a polling agent or observer.

(4) If the presiding officer considers that any materials brought into the polling station may be in breach of this regulation, the presiding officer may confiscate the materials.

(5) Any person who contravenes this regulation commits a category B offence.

Voting procedure

60.—(1) Once an election official verifies that a voter present at a polling station is registered to vote at that polling station and is entitled to vote, the presiding officer or a designated election official must—

(a) mark the name of the voter on the voter list;

(b) have the voter sign next to his or her name on the voter list; and

(c) immediately hand a ballot paper to the voter.

(2) The voter must—

(a) upon receipt of the ballot paper, retire to a voting booth;

(b) secretly mark his or her vote on the ballot paper in the way prescribed in regulation 60;

(c) fold the ballot paper to conceal his or her vote;

(d) after the voter has marked his or her vote and before he or she has placed the ballot paper in the ballot box, have one finger or where no finger can be marked, another visible part of the body marked with an indelible substance; and

(e) place the ballot paper in a ballot box in the presence of the presiding officer or a designated election official.

(3) The voter must vote without undue delay and must leave the polling station as soon as he or she has placed the ballot paper in the ballot box.

(4) While in the polling station, a voter is not permitted to reveal or announce the content of his or her ballot paper or any materials he or she brought into the polling station, and any voter who does so commits a category B offence.

(5) During the polling process, it is prohibited for any person, other than the presiding officer, to remove any ballot paper from the polling station.

(6) The presiding officer may only remove a ballot paper from a polling station under the following circumstances—

(a) if a voter who has been assigned to that polling station is unable to appear and cast his or her vote due to any illness, physical disability or for any reason approved by the Supervisor; or

(b) if another polling station has run out of ballot papers and the Supervisor expressly authorises that ballot papers be transferred by the presiding officer to that other polling station.

(7) If a presiding officer removes a ballot paper under subregulation (7)*(a)*, the presiding officer must ensure that—

(a) all the voters in the queue at a polling station have voted before the presiding officer leaves the polling station to assist a person to cast his or her vote;

(b) he or she is accompanied by one other election official;

(c) the procedures for assisted voting in accordance with regulation 64 are followed; and

(d) the assistance provided is within 50 metres of the polling venue.

(8) It is prohibited for any person to use a mobile phone, camera or any other electronic device while in the polling station except for the presiding officer or a person authorised by the Supervisor.

(9) Proxy voting is prohibited.

(10) Any person who contravenes subregulation (6) commits a category A offence, provided that if the person only removes a ballot paper from the polling station that was issued to that person, then that person commits a category B offence.

(11) Any person who contravenes subregulation (9) commits a category B offence.

Casting of votes

61.—(1) Each voter is entitled to cast their votes on one ballot paper only in a local government election.

(2) A voter must vote by placing a tick next to his or her preferred candidates on the ballot paper.

(3) No voter may give—

(a) more than one vote for any one candidate; or

(b) more votes in all than the total number of members to be elected for the ward.

Tendered ballot papers

62.—(1) If a person, representing himself or herself to be a particular voter named on a voter list, applies for a ballot paper after another person has voted as that voter, the applicant is, upon being substantiated with proof of identification that he or she is on the voter list and showing that he or she is not marked on any finger or where no finger could be marked, another visible part of the body with the indelible substance, entitled to mark a ballot paper in the same manner as any other voter, but instead of being put into a ballot box, the ballot paper called "tendered ballot" must be sealed by the voter in a special envelope marked "tendered ballot paper" and given to the presiding officer who must place the envelope in a separate packet marked "tendered ballot papers".

(2) Tendered ballot papers must not be counted unless a court directs to do so.

(3) The name of the voter and his or her voter number must be entered in the record book of that polling station, and the entry must be signed by the voter.

Spoiled ballot papers

63.—(1) A voter who has inadvertently dealt with a ballot paper in such a way that it cannot be conveniently or validly used as a ballot paper may, on giving it to the presiding officer, be issued another ballot paper to replace it.

(2) The spoiled ballot paper must, in the presence of the voter, be cancelled by the presiding officer by writing or stamping the word "Cancelled" on its face, marking his or her initials on it, placing it in an envelope marked "spoiled ballot paper", and sealing the envelope and placing it in a receptacle for spoiled ballot papers.

(3) A voter may receive only one replacement ballot, provided that the presiding officer may issue a voter further ballot papers where the presiding office is satisfied that the voter did not spoil his or her ballot paper in bad faith.

Assisted voting

64.—(1) If any voter at a polling station is under any disability that impedes his or her ability to vote in the manner prescribed by these Regulations, or is illiterate, the voter may request a person of their own choice to assist him or her to cast a vote.

(2) If a voter requests a polling agent to assist him or her to cast a vote, the presiding officer must ensure that he or she is able to observe at a distance, the conduct of the assisted voting.

(3) If a voter requests an electoral official to assist him or her to cast a vote, only the presiding officer must provide the assistance and must ensure that a polling agent or, if there is no polling agent present, then one other election official is able to observe at a distance, the conduct of the assisted voting.

(4) When assisting the assisted voter, the person chosen by the voter must mark the ballot paper of the voter in the manner directed by the voter while in a voting booth and place the ballot paper so marked in the ballot box.

(5) The presiding officer must ensure that after the voter has voted and before the voter's ballot paper is placed in the ballot box, the voter has one finger or (where no finger could be marked, another visible part of the body) marked with an indelible substance in the way directed.

(6) The following details must be entered in the record book for the polling station—

(a) the name and voter number of every voter who required assistance and of any person who provided the assistance, along with their signatures; and

(b) where a polling agent or the presiding officer have provided the assistance, the name of the person who observed at a distance the conduct of the assisted voting along with their signature.

(7) Except for cases of assisted voting under this regulation, it is prohibited for more than one person to be present in the voting booth at the same time.

Persons authorised to remain in polling stations

65.—(1) Only the following persons not actually engaged in voting may remain in a polling station during the voting process—

(a) the Supervisor and members of the Electoral Commission;

(b) the presiding officer for the polling station;

(c) the election officials;

(d) police officers on duty, if requested by the presiding officer or his or her representative for the sole purpose of restoring peace and order and only for the time necessary to do so;

(e) one polling agent from each political party or independent candidate at any one time, who must remain in an area designated by the Supervisor;

(f) observers, who must remain in an area designated by the Supervisor; and

(g) any other person authorised by the Supervisor.

(2) Notwithstanding subregulation (1), if the number of polling agents and observers in a polling station at any one time is, in the opinion of the presiding officer, interfering with the orderly administration of the polling, the presiding officer may limit the total number of such persons in the polling station at any one time by employing a fair rotation process that ensures that all such persons have an opportunity to observe the polling throughout polling day.

(3) In limiting the number of persons or in removing a person from the polling station, a presiding officer may require the assistance of a police officer, and such police officer must comply with any directive of the presiding officer.

Authorised persons to wear badges

66.—(1) All authorised persons present in a polling station must at all times wear the official badge provided by the Supervisor or the presiding officer.

(2) The official badge must include the person's position, such as election official, polling agent and the affiliated political party, where relevant, observer, and any other category determined by the Supervisor.

(3) The official badges provided by the Supervisor for each category of authorised person may be in a different colour for ease of identification.

Participation of polling agents and observers

67.—(1) The polling agents and observers, if any, may sit or stand and walk around any area of the polling station designated by the Supervisor in regulation 65(1) where they are able to see each person who presents himself or herself as a voter in the election, see the issuance of ballot papers, see the voters put their ballot papers in the ballot box, and any other aspect of the voting process, but must not be where they can see how a voter votes.

(2) The Supervisor must prescribe materials allowed to be taken into a polling station by a polling agent or an approved observer to carry out his or her duties, within 7 days of the issuance of the writ.

(3) A polling agent must not conduct, in a passive or active manner, any campaigning in or around the polling station.

(4) A polling agent or observer must not interfere with or attempt to influence any voter within a polling station.

(5) A candidate at an election must not be appointed as a polling agent or observer.

(6) A polling agent who contravenes subregulation (3) or (4) commits a category A offence, or who contravenes any other provision in this regulation commits a category B offence.

(7) Polling agents and observers may also be present at other areas designated by the Supervisor.

Presiding officers to maintain order

68. Every presiding officer in respect of the polling station where he or she is conducting a poll—

(a) must maintain order and keep the peace;

(b) must regulate the number of voters to be admitted at a time; and

(c) may cause to be removed any person who—

(i) obstructs the approaches to the polling station;

(ii) wilfully and unnecessarily obstructs the proceedings at the polling;

(iii) conducts himself or herself in a disorderly manner, or causes a disturbance;

(iv) wilfully acts in defiance of the lawful directions of the presiding officer;

(v) is not an authorised person and is not lawfully within the polling station; or

(vi) acts contrary to regulation 68 or 69.

Communication with voters in polling station prohibited

69.—(1) No person may communicate with any voter in a polling station on a matter related to the election either before or after the voter has voted, except—

(a) the presiding officer who may, either directly or through an election official—

(i) do anything that the presiding officer is authorised to do, ask the questions that the presiding officer is authorised to ask and give such general directions as may assist any voter to cast his or her vote; and

(ii) do what is necessary to keep order within the polling station; and

(b) a person who is assisting an assisted voter to vote may communicate with that voter.

(2) Any political party, candidate, or polling agent who contravenes this regulation commits a category A offence, and any other person who contravenes this regulation commits a category B offence.

Campaign restrictions during polling

70.—(1) For the purpose of this regulation, "100 metre radius" means within a polling venue and the area that is 100 metres from the outside of a polling venue as determined by the presiding officer.

(2) At least one hour before the commencement of polling on the polling day until the close of polling on the polling day, at all polling venues, it is unlawful for any person at any place within the 100 metre radius to—

(a) wear any emblem, clothing, badge, apparel or accessory of a political party or of a candidate in the election;

(b) display slogans, banners, posters, flags, symbols or colours of a political party or a candidate in the election;

(c) approach voters for the purposes of campaigning, inducing the voter not to vote at the election, or ascertaining for whom the voter intends to vote or has voted;

(d) distribute or communicate campaign material or political messages, including calls to vote for or against a particular political party or candidate in the election or instructions or directions on how to vote or who to vote for;

(e) conduct a public opinion poll in relation to the election;

(f) construct or erect any temporary structure, except for the purpose of providing state or municipal essential services;

(g) organise any meeting, gathering or assembly of persons, except for the purpose of providing state or municipal essential services;

(h) provide any enticement, incentive or inducement, including food and beverage to any person;

(i) use any public address or sound systems, except for the purpose of providing state or municipal essential services; or

(j) engage in any campaign activity in any other manner.

(3) At least one hour before the commencement of polling on the polling day until the close of polling on the polling day, it is unlawful to use any public address or sound system outside the 100 metre radius, for the purpose of campaigning, that could be heard within the 100 metre radius.

(4) At least one hour before the commencement of polling on polling day, any person who has in any manner placed within the 100 metre radius any of the items prohibited under subregulation (2) must remove the items.

(5) Prior to the opening of the polls and during polling, the presiding officer must ensure that no items prohibited under subregulation (2) are within the 100 metre radius.

(6) In ensuring there are no prohibited items as specified in subregulation (5), a presiding officer may—

(a) remove, obliterate or conceal, or disable any such item; or

(b) request the assistance of a police officer or any municipal council personnel designated to the polling venue, and such police officer or council personnel must comply with any request or directive of the presiding officer, and

all expenses incurred in exercising a power under this subregulation may be recovered from the person or persons by whom or by whose direction the prohibited item was exhibited as a debt due by them jointly and severally to the Fijian Elections Office.

(7) Any person who contravenes subregulation (2), (3) or (8) commits a category A offence.

(8) For the avoidance of doubt—

(a) media organisations are permitted to engage with voters within the 100 metre radius on polling day provided they comply with the restrictions in this regulation, however media are not permitted in polling stations or polling venues unless specifically authorised by the Supervisor; and

(b) nothing in this regulation applies to any official statement or announcement made, or voting information displayed or distributed by, an election official pursuant to these Regulations.

Complaints during polling

71.—(1) Any registered voter or any polling agent may submit a complaint in writing to a presiding officer during the hours of polling concerning any breach of polling procedure, unlawful campaign activity, or interference with the rights of a voter or polling agent at the polling station.

(2) The presiding officer must register a complaint in the record book of the polling station and provide an immediate response and if the presiding officer is satisfied that there is a substantial breach, then the presiding officer must immediately take such action as appropriate to remedy the breach.

(3) If the presiding officer refuses to recognise or address any substantiated breach, the complainant may immediately lodge a complaint to the Supervisor, who must consider the complaint on an immediate basis and make such order as he or she deems appropriate to remedy any substantiated breach.

Closing of polls

72.—(1) Immediately after the last voter who was in the queue at the time specified in the notice of poll for the close of polling has voted, or in the case of early voting at the time approved by the Electoral Commission, the presiding officer must announce that the polls are closed.

(2) On polling day, the counting of the ballot papers must begin as soon as practicable after the close of the polls.

Division 5—Early Voting

Early voting

73.—(1) The Electoral Commission may authorise early voting—

(a) for a period up to 14 days in advance of the polling day; and

(b) for voters who are—

(i) a resident of a nursing home;

(ii) under pre-trial detention or sentence of imprisonment; or

(iii) in any other place approved by the Electoral Commission,

and must as soon as practicable, but not later than 7 days after the close of nominations, notify the Supervisor whether early voting has been authorised.

(2) The grounds for a voter to vote in advance are if—

(a) an early voting polling venue will be established at the location; and

(b) the voter meets a relevant criteria set out in subregulation (1)*(b)*.

(3) If the Electoral Commission approves early voting—

(a) the Supervisor must, within 7 days after the close of nominations, publish a notice of early voting; and

(b) the notice must contain—

(i) the venue or venues where early voting will take place;

(ii) the date and hours between which the Supervisor or presiding officer will attend at each of those venues for the conduct of early voting; and

(iii) the grounds for voters to vote at the early voting venues.

(4) The campaign restrictions set out in regulation 70 apply to an early voting polling venue with the following modifications—

(a) the area the restrictions apply to is within the facility, building or other structure or enclosure that the polling venue is established at to its outer boundary; and

(b) the period the restrictions apply is from 7.30 am on the day scheduled for early voting at that polling venue until polling has closed at that polling venue.

(5) Every early voting polling venue must have a separate voter list, with such details of all the voters assigned to that venue as determined by the Supervisor.

(6) The voter list for each early voting polling venue must be published by the Supervisor and must be made available to the voters at suitable locations to allow voters to be informed of their early voting polling venue, and the voter list published or made available under this subregulation must only contain each voter's name, voter number, ward and municipality and the early voting polling venue.

(7) The Electoral Commission—

(a) may approve the Supervisor establishing one or more special early voting venues for voters to attend to cast their vote; and

(b) must approve special procedures for the conduct of polling at any such special early voting venue, including procedures as an alternative to having a prepared voter list.

(8) Subject to this regulation and to any special procedures approved by the Electoral Commission under regulation 47(6), an early voting polling venue must, for the purposes of these Regulations and to the extent applicable, be a polling station.

(9) Persons authorised as a polling agent or an observer are permitted to observe the process for early voting, under the following conditions—

(a) there may only be one polling agent from each political party or independent candidate at any one time, who must remain in an area designated by the Supervisor; and

(b) observers must remain in an area designated by the Supervisor,

and if the number of polling agents and observers observing the early voting process at any one time is, in the opinion of the presiding officer, interfering with the orderly administration of the early voting process, the presiding officer may limit the total number of such persons present at any one time by employing a fair rotation process that ensures that all such persons have an opportunity to observe the process throughout the period the early voting is conducted.

(10) At any early voting polling venue, immediately after the last voter who was in the queue at the end of the time prescribed for early voting at that venue has voted, the presiding officer must—

(a) announce that polling at that early voting polling venue is closed; and

(b) immediately seal the ballot boxes used at that early voting polling venue and arrange for the ballot boxes and the other records of the early voting polling venue to be sent to the Fijian Elections Office.

Safe keeping and counting of early voting ballot papers

74.—(1) The Supervisor must establish a system for recording all incoming ballot boxes and records from early voting polling venues and keep the ballot boxes and records sealed and in safe custody until the time for the counting of all early voting ballot papers.

(2) The Supervisor must appoint counting officers to administer the counting of all early voting ballot papers, which may not commence until the counting of ordinary ballot papers commences in accordance with Division 6 of this Part.

(3) The procedure for counting early voting ballot papers is the same as for counting ordinary ballot papers.

(4) A special protocol of results for early voting in a form approved by the Supervisor must be completed by the counting officer.

(5) The results of the early voting must be included in the tabulation of the results set out in regulation 89.

Division 6—Count

Counting process at polling stations

75.—(1) Immediately upon closing of the polls, the counting of ballot papers is to be undertaken and completed in the respective polling station by the presiding officer and election officials designated by him or her.

(2) The figures in the protocol of results must be entered by the presiding officer at each step of the counting process.

(3) The protocol of results must be completed only in pen with black or blue ink.

(4) Changes may be made to the figures already entered on a protocol of results, and if technical errors in any figures in the protocol of results are made during the counting process, the protocol of results must be amended, and the presiding officer must sign the amendments.

(5) The presiding officer must proceed continuously with the counting of the votes until the count is complete.

(6) The Supervisor may conduct or instruct a recount of any ballot box.

Who may be present at count

76.—(1) Only the following persons may remain in a polling station at the opening of the ballot boxes and during the counting process—

(a) the presiding officer for the polling station;

(b) the election officials;

(c) police officers who have been requested by the presiding officer, or his or her representative, for the sole purpose of restoring peace and order and only for the time necessary to do so;

(d) one polling agent from each political party or independent candidate at any one time, who must remain in an area designated by the Supervisor;

(e) observers, who must remain in an area designated by the Supervisor;

(f) members of the Electoral Commission;

(g) the Supervisor; and

(h) any other person authorised by the Supervisor.

(2) If the number of polling agents and observers observing the count at any one time is, in the opinion of the presiding officer, interfering with the orderly administration of the count, the presiding officer may limit the total number of such persons present at any one time by employing a fair rotation process that ensures that all such persons have an opportunity to observe the count throughout the counting process.

(3) The campaign restrictions set out in regulation 70(2) continue to apply within the polling station from the close of polling until the presiding officer signs the final protocol of results.

Preliminary procedures

77.—(1) Prior to opening the ballot boxes at each polling station, the presiding officer or any designated election official must, in the presence of any polling agent and observer who is present at the polling station count the number of—

(a) voters who have voted by counting the number of voters' signatures on the voter list and announce and record this number on the protocol of results;

(b) unused ballot papers and announce and record this number on the protocol of results;

(c) spoiled ballot papers and announce and record this number on the protocol of results; and

(d) tendered ballot papers and announce and record this number on the protocol of results.

(2) The number of voter signatures should equal the total number of ballot papers issued for that polling station less the unused ballot papers, spoiled ballot papers and tendered ballot papers.

(3) If after a recount the figures still do not reconcile, the presiding officer must immediately notify the Supervisor and provide a written explanation for the discrepancy on the protocol of results and the record book.

Opening ballot boxes and counting ballot papers

78.—(1) Prior to opening a ballot box, the presiding officer or a designated election official must check the serial number of the seal of the ballot box against the serial number recorded in the record book at the opening of the polling station, call out the number of the seal on the ballot box and record it in the Polling station record book, and a polling agent or, if no polling agent, and observer, must witness and sign the record book.

(2) If the actual serial number of the seal does not correspond with the serial number recorded in the record book, the presiding officer must immediately notify the Supervisor and the ballot box must not be opened and its contents quarantined for further investigations or instruction from the Supervisor, and a note entered in the record book.

(3) If the actual and recorded serial numbers of the seals correspond, the ballot box will be opened by the presiding officer or an election official.

(4) All ballot papers must be taken out of the ballot box or boxes and counted and the total number of all ballot papers announced and recorded on the protocol of results.

(5) If the total number of ballot papers counted and the total number of voters who voted based on the number of voters' signatures on the voter list are not the same, a recount of the number of voters' signatures on the voter list and the total number of ballot papers must be conducted.

(6) If after any recount under subregulation (5), the figures still do not correspond, the presiding officer must immediately notify the Supervisor and a written explanation for the discrepancy must be provided by the presiding officer on the protocol of results and the record book.

(7) The Supervisor may, having received the report of the presiding officer, conduct or instruct a recount of any ballot box.

Counting the votes

79. The presiding officer must—

(a) reject all invalid ballot papers;

(b) count and record on the protocol of results, the number of votes given for each candidate on all valid ballot papers; and

(c) count and record the number of ballot papers which have been rejected as invalid.

Invalid ballot papers

80.—(1) A ballot paper is invalid, and must be rejected and not counted, if it—

(a) has anything written or marked on it by which, in the opinion of the presiding officer, the voter can be identified;

(b) has no vote indicated on it;

(c) does not clearly indicate the candidate or candidates for whom the voter wishes to vote; or

(d) contains votes for more candidates than the number of vacant seats in the ward.

(2) If any ballot paper that is marked in such a manner that there are not votes for more candidates than the number of vacant seats, and—

(a) the intention of the voter is clear, must not be invalidated and must be counted in accordance with the clear intention of the voter;

(b) the intention of the voter is clear in relation to some candidates, but is not clear in relation to other candidates, must be counted in relation to the candidates where the intention is clear and the presiding officer must mark on the back of the ballot paper "admitted in part" and indicate which candidate votes are admitted to the count.

Action on objections to ballot papers

81.—(1) If a polling agent objects to a ballot paper as being invalid, the presiding officer must mark on the back of the ballot paper "admitted" or "admitted in part" or "rejected", according to the presiding officer's decision to admit or reject the ballot paper.

(2) The presiding officer must consider every objection raised by a polling agent regarding the validity of a ballot paper or any marks on it and must decide the objection forthwith.

(3) Nothing in this regulation prevents a presiding officer from rejecting any ballot paper as being invalid even though it is not objected to.

(4) Subject to subregulation (5) and any review on a petition under these Regulations, the decision of a presiding officer on a question arising as to the validity of any ballot paper is final.

(5) Where the Supervisor conducts or instructs a recount, the Supervisor or election official conducting the recount may overturn any decision taken by the presiding officer.

Vote count recorded in protocol of results

82. Upon completion of the count of votes for each candidate, the following figures must be entered in the protocol of results—

(a) the number of votes received by each candidate; and

(b) the number of invalid ballot papers.

Signing and posting of protocol of results

83.—(1) Following completion of the protocol of results, the presiding officer must sign it and immediately notify the Supervisor by the most expeditious method, including by telephone or any electronic means, of the results or the total number of votes cast for each candidate, as contained in the final protocol of results.

(2) Subject to any adjournment of polling in the municipality under regulation 53, a copy of the final protocol of results must be immediately posted by the presiding officer in a publicly accessible place at the polling station, such as a notice board.

(3) A further copy of the final protocol of results must be placed inside the ballot box and a copy sent to the Supervisor by the method approved by the Supervisor.

Request for recount at polling station

84.—(1) Following the count and at any time prior to the posting of the final protocol of results, a polling agent present during the count may submit a request in writing to the presiding officer to conduct a recount, with reasons for the request.

(2) Where in accordance with regulation 53(8) the protocol of results must not be posted until polling that has been adjourned elsewhere in the municipality is conducted, the request to conduct a recount must be made prior to the presiding officer commencing packaging ballot papers and materials under regulation 86.

(3) The presiding officer must immediately respond to the request for recount.

(4) If the presiding officer decides there is sufficient reason to conduct a recount of the ballot papers, including due to discrepancies in the reconciliation figures on the protocol of results or an equality of votes, a recount is to be immediately conducted at the polling station by the presiding officer or designated election officials.

(5) Any recount is to be conducted on an uninterrupted basis, in the presence of any polling agent and observer.

(6) Based on the results of any recount, the presiding officer must decide the correct figures and results and if errors were made in the protocol of results, the presiding officer must cancel the incorrect protocol of results and then create a new final protocol of results.

(7) Subject to any decision of the Supervisor, or any review on a petition under these Regulations, the decision of a presiding officer on a request for a recount or a recount of his or her own motion is final.

Complaints during counting process

85.—(1) Any polling agent may submit a complaint in writing to a presiding officer during the counting process concerning any breach of counting procedure, interference with the rights of candidates or polling agents, or other irregularities at the polling station.

(2) The presiding officer must register any complaint in the record book of the polling station and provide an immediate response.

(3) The presiding officer must order an immediate remedy of any substantiated breach.

(4) Subject to any review on a petition under these Regulations, the decision of a presiding officer on the complaint is final.

Packaging and transfer of ballot papers and other election materials after count

86.—(1) Immediately upon completion of the protocol of results, the presiding officer or a designated election official must pack the following election materials into separate packets or parcels, sealed and clearly labelled with the name and number of the polling station, a description of their contents, and the date of the election—

(a) the unused ballot papers;

(b) the spoiled ballot papers;

(c) the discarded ballot papers;

(d) the ballot papers rejected as invalid;

(e) the valid ballot papers;

(f) the envelopes containing the tendered ballot papers;

(g) the counterfoils of all used ballot papers;

(h) the marked voter lists, including the list of absentee certificate voters; and

(i) used and unused ballot box seals.

(2) All used, except tendered, and unused ballot papers must be put into the ballot box which must then be sealed with the official numbered security seals and the serial numbers of the seals recorded in the record book.

(3) The original of the final protocol of results and any cancelled protocol of results, the record book of the polling station, any envelopes containing tendered ballot papers and the marked voter lists must be enclosed in a tamper evident envelope which must be expeditiously and securely delivered by the presiding officer to the collection point as designated by the Supervisor.

(4) All other packets and parcels not listed under subregulation (1) must then be made up into one parcel and the name and number of the polling station and date of the local government election noted on the package.

(5) The ballot box must be labelled with the name and number of the polling station and date of the local government election, and the ballot box and parcel of all other materials must then be delivered to a collection point as designated by the Supervisor, accompanied by at least the presiding officer.

(6) A police officer may accompany the transfer of any election material at the request of the presiding officer.

(7) Polling agents and observers may follow the transportation of election materials.

(8) The Supervisor must take all necessary measures to precisely and in a timely manner record the transmission of all election materials, to collect all election materials, and to store them in safe custody.

Recount of ballot box by Supervisor

87. Notwithstanding any other provision in this Part, the Supervisor may conduct or instruct the conduct of a recount of any ballot box where it appears to the Supervisor that the protocol of results may contain irregularities or for other quality assurance purposes.

Division 7—Tabulation and declaration of results

Authorised officials to conduct tabulation process

88.—(1) The process for tabulation of results received from each polling station must be conducted by the Supervisor at the Fijian Elections Office in Suva or such other publicly accessible place as designated by the Supervisor.

(2) Candidates, polling agents, observers, and the media are permitted to observe the tabulation process, provided that—

(a) they remain in an area designated by the Supervisor;

(b) there may only be one polling agent from each political party or independent candidate, unless the Supervisor otherwise agrees; and

(c) if the number of polling agents and observers observing the tabulation process at any one time is, in the opinion of the Supervisor, interfering with the orderly administration of the tabulation process, the Supervisor may limit the total number of such persons present at any one time by employing a fair rotation process that ensures that all such persons have an opportunity to observe the process throughout the period the process is conducted.

Tabulation process

89.—(1) The Supervisor must prepare a Municipal Results Tally for the municipality, which must record the total number of votes cast for each candidate at all the polling stations for each ward, along with the votes cast during early voting.

(2) As the protocol of results is received from each polling station in accordance with regulation 83(1) or (3), the Supervisor must progressively amend the Municipal Results Tally for the municipality to reflect the total number of votes received by each candidate.

Publication of unofficial results

90. Subject to any adjournment of polling in the municipality, the Supervisor must periodically publish the totals of the unofficial results for candidates on receipt of the first protocol of results throughout the tabulation process, including periodically displaying the totals to all persons who are present to observe the tabulation process.

Official municipal results tally

91.—(1) After the originals of the final protocols of results are received from all the polling stations and after all the votes received by each candidate at each polling station are recorded on the Municipal Results Tally for a municipality, the Supervisor must prepare and sign the Official Municipal Results Tally for the municipality, which must contain the total number of votes received by each candidate.

(2) A copy of the signed Official Municipal Results Tally for the municipality must promptly be publicly displayed in one or more locations in the municipality and published on the Fijian Elections Office website, and elsewhere as determined by the Supervisor.

Tied votes and declaration of results and names of elected members

92.—(1) The Supervisor, promptly after preparing the Official Municipal Results Tally for a municipality, must—

(a) determine if there are any tied votes for the final seat or seats;

(b) publicly declare those candidates that have been successfully elected from each ward as members of the municipal council, including any who have been previously declared elected under regulation 41;

(c) publish the names of those candidates who are declared to be elected as members of the municipal council in the Gazette and a national daily newspaper and broadcast on radio; and

(d) forward to the town clerk, or where there is no town clerk, the chief executive officer of the municipality, the list of names of the members that have been successfully elected to the Council for the municipality, and publish the list at one or more locations within the municipality.

(2) If the supervisor determines that there are tied votes for the final seat or seats, he or she must determine the tied vote by drawing of lots.

(3) In carrying out the draw in subregulation (2), the Supervisor must—

(a) put into a receptacle, the same size and shape of a serial numbered item; and

(b) invite the tied candidate or his or her representative to draw one of the numbered items from the receptacle blindfolded,

the candidate or his or her representative who draws the lowest numbered item is awarded the final seat.

(4) After publishing the names of the members of the municipal council, the Supervisor must endorse the names of the elected members on the writ and return the writ to the Electoral Commission, who must provide a copy to the Minister and the Minister responsible for local government.

Safe custody of election materials

93.—(1) After a local government election, the Supervisor must keep all relevant election materials, including unused ballot papers, used ballot papers - whether valid, invalid, spoiled or discarded, or tendered - counterfoils, protocols of results, signed voter lists, copies of complaints and appeals, record books and any official stamp, in safe custody and not allow any person to have access, unless ordered to do so by a court.

(2) If a petition has been presented questioning the validity of any election or return, or a criminal prosecution arising out of any election has been instituted, the Supervisor must, if so ordered by a court, deliver to the proper officer of the court the papers relating to the election or return involved.

Division 8—Reports and Observers

Reports on elections

94.—(1) Within 3 months after the date of the return of the writ, the Supervisor must submit a report to the Electoral Commission of the results of the election in the form approved by the Electoral Commission and the Electoral Commission must cause the report to be published.

(2) Within 6 months of a local government election being held, the Electoral Commission and the Supervisor must publish a joint post-election report to the Minister, with a copy to the Minister responsible for local government, concerning the conduct of the local government election.

Observers

95. The Minister may appoint or invite any international or domestic person, organisation or entity to be observers for any election on such terms of reference as determined by the Minister, and in doing so may—

(a) consult the Electoral Commission and the Supervisor on the composition and terms of appointment of such observers; and

(b) require such observers to provide a copy of any observation report to the Minister, Minister responsible for local government, Electoral Commission and the Supervisor.

PART 4—ELECTION CAMPAIGN AND MEDIA

Division 1—Conduct of campaigns

Campaign period

96.—(1) The campaign period must be from and including the date of the issue of the writ until the close of polling at that election.

(2) Upon receipt of a writ for an election the Supervisor must publish a notice, setting out the campaign period for the election and the public places designated under regulation in the Gazette and in one or more locations in each municipality where elections will be held, and broadcast on radio.

(3) For the avoidance of doubt, this Division sets out general provisions in relation to campaigning, both within and outside the campaign period and further restrictions apply to campaigning during polling as set out in regulations 70 and 73(4).

Non-interference in campaign

97.—(1) During the campaign period no person, including any candidate or political party or any person on behalf of them, may hinder in any manner whatsoever the lawful campaign activity of any political party or candidate, including the distribution and placement of campaign material and holding of campaign rallies and meetings.

(2) It is unlawful during the campaign period for any person, including any candidate or political party or any person on behalf of them, to tear, remove, or cover up any campaign material posted—

(a) in a designated public places; or

(b) on private premises without the pemission of the owner.

(3) Any person who contravenes this regulation commits a category B offence.

Campaign materials

98.—(1) This regulation applies at any time, whether within or outside the campaign period.

(2) Any campaign material published or distributed by or on behalf of political parties or candidates must include, for visual materials in a print size easily legible, or for broadcast or audio materials in a manner easily heard, the following information—

(a) name and address of the person and organisation who authorised and if payment is involved, paid for printing or other form of production of the material;

(b) name of the person or organisation that printed or produced the material and their business address; and

(c) date of issue.

(3) Political parties and candidates may place or publish their campaign materials—

(a) in public places designated by the Supervisor;

(i) "public places" means any public place as defined in the Public Order Act 1969;

(ii) before placing their campaign materials in any such public place, the parties and candidates must obtain the consent of the authority responsible for the management of the public place; and

(ii) the authority responsible for the management of the public place must not unreasonably withhold its consent and must be impartial in its decisions as between the parties and candidates seeking its consent;

(b) on private premises, with permission of the owner of any such private premises; or

(c) via audio-visual communication mediums, including electronic mediums, on the terms of use of those mediums.

(4) It is unlawful for any person, including any candidate or political party or any person on behalf of them, to place campaign materials on any public or municipal buildings, monuments, electricity or lamp posts, or other public or municipal structures, except in public places specifically designated by the Supervisor for the placement of campaign material.

(5) Any person who contravenes this regulation commits a category B offence.

Prohibition on use of State or municipal resources to campaign

99.—(1) This regulation applies at any time, whether within or outside the campaign period.

(2) It is unlawful to use State or municipal authority, including law and tax enforcement authorities, to pressure or intimidate political opposition.

(3) It is unlawful for any public officer or municipal officer to conduct campaign activities.

(4) For the avoidance of doubt, subregulation (2) does not apply to a public or municipal officer who, in the performance of his or her duties, provides—

(a) information, whether orally or in writing; or

(b) any security service.

(5) It is unlawful to force, pressure, or intimidate public officers or municipal officers to participate in campaign activities, to attend campaign rallies or meetings, or to assist a political party or candidate in campaigning in any manner, in or outside work hours.

(6) It is unlawful to conduct campaign activities or to post or distribute any campaign material inside a public or municipal office.

(7) It is unlawful to use a Government or Municipal Council vehicle to conduct campaign activities.

(8) Any person who contravenes this regulation commits a category A offence.

Prohibition on vote buying

100.—(1) It is unlawful at any time, whether within or outside the campaign period, for political parties and candidates, and their representatives, either personally or through other persons, or any other person to give or offer to any citizen money, gifts, material goods of any value, except for campaign transportation or material provided free of charge, to sell goods or services to persons at a preferential price, or to promise to provide any monetary fund, gift, material goods or services of any value for the purpose of gaining or influencing votes.

(2) Any person who contravenes this regulation commits a category A offence.

Campaign rules

101.—(1) During the campaign period, any political party or candidate, and any person representing, or acting under the direction of them must—

(a) respect the rights and freedoms of all other political parties or candidates to campaign and to disseminate their political ideas and principles without interference; and

(b) conduct itself in a manner that respects the rights of other political parties and candidates and respects the rights of voters.

(2) During the campaign period any political party or candidate and any person representing, or acting under the direction of them must—

(a) co-operate with election officials to ensure—

(i) peaceful and orderly polling; and

(ii) complete freedom for voters to exercise their franchise without being subjected to any annoyance, harassment or obstruction; and

(iii) the safety and security of election officials before, during and after the polling;

(b) respect and cooperate with observers;

(c) maintain and aid in maintaining the secrecy of the vote;

(d) respect and uphold the democratic process; and

(e) organise and conduct its election campaign in a manner that contributes toward a congenial and peaceful atmosphere during the campaign.

(3) Any political party or candidate, and any person representing, or acting under the direction of them must not at any time, whether within or outside the campaign period—

(a) deface, destroy, or prevent the distribution and display of the campaign materials of other parties and candidates;

(b) use any language or publish or distribute any campaign materials or make any broadcast containing language or material that amounts to racial or religious vilification or that threatens or incites violence;

(c) prevent any other party or candidate from holding rallies, meetings, marches or demonstrations;

(d) imitate the symbols of another political party or candidate, or steal, disfigure or destroy political or campaign materials of another political party or candidate;

(e) encourage, engage in or permit any kind of violent activity to demonstrate collective political strength or to prove political supremacy;

(f) cause damage to any public or private property during any campaign;

(g) coerce or offer monetary or other kinds of direct inducements to persons to vote for or against a particular party or candidate, or to abstain from voting;

(h) coerce or offer monetary or other kinds of direct inducements to persons to stand or not to stand as candidates, or to withdraw or not to withdraw their candidacies;

(i) procure the support or assistance of any election official or public servant to promote or hinder the election of a candidate;

(j) seek to prevent any person from attending the political rallies of another party or candidate; or

(k) encourage, incite or permit its supporters to do anything prohibited by this subregulation.

(4) Any political party or candidate, and any person representing, or acting under the direction of them must not—

(a) procure votes by forcible occupation of polling stations or through illegal activities in the polling stations;

(b) interfere unjustifiably or in bad faith with the duties of election officials at any time, whether within or outside the campaign period, or disturb the process of casting or counting of votes;

(c) at any time, whether within or outside the campaign period, falsely assert to voters that their votes will not be secret; or

(d) at any time, whether within or outside the campaign period, use any language or publish any document that seeks to threaten or incite hatred or violence in any form against any other person or group of persons, or which may amount to racial or religious vilification.

(5) The Supervisor may remove any material that is in breach of these campaign rules or direct its removal by—

(a) any political party or candidate that the Supervisor reasonably believes the material was published or distributed by or who authorised its publication or distribution; or

(b) a police officer, and

(c) all expenses incurred in exercising a power under this subregulation may be recovered from the person or persons by whom or by whose direction the prohibited item was exhibited as a debt due by them jointly and severally to the Fijian Elections Office.

(6) Any political party, candidate, or police officer who fails to comply with a directive under subregulation (5) commits a category B offence.

(7) Any person who contravenes subregulation (3) or (4) commits a category A offence.

Paid campaign advertisement

102. During the campaign period any broadcast or print advertisement paid for by a political party or candidate must clearly indicate that it is a paid political advertisement and include the name of the political party and the authorising officer of the party, or the name of the candidate, who authorised and paid for the advertisement, and must comply with the prohibitions set out in regulations 134 and 135.

Restrictions on election campaign-related matters

103.—(1) The Electoral Commission must adopt and publish guidelines on local government election campaign related matters as it deems fit for the orderly conduct of free and fair elections, and—

(a) for the purpose of this regulation, 'election campaign-related matter' includes organising debates, public forums, meetings, interviews, or panel discussions that relate to the election or electoral matters, providing education or training for candidates or political parties but not for voters, or publishing any material that pertains to such matters, and other activities and publications that otherwise relate to the election or any election issue or electoral matter that are not specifically provided for under Part 4;

(b) prior to adopting the guidelines, the Electoral Commission must consult with the Supervisor; and

(c) the guidelines must address the extent to which the following may or may not participate in election campaign-related activities—

(i) foreign persons and organisations; and

(ii) persons or organisations in receipt of foreign funding, whether by foreign donor aid or grants, loans, or other foreign means.

(2) During the campaign period any person, entity or organisation who organises or participates in organising any campaign related matter must comply with the guidelines adopted by the Electoral Commission under subregulation (1).

(3) If the Supervisor has reason to believe that there is inconsistency between the adopted guidelines under subregulation (1) and any campaign related matter under subregulation (2) and that inconsistency may have a meaningful impact on the veracity of the campaign related matter, the Supervisor may, by notice in writing, direct the person or entity or organisation to furnish to the Supervisor information or documents on the arrangements for the campaign related matter.

(4) The Supervisor may also direct the person or entity or organisation to remove or correct any information published under subregulation (2), or to revise the arrangements for the matter organised under subregulation (2), and the person or entity or organisation must immediately remove or correct the information or revise the arrangements for the campaign related matter.

(5) Any person, entity or organisation aggrieved by a decision of the Supervisor under this regulation may appeal the decision of the Supervisor to the Electoral Commission within 14 days from the date of the decision of the Supervisor.

(6) The consideration and adjudication of the appeal by the Electoral Commission must—

(a) respect the fundamental principle of due process, including the right to a fair hearing, at which relevant evidence in support and in response to the appeal may be submitted;

(b) be decided by the Electoral Commission in a timely manner, considering the proposed timing of the election campaign related matter under appeal; and

(c) otherwise, be conducted in accordance with the Rules adopted by the Electoral Commission.

(7) The decision of the Electoral Commission on an appeal is final and is not subject to any further appeal to or review by any court, tribunal or other adjudicating body.

(8) Any person who fails to comply with a directive under subregulation (3) or (4) commits a category B offence.

(9) It is unlawful at any time, whether within or outside the campaign period, for any person, entity or organisation, including any person employed or engaged by any such person, entity or organisation, to engage in, or to undertake any act which, under the Constitution or under the Local Government Act 1972 or these Regulations, is given to or assigned to the Electoral Commission or the Supervisor, unless authorised in writing by the Electoral Commission or the Supervisor or unless the act is included in the guidelines issued by the Electoral Commission under subregulation (1).

(10) Any person who contravenes subregulation (9) commits a category A offence.

Division 2—Election income, election expenditure, records and disclosures

Application of this Division

104.—(1) This Division sets out the requirements for candidates, whether party candidates or independent candidates, and political parties in respect to funding of their election campaign and the record keeping and disclosures in relation to the campaign.

(2) For the avoidance of doubt, apart from the requirements set out in regulation 108, the requirements for political parties are as set out in the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013.

Records

105.—(1) Every candidate must maintain an accurate and authentic record of election income and election expenditure including—

(a) the sources of the funds of the candidate and names, addresses and such other contact details as the Supervisor may require of any persons who have contributed thereto;

(b) particulars of any contribution, donation or pledge of a contribution or donation, whether in cash or in kind, made to the candidate;

(c) indirect contributions to the candidate and all receipts and disbursements, including income and expenditure transactions of the candidate; and *(d)* such other relevant particulars as the Supervisor may direct.

(2) A person, who interferes with, damages or destroys the records of a candidate commits a category B offence.

(3) If a candidate fails to comply with subregulation (1), then the candidate commits a category B offence.

Duty to inform Supervisor

106.—(1) The Supervisor may issue a written notice to a candidate to furnish for inspection by the Supervisor, the records or such other information as is reasonably required by the Supervisor to ensure compliance with the provisions of these Regulations.

(2) The Supervisor may make copies of or take extracts from any records or other information furnished to the Supervisor under this regulation.

(3) The candidate must comply with a notice issued by the Supervisor under this regulation.

(4) If the candidate fails to comply with this regulation, he or she commits a category B offence.

Sources of campaign funds

107.—(1) The sources of funds for a candidate may only be from voluntary donations, bequests and grants from a lawful source.

(2) For the purposes of this Part—

"donation" means a donation of money or goods and services, loan, credit facility, bond, share, negotiable security or property that is made at no charge, to a candidate or to any person on behalf of the them, but does not include the labour of any person that is provided to a candidate at no charge by that person; and

"lawful source" excludes a foreign government or an inter-governmental organisation or non-governmental organisation.

(3) Notwithstanding subregulation (2)*(b)*, the source of funds for an independent candidate may include funds from a Fijian non-governmental organisation so long as those funds are not contributed to by, or drawn from, any foreign source of funding to that non-governmental organisation and the head of that organisation provides the candidate a declaration attesting to that fact.

Declaration of assets, income, liabilities and expenditure in relation to an election

108.—(1) Subject to subregulation (3), the requirements of section 25 of the Political Parties (Registration, Conduct, Funding and Disclosures) Act 2013 apply *mutatis mutandis* to political parties.

(2) Every candidate, whether elected or not, must no later than the sixtieth day after polling day, provide to the Supervisor the following information in writing accompanied by a statutory declaration that the information provided is correct—

(a) the amount of any funds received by him or her from the date the writ is issued until the thirtieth day after polling day;

(b) the amount and source of any donation received by him or her from the date the writ is issued until the thirtieth day after polling day, and if any donation was from a non-governmental organisation then a copy of the declaration from that organisation required under regulation 107(3); and

(c) the campaign expenditure from the date the writ is issued until the thirtieth day after polling day.

(3) For the purposes of subregulation (2) where a political party supports the campaign of its candidate, for example, by way of donation to the candidate, or expenditure for or on behalf of the candidate, such expenditure must be declared as expenditure of the political party and is not required to be declared as campaign income or expenditure by the party candidate.

(4) The Supervisor must make the information provided under subregulation (2) available on the Fijian Elections Office website, and may publish the information by any other means.

(5) Any person who fails to comply with the requirements of subregulation (2), or who wilfully provides any information that is false, commits a category B offence.

PART 5—COURT OF DISPUTED RETURNS

Filling and serving of petition

109.—(1) A petition must be presented by filing it in the High Court registry.

(2) A petition must be served in the way in which a writ of summons is served or in such other manner as is prescribed by the rules of the High Court.

Respondent to petition

110. Any member whose election or return is complained of must be the respondent to the petition, and if the petition complains of the conduct of the Supervisor, then the Supervisor must also be a respondent.

Requisites of petition

111. Every petition must—

(a) set out the facts relied on to invalidate the election or return;

(b) set out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief;

(c) contain a prayer asking for the relief the petitioner claims to be entitled to, including, but not limited to—

(i) request for a recount of ballot papers in one or more polling stations or a recount of all ballot papers in a ward or municipality;

(ii) request for the invalidation of the protocol of results in one or more polling stations, invalidation of the election of one or more candidates, or invalidation of the entire election for a ward or municipality; and

(iii) request for repeat polling in one or more polling stations or request for a repeat election in a ward or municipality; and

(d) be signed by the petitioner, except in the case of a petition filed by the Attorney General under regulation 113 of these Regulations; and

(e) be filed in the registry of the court within 21 days of the return of the writ for the election being disputed.

No fees, deposit or security for costs

112. A petitioner is not required to pay any fees or deposit or security for costs with the petition.

Intervention by Attorney-General or Supervisor

113.—(1) The Attorney-General may file a petition disputing an election or return.

(2) The petition must be signed by the Solicitor-General for and on behalf of the Attorney General.

(3) The Attorney-General or the Supervisor may—

(a) intervene and enter an appearance in any proceeding in which the validity of any election or return is disputed; or

(b) be represented and heard on any such intervention, in which case he or she will be a respondent to the petition.

No proceedings unless requirements complied with

114.—(1) Subject to these Regulations, proceedings must not be had on a petition unless the requirements of regulations 109 and 111 are complied with.

(2) The court may, at any time after the filing of a petition and on such terms, if any, as it thinks fit, relieve the petitioner wholly or in part from compliance with regulation 111*(b)*.

(3) The court must not grant relief under subregulation (2) unless it is satisfied that—

(a) despite the failure of a petition to comply with regulation 111*(b)*, the petition sufficiently identifies the specific matters on which the petitioner relies; and

(b) the grant of relief would not unreasonably prejudice the interests of another party to the petition.

Powers of the court

115.—(1) The court must sit as an open court and its powers include the following—

(a) order the Supervisor to recount the ballot papers of one or more polling stations, including any special votes, such as from alternative voting methods;

(b) declare invalid the results in one or more polling stations, or any of the tallies of results under these Regulations;

(c) order the Supervisor to conduct repeat voting in one or more polling stations;

(d) declare that any person who was returned as elected was not duly elected;

(e) declare any candidate duly elected who was not returned as elected;

(f) declare an election in one or more wards or municipalities to be absolutely void and to order a new election;

(g) dismiss or uphold the petition in whole or in part;

(h) adjourn;

(i) compel the attendance of witnesses and the production of documents;

(j) grant to a party to the petition leave to inspect, in the presence of the Supervisor or an officer of the court, the registers and other documents used at or in connection with any election and to take, in the presence of the Supervisor or the officer of the court, extracts from those registers and documents;

(k) examine witnesses on oath; and

(l) punish any contempt of its authority by fine or imprisonment.

(2) If more than one petition is presented relating to the same election or return, the court may direct that all those petitions be dealt with as one petition.

(3) Where a petitioner withdraws, or applies to withdraw from proceedings on a petition, the court may permit any other person who was entitled to present the same petition but chose not to do so to be substituted for the petitioner who withdraws.

(4) Where a sole petitioner, or the sole survivor of several petitioners, dies, the court may treat the petition as abated and take no further action on it, unless the Attorney-General or the Supervisor or both have intervened under regulation 113 or indicate that they intend to do so, and one or the other wishes the proceedings or the petition to be heard.

Evidence that a person is not permitted to vote

116.—(1) On the trial of a petition the court must not admit the evidence of a witness that the witness was not permitted to vote in any election unless the witness satisfies the court that—

(a) the witness claimed to vote in the election pursuant to a provision of the Electoral Act or these Regulations under which he or she was entitled to vote; and

(b) the witness complied with the requirements of the Local Government Act 1972 and these Regulations relating to voting by voters so far as he or she was permitted to do so.

(2) If any voter, on account of the absence or error of, or omission by, an election official, is prevented from voting in an election, the court must not, for the purpose of determining whether the absence or error of, or omission by, the election official did or did not affect the result of the election, admit any evidence of the way in which the voter intended to vote in the election.

Irregularities not to invalidate election

117.—(1) The local government election, election in a municipality or for a ward, or a by-election or the results from any polling station or results tallies under these Regulations may not be declared invalid and the court may not declare that any person who is returned as elected, is not duly elected on the grounds of a failure to comply with these Regulations if the court is satisfied that the failure did not affect the result of the election, and that the election was conducted in a manner substantially in accordance with the requirements of the Local Government Act 1972 and these Regulations.

(2) Without limiting the effect of subregulation (1), an election or the results from any polling station or tallies of results may not be declared invalid and the court may not declare that any person, who is returned as elected, is not duly elected on grounds of—

(a) any failure to comply with the time prescribed in these Regulations;

(b) any omission or irregularity in filling out a form prescribed by or under these Regulations, other than a ballot paper;

(c) any defect or invalidity in the appointment of an election official or polling agent, or any failure by any such person to sign or make a declaration; or

(d) any absence of, or mistake, omission or breach of duty by, an election official, whether before, during or after the polling,

if the court is satisfied that the failure, omission, irregularity, defect, invalidity, absence, mistake, breach, or illegal or corrupt practice or offence under these Regulations did not affect the result of the election, and that the election was conducted in a manner substantially in accordance with the provisions of the Local Government Act 1972 and these Regulations.

Voiding election for corrupt or illegal practices

118.—(1) If the court finds that a person to whom a seat was awarded or some other person with the knowledge and consent of the person to whom the seat was awarded, has committed or has attempted to commit a corrupt practice or a category A offence, the award of the seat to that person must be declared void.

(2) The court may not declare that any person to whom a seat was awarded should not have had the seat awarded, or declare any election to be void—

(a) on the ground of any category B offence committed by a person other than the person to whom the seat was awarded and without the knowledge and consent of the person; or

(b) on the ground of any offence other than a corrupt practice or category A offence,

unless the court is satisfied that the result of the election was likely to be affected, and that it is just that there should be a declaration that the seat should not have been awarded to that person, or that the election should be declared void.

(3) A finding by the court in respect of any conduct or matter does not bar or prejudice any prosecution for an offence in respect of the same conduct or matter.

Repeat polling

119.—(1) If the court declares the results in one or more polling stations to be invalid, the entire election must not be voided.

(2) Repeat polling is to be ordered by the court for those polling stations where the results were voided if the results in those polling stations could affect the overall results of the election.

(3) If it is determined by the court that the overall election results could not be affected by any repeat polling in those polling stations in which results were invalidated, the court may not order repeat polling.

(4) Any repeat polling ordered by the court under subregulation (2) must take place within 60 days of the decision of the court under the supervision of the Supervisor.

Effect of court decision

120. Effect must be given to decisions of the court as follows—

(a) if any person returned is declared not to have been duly elected, the person ceases to be a member of a municipal council;

(b) if any person not returned is declared to have been duly elected, the person may take his or her place in the Municipal Council to which they have been elected to accordingly; or

(c) if any election is declared void, a new election for the affected municipal seat or area must be held within 60 days of the decision of the court.

Copies of petition and order to be served on certain officials

121.—(1) The Chief Registrar must as soon as possible after the filing of a petition forward a copy of the petition to the following—

(a) town clerk or, where there is no town clerk, the chief executive officer officer of the relevant municipal council;

(b) Attorney-General, if he or she is not a petitioner;

(c) Supervisor; and

(d) Electoral Commission.

(2) After the hearing of the petition, the Chief Registrar must forward to each of the persons named in subregulation (1) a copy of the decision and order of the court.

Withdrawal of petition

122.—(1) A petitioner may not withdraw a petition without the leave of the court.

(2) If there is more than one petitioner, an application to withdraw the petition may not be made except with the consent of all the petitioners.

(3) On the withdrawal of a petition, notice of the withdrawal must be published by the Chief Registrar in the Gazette and in a daily newspaper.

Rules of court

123.—(1) The Chief Justice may make rules of the court to give effect to this Part and for regulating the practice and procedure of the court and forms to be used.

(2) Until rules of court are made pursuant to subregulation (1), the rules of the court applicable to Petitions under the Act will apply, with all necessary changes, for the purposes of this Part.

PART 6—ELECTORAL OFFENCES

Accomplices

124.—(1) For the purposes of this Part, a person who aids, abets, counsels, procures, or by any act or omission, or is directly or indirectly concerned in, or party to, the contravention of a provision of these Regulations, is deemed to have contravened that provision.

(2) In this Part, a reference to a person includes a political party that causes an act to be done or an omission to be made with the authority of the registered officer or executive body of the political party.

Penalties for categories of offences

125.—(1) Every person who is guilty of a category A offence is liable on conviction to a fine not exceeding—

(a) $50,000 in the case of a political party or a political party polling agent;

(b) $10,000 in the case of a candidate or a candidate polling agent; or

(c) $5,000 in any other case,

and will be disqualified from registering on the National Register of Voters for a period of 4 years.

(2) Every person who is guilty of a category B offence is liable on conviction to a fine not exceeding—

(a) $1,000 in the case of a political party or a political party polling agent;

(b) $500 in the case of a candidate or a candidate polling agent; or

(c) $200 in any other case.

(3) Any person charged with a category A offence may, if the circumstances warrant that finding, be found guilty of a category B offence.

Publication of false statements

126.—(1) A person or a political party must not publish any information in or outside Fiji and is accessible in Fiji, which is a false statement and which is likely to influence the outcome of an election or diminish public confidence in the performance of any duty or function of the Supervisor or the Electoral Commission.

(2) The Supervisor may direct a person, including a service provider or a political party to remove or correct any statement or information published in breach of subregulation (1) and the person must immediately remove or correct the statement or information.

(3) The person or political party may request the Electoral Commission to review the decision of the Supervisor under subregulation (2) within 3 days of receiving the decision of the Supervisor.

(4) The Electoral Commission must within 24 hours review the decision of the Supervisor, and inform the Supervisor and the person or political party of its decision in writing.

(5) The consideration and adjudication of a review by the Electoral Commission must respect the fundamental principle of due process, including the right to a fair hearing, at which relevant evidence in support and in response to the complaint may be submitted.

(6) In adjudicating the review, the Electoral Commission has the power to reverse, alter or amend the decision of the Supervisor.

(7) The decision of the Electoral Commission under this regulation is final and cannot be subject to any further appeal to or review by any court, tribunal or any other adjudicating body.

(8) Any person or political party who contravenes subregulation (1), knowing or having reason to believe the information is false, commits a category A offencee.

(9) Any person or political party who fails to comply with a directive of the Supervisor under subregulation (2) commits a category B offence.

Offences in connection with applications and declarations

127. Any person who—

(a) knowingly and wilfully makes a false statement or declaration in connection with an application for registration as a voter or any other statement or declaration for the purposes of these Regulations;

(b) knowingly and wilfully makes a second application for registration as a voter if he or she is already registered as a voter;

(c) applies to be registered as a voter, or induces or procures another person to apply to be registered as a voter, knowing that he or she or the other person is not entitled to be so registered;

(d) knowingly and wilfully misleads the Supervisor or an election official in the compilation, maintenance or revision of the Register or voter list or any list required to be compiled under these Regulations, or wilfully enters or causes to be entered on any such Register or list any false or fictitious name or the name of any person whom he or she knows to be dead or missing; or

(e) signs the name of any other person, whether requested to do so or not, or any false or fictitious name, to any form of application or objection or other document for the purposes of or required under these Regulations,

commits a category A offence.

Offences in connection with forms, etc.

128.—(1) Any person who—

(a) publishes, issues, prints, or makes a copy of a ballot paper or a form prepared for the purposes of these Regulations without the authority of the Supervisor and without printing on the copy the words "copy only" or "specimen only" in letters at least 2 centimetres high;

(b) forges, counterfeits, or fraudulently defaces or destroys a nomination form or ballot paper;

(c) without due authority supplies to any person a ballot paper; or

(d) without due authority removes, alters, obliterates, mutilates or destroys a ballot paper,

commits a category A offence.

(2) Any person who—

(a) forges, counterfeits, or fraudulently defaces or destroys a form prepared for the purposes of these Regulations; or

(b) without due authority removes, alters, obliterates, mutilates or destroys a form prepared for the purposes of these Regulations,

commits a category A offence.

(3) Subregulation (1)*(a)* does not apply to a card or paper prepared on behalf of a candidate or registered political party having on it an instruction as to how a voter should vote for that party or candidate.

(4) Any person who, having obtained possession of an application for registration as a voter signed by another person, for the purpose of it being delivered to the Supervisor, fails without reasonable excuse to deliver it, with the result that the applicant's name is not entered in the Register, commits a category B offence.

Offences in relation to electoral information

129.—(1) Any person, other than the Supervisor or a person authorised by the Supervisor, who processes, manipulates or changes by electronic, mechanical or other means, any information contained in the Register, or a voter list commits a category A offence.

(2) Any person who uses any information contained in the Register or voter list for a commercial purpose or other purpose unrelated to an election commits a category B offence.

Offences in relation to ballot papers

130.—(1) Except as otherwise expressly authorised by these Regulations, any person, other than the voter to whom the ballot paper has been lawfully issued, who marks a vote or makes any other mark on the ballot paper of a voter, commits a category A offence.

(2) Any person who prints, publishes or distributes or causes, permits or authorises to be printed, published or distributed, any matter or thing with the intention of encouraging any voter to fill in a ballot paper otherwise than in accordance with these Regulations, commits a category A offence.

(3) Any person who by any spoken word or by any gesture, publicly encourages any voter to fill in a ballot paper otherwise than in accordance with these Regulations commits a category A offence.

(4) Any person who—

(a) puts into a ballot box a paper other than the ballot paper that he or she is authorised by these Regulations to put into the ballot box;

(b) takes any ballot paper out of a polling station other than the ballot paper that was issued to them; or

(c) without due authority, destroys, takes, opens or otherwise interferes with a ballot box or packet or parcel of ballot papers in use for the purposes of an election,

commits a category A offence provided that, a voter commits a category B offence if they establish that in relation to paragraph *(a)* they put the additional paper in the ballot box by error.

Bribery

131.—(1) Any person who at any time asks for, receives or obtains, or offers or agrees to ask for, or to receive or obtain, any property or benefit of any kind, whether for the same or for any other person, on an understanding that any—

(a) vote of the first mentioned person;

(b) candidature of the first mentioned person; or

(c) support of, or opposition to, a candidate or a political party by the first mentioned person,

will, in any way, be influenced or affected, commits a category A offence.

(2) Any person who at any time, to influence or affect any—

(a) vote of another person;

(b) candidature of another person; or

(c) support of, or opposition to, a candidate or a political party by another person,

gives or confers, or promises or offers to give or confer directly or through any other person, any property or benefit of any kind to that other person or to a third party, commits a category A offence.

(3) This regulation does not apply in relation to a declaration of public policy or a promise of public action.

Undue influence

132. Any person who at any time hinders or interferes with the free exercise or performance by any other person, of any political right or duty that is relevant to an election commits a category A offence.

Personation

133. Any person who—

(a) applies for a ballot paper in the name of—

(i) another person, whether the name is that of a person living or dead;

(ii) a fictitious person;

(b) has already voted in an election, attempts to vote again by applying for another ballot paper at the same election; or

(c) knowingly and wilfully impersonates an election official,

commits a category A offence.

Heading to electoral advertisement

134. During the campaign period any editor, publisher and proprietor of a media organisation who fails to cause the word "electoral advertisement" to be published or broadcast as a headline or heading to each article, advertisement, publication, broadcast or notice in the publication or broadcast—

(a) that contains electoral matter; and

(b) that is, or is to be, paid for or for which any reward, compensation or promise of reward or compensation is or is to be made,

commits a category B offence.

Printing and publishing of electoral advertisements, notices, etc.

135.—(1) Any person who at any time prints, publishes, broadcasts or distributes or causes, permits or authorises to be printed, published, broadcast or distributed, an electoral advertisement, handbill, pamphlet, notice or electoral audio or video recording in which—

(a) the name and residential address of the person who authorised the electoral advertisement, handbill, pamphlet, notice or electoral audio or video recording do not appear; or

(b) in the case of an electoral advertisement, handbill, pamphlet or notice that is printed otherwise than in a newspaper, the name and place of business of the printer do not appear,

commits a category B offence.

(2) Subregulation (1)*(b)* does not apply in relation to a car sticker, clothing, apparel, label, badge, pen, pencil or balloon.

(3) During the campaign period, any person who produces, publishes or distributes or causes, permits or authorises to be produced, published or distributed an electoral audio or video recording in which the name and residential address of the person who authorised the electoral audio or video recording does not appear, commits a category B offence.

(4) Any person who—

(a) at any time between announcement of the date of the election and the close of the poll in any election, prints, publishes, broadcasts or distributes, or causes, permits or authorises to be printed, published, broadcast or distributed, any matter or thing that is likely to mislead or deceive a voter in relation to the casting of a vote;

(b) at any time between the announcement of the date of the election and the close of the poll in any election publishes or exposes, or causes to be published or exposed, to public view any document or writing or printed matter containing any untrue and defamatory statement in relation to the person, character or conduct of any candidate in the election calculated to influence the vote of any voter; or

(c) before, or during an election, knowingly publishes any false statement of the withdrawal of a candidate at the election, for the purpose of promoting or procuring the election of another candidate,

commits a category B offence.

(5) It is a defence to a prosecution for an offence against subregulation (4)*(b)* if the defendant proves that he or she had reasonable ground for believing and did in fact believe the statement to be true.

(6) In this regulation—

"electoral advertisement, handbill, pamphlet or notice" means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper or any other medium announcing the holding of a meeting; and

"electoral audio or video recording" includes an audio or video recording that contains electoral matter.

Disobeying lawful directions, etc.

136.—(1) Any person who—

(a) while in a polling station, disobeys a lawful direction given by the presiding officer or an election official; or

(b) enters or remains in a polling station without the permission of the presiding officer or an election official,

commits a category B offence.

(2) Subregulation (1)*(b)* does not apply to any—

(a) person authorised under these Regulations to be in a polling station;

(b) person acting at the request of the presiding officer; or

(c) voter who is there for no longer than is reasonably necessary to vote, and who has not been caused to be removed by the presiding officer under regulation 68.

(3) Any person who hinders election officials from conducting their duties and functions in accordance with these Regulations commits a category B offence.

Breach of official duty

137.—(1) Any election official who contravenes a—

(a) provision of these Regulations for which no other penalty is provided; or

(b) direction given to him or her under these Regulations,

commits a category B offence.

(2) Any person who is or has been an election official who, directly or indirectly divulges or communicates any information with respect to the vote of a voter acquired by him or her in the performance of his or her functions, or in the exercise of his or her powers, under these Regulations in a way that could lead to the identification of the voter, commits a category A offence.

(3) Any election official who, before the close of the poll in any election, makes known the state of the poll or gives or purports to give any information by which the state of the poll may be known, commits a category A offence.

(4) Subregulation (3) does not apply to the provision of general information as to the number of voters who have voted in an election and the number who have yet to cast their vote, in a particular polling station.

(5) An election official must not do any act or thing for the purpose of influencing the vote of any person.

Offences related to campaign

138. Any person who—

(a) engages or participates in any campaign which is not in compliance with these Regulations;

(b) obstructs the seizure of election campaign messages, statements, papers, posters, photos and other materials which are or have been used for campaign not in compliance with these Regulations;

(c) conducts any campaign in the premises of any educational institution or in any place where campaigns are prohibited by these Regulations; or

(d) places campaign materials at any place where the placement of such campaign materials are prohibited by these Regulations,

and where no other penalty is provided under these Regulations, commits a category B offence.

Definition of persons

139. Where a person contravenes a provision of these Regulations, the person —

(a) in the case of a political party, includes the registered officer and office holders of the political party;

(b) in the case of a company, includes each director or persons occupying the position of director by whatever name called and includes any person in accordance with whose direction or instructions the person occupying the position of directors of the company are accustomed to act;

(c) in the case of a non-governmental organisation, includes the director or any person occupying the position of the officer in charge of the non-governmental organisation and includes the chairperson, trustees or members of the board of the non-governmental organisation; and

(d) in the case of a media organisation, means each director or persons occupying the position of director by whatever name called and includes any person in accordance with whose direction or instructions the person occupying the position of directors of the company are accustomed to act, and includes any editor and publisher.

PART 7—MISCELLANEOUS

Power to destroy records

140. The Supervisor must destroy or cause to be destroyed in a secure manner, all physical records in relation to an election 6 months after the election in a municipality or ward unless a court orders otherwise.

Made this 23rd day of December 2025.

S. D. TURAGA
Minister for Justice

SCHEDULE
(Regulation 43)

BALLOT PAPER FOR THE ELECTION OF MEMBERS OF MUNICIPAL COUNCILS

(NAME) MUNICIPAL COUNCIL
Election of (**number**) members for (**NAME**) **WARD**
Tick ☐ the name of the candidates you wish to vote for
You can tick ☐ up to (number) candidates

☐ Candidate photo	CANDIDATE SURNAME First name (Alternative)	Symbol (if any)	Political party or Independent
☐ Candidate photo	CANDIDATE SURNAME First name (Alternative)	Symbol (if any)	Political party or Independent
☐ Candidate photo	CANDIDATE SURNAME First name (Alternative)	Symbol (if any)	Political party or Independent
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☐ Candidate photo	CANDIDATE SURNAME First name (Alternative)	Symbol (if any)	Political party or Independent
☐ Candidate photo	CANDIDATE SURNAME First name (Alternative)	Symbol (if any)	Political party or Independent

[LEGAL NOTICE NO. 98]

BIOSECURITY ACT 2008

Declaration of Biosecurity Emergency Areas for – Tongan Fruitfly for Yasawa Group and Mamanuca Islands (*Bactrocera facialis*)

IN exercise of the powers conferred on me by section 77 of the Biosecurity Act 2008, with the advice of the Biosecurity Authority of Fiji and in consultation with the National Disaster Risk Management Council, I hereby declare the area of the Yasawa Group and Mamanuca Islands identified in the Schedule as a biosecurity emergency area for Tongan Fruitfly (*Bactrocera facialis*).

This Declaration is in force for a period of 6 months from the date of publication in the Gazette.

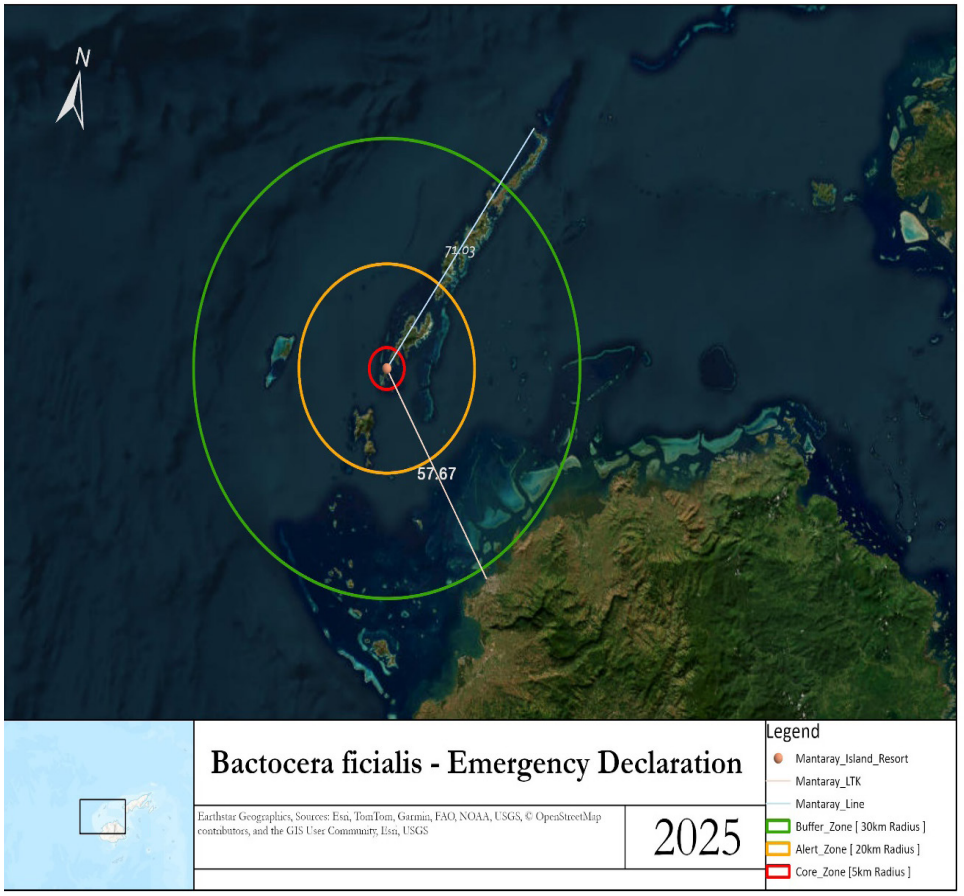
Any movement of mango (*Mangifera* spp.), guava (*Psidium* spp.), papaya (*Carica papaya*), citrus (all spp.), avocado, breadfruit, starfruit, rose/malay apple (*Syzygium* spp.), capsicum, tomato, pumpkin, zucchini, cucumber, melons (*Cucurbita* spp.), and other host material identified by the Biosecuirty Authority of Fiji, is prohibited. Host material includes all fruits found in Yasawa Group and Mamanuca Islands.

Pursuant to sections 79(3) and 94 of the Biosecurity Act 2008, any person who contravenes any direction made pursuant to this Declaration commits an offence and is liable to the penalties prescribed under Schedule 5 to the Biosecurity Act 2008.

Made this 19th day of December 2025.

T. N. TUNABUNA
Minister for Agriculture and Waterways

SCHEDULE


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Bactocera ficialis - Emergency Declaration
Earthstar Geographics, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS
2025
Legend
Mantaray_Island_Resort
Mantaray_LTK
Mantaray_Line
Buffer_Zone [30km Radius]
Alert_Zone [20km Radius]
Core_Zone [5km Radius]


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Bactocera ficialis - Emergency Declaration
Earthstar Geographics, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Esri, USGS
2025
Legend
Mantaray_Island_Resort
Buffer_Zone [30km Radius]
Alert_Zone [20km Radius]
Core_Zone [5km Radius]

[LEGAL NOTICE NO. 99]

BIOSECURITY ACT 2008

Biosecurity Emergency (Tongan Fruitfly) (*Bactrocera facialis*) Regulations 2025

IN exercise of the powers conferred on me by section 80 of the Biosecurity Act 2008, on the advice of the Biosecurity Authority of Fiji, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Biosecurity Emergency (Tongan Fruitfly) (*Bactrocera ficialis*) Regulations 2025.

(2) These Regulations come into force on the date of publication in the Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires—

"Act" means the Biosecurity Act 2008;

"Declaration" means the Declaration of the Biosecurity Emergency Areas for Tongan Fruitfly (*Bactrocera facialis)* made pursuant to section 77 of the Act;

"host material" means any fruit within the infected zone; and

"person" includes a company or association or body of persons, corporate or unincorporated.

Restriction on movement

3.—(1) Where an area has been declared as a biosecurity emergency area pursuant to section 77 of the Act for Tongan Fruitfly (*Bactrocera facialis*)—

(a) personal carriage of any host material of the Tongan Fruitfly (*Bactrocera facialis*) out of the area;

(b) the movement of any host material of the Tongan Fruitfly (*Bactrocera facialis*) within the area without prior authorisation from the Authority; and

(c) personal carriage of any host material of the Tongan Fruitfly (*Bactrocera facialis*) within the area without prior authorisation from the Authority,

is prohibited.

(2) Any person who fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding $40,000 in the case of an individual or $200,000 in the case of a body corporate.

Supplementary powers of biosecurity officer

4. A biosecurity officer may—

(a) enter any farm or any land area, including a dwelling house without warrant to ascertain whether or not any host material on the farm or land area is infected with Tongan Fruitfly (*Bactrocera facialis*);

(b) take the necessary containment measures to decrease the risk posed by the infestation of the Tongan Fruitfly (*Bactrocera facialis*);

(c) treat any infested fruit, plant, by way of chemical treatment to contain the spread of Tongan Fruitfly (*Bactrocera facialis*);

(d) destroy any fruit, which he or she reasonably believes to be severely infested with Tongan Fruitfly (*Bactrocera facialis*) and is a major biosecurity risk that cannot be adequately contained or mitigated through treatment or other control measures; and

(e) inspect any baggage, vehicle, cargo, and premises within the biosecurity-controlled area.

Made this 19th day of December 2025.

T. N. TUNABUNA
Minister for Agriculture and Waterways

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