

156C. Filling vacancy by re-count — nominations

- (1) Where the Governor receives or takes notice of a vacancy under section 156B the Governor shall inform the Electoral Commissioner who shall —
 - (a) if satisfied that it is practicable to fill the vacancy under this section and section 156D, publish in at least 2 newspapers circulating generally in the region in respect of which the vacancy has occurred a notice in accordance with the prescribed form to the effect that the vacancy has occurred; or
 - (b) by notice signed by him, inform the Governor that he is not satisfied that it is practicable to fill the vacancy under this section and section 156D.
- (2) Where a vacancy is to be filled and —
 - (a) the member in whose seat the vacancy has occurred; or
 - (b) in a case where the member in whose seat the vacancy has occurred was elected under this section and section 156D or under section 156E, the member who was the predecessor (whether immediate, intermediate, or original) of that member,was, at the time of being elected at the original election, publicly recognised by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate at that time then, without limiting the generality of subsection (1), it shall be taken to be impracticable to fill the vacancy under this section and section 156D if the Parliamentary leader of that party, by notice signed by him, informs the Electoral Commissioner that there is no available qualified person who is a member of that party.
- (3) Where notice of a vacancy is published under subsection (1)(a) a qualified person may nominate himself as a candidate for the vacancy in accordance with this section.
- (4) A person may make a nomination under subsection (3) —
 - (a) by delivering or posting his written consent to act, if elected; or
 - (b) by signifying his consent to act, if elected, by a message sent by telegram, telex, or other electronic means,to the Electoral Commissioner so that it is received by the Electoral Commissioner before 12 noon on the tenth day after the day on which the notice of the vacancy was published under subsection (1)(a).
- (5) Where a nomination under subsection (3) is made otherwise than by telegram, telex, or other electronic means, it is not valid unless made in the prescribed form by the nominating candidate and unless his signature is witnessed by an elector.
- (6) Where such a nomination is made by a message by telegram, telex, or other electronic means, it is not valid unless it is verified in the prescribed manner.

[Section 156C inserted by No. 40 of 1987 s.79; amended by No. 36 of 2000 s.55(2).]