

**ELECTORAL AMENDMENT BILL (No. 2) 2015**

**TULAFONO TAU FAAOFI O TEUTEUGA O LE  
TULAFONO O FAIGA PALOTA (Nu. 2) 2015**

**SAMOA**

Arrangement of Provisions

1. Short title and commencement
2. Section 5 amended
3. Section 19 substituted
4. Section 45A amended
5. Territorial Constituencies Act amended
6. Transitional regulations

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**2015, No.**

**A BILL INTITULED**

**AN ACT to amend the Electoral Act 1963 (“Principal Act”).**

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title and commencement-**(1) This Act may be cited as the Electoral Amendment Act (No. 2) 2015.

(2) This Act commences on the date of assent by the Head of State.

**SAMOA**

Faatulagaina o Aiaiga

1. Igoa puupuu ma le amataga
2. Ua teuteuina le fuaiupu 5
3. Ua suia le fuaiupu 19
4. Ua teuteuina le fuaiupu 45A
5. Ua teuteuina le Tulafono o Itumalo Faa-alaalafaga
6. Tulafono faatonutonu tau soloaiga

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**2015, Nu.**

**O SE TULAFONO TAU FAAOFI UA TAUA**

**O SE TULAFONO e teuteu ai le Tulafono o Faiga Palota 1963 (“Tulafono Autu”).**

**UA FAIA** e le Fono Aoao Faitulafono a Samoa i totonu o le Palemene ua potopoto e faapea:

**1. Igoa puupuu ma le amataga-**(1) E mafai ona taua lenei Tulafono o le Tulafono o Teuteuga o le Tulafono o Faiga Palota (Nu. 2) 2015.

(2) O lenei Tulafono e amata faamamaluina i le aso e tuuina i ai le maliega a Le Ao o le Malo.

**2. Section 5 amended** - In section 5 of the Principal Act, after subsection (8), insert:

“(9) A candidate may, by motion and no later than noon of the 3<sup>rd</sup> day after nomination day, challenge the qualification of another candidate under this section in the Supreme Court for an order to disqualify that other candidate.

(10) An order made under subsection (9) is final and is not subject to any review or appeal.”.

**3. Section 19 substituted** - For section 19 of the Principal Act substitute:

“**19. Qualifications of urban voters**-(1) Subject to this Act and subsection (2), an adult person is qualified to be registered as an urban voter if the person:

- (a) is a Samoa citizen listed in Column 3 of Schedule 2; and
- (b) has lived in that urban constituency for a period of at least six (6) months immediately before registration.

(2) A person who is living in an urban constituency for less than six (6) months and therefore cannot be registered under subsection (1) may apply to be registered under this Act:

- (a) in a territorial constituency; or
- (b) in the other urban constituency in which the person last lived for at least six (6) months.”.

**4. Section 45A amended** - For section 45A of the Principal Act:

- (a) in subsection (1)(a) -
  - (i) for “12<sup>th</sup>” substitute “5<sup>th</sup>”; and
  - (ii) for “14<sup>th</sup>” substitute “7<sup>th</sup>”; and

**2. Ua teuteuina le fuaiupu 5** - I totonu o le fuaiupu 5 o le Tulafono Autu, i le tuanai ai o le faafuaiupu (8), ia faaofi e faapea:

“(9) E mafai e se sui faatu, e ala i se talosaga ma e lē silia le aoauli o le aso lona 3 ina ua tuanai ai le aso o le filifiliga o sui, ona finauina uiga agavaa o se isi sui faatu, i lalo o lenei fuaiupu, i le Faamasinoga Sili mo se poloaiga e faalēaogāina ai o le isi lea sui faatu.

(10) O se poloaiga ua faia i lalo o le faafuaiupu (9) e mausali ma e lē noatia i so o se iloiloga po o so o se talosaga tetee.”.

**3. Ua suia le fuaiupu 19** - Mo le fuaiupu 19 o le Tulafono Autu, ia suia e faapea:

“**19. Uiga agavaa o tagata palota taitoatasi i nuu o le taulaga**-(1) I le noatia ma le fai fuafua i lenei Tulafono ma le faafuaiupu (2), ua agavaa se tagata matua ina ia faamauina e avea o se tagata palota taitoatasi i nuu o le taulaga pe afai o le tagata:

- (a) o se tagatanuu o Samoa o lo o lisiina i le Laina 3 o le Faamatalaga 2; ma
- (b) sa nofo i totonu o lea lava itumalo o nuu i le taulaga, mo se vaitaimi a itiiti mai e ono (6) masina i le taimi lava lea a o lumanai ai le faamauina.

(2) O se tagata, o ia lea o lo o nofo i totonu o se itumalo o nuu i le taulaga mo se vaitaimi e itiiti ifo i lo le ono (6) masina ma o le a faapea ona lē mafai ona faamauina i lalo o le faafuaiupu (1), e mafai ona talosaga ina ia faamauina i lalo o lenei Tulafono:

- (a) i totonu o se itumalo faa-alaalafaga; po o
- (b) i totonu o le isi itumalo o nuu i le taulaga, lea sa nofo ai le tagata, a itiiti mai o le ono (6) masina.”.

**4. Ua teuteuina le fuaiupu 45A** - Mo le fuaiupu 45A o le Tulafono Autu:

- (a) i totonu o le faafuaiupu (1)(a) -
  - (i) mo le “12<sup>th</sup>” ia suia i le “5<sup>th</sup>”; ma
  - (ii) mo le “14<sup>th</sup>” ia suia i le “7<sup>th</sup>”; ma

- (b) in subsection (2) -  
 (i) for “12<sup>th</sup>” substitute “19<sup>th</sup>”; and  
 (ii) for “14<sup>th</sup>” substitute “21<sup>st</sup>”.

**5. Territorial Constituencies Act amended** - In the Schedule to the Territorial Constituencies Act 1963, for Part 2 substitute:

**“PART 2 - BOUNDARIES FOR THE URBAN CONSTITUENCIES**

**URBAN CONSTITUENCY EAST**

**All that area of land (other than customary land) bounded as follows:**

Commencing on the coast at the mouth of the Asaga Stream and continuing along the Asaga Stream to Fugalei Street, and from that Street in a generally southerly direction along Fugalei Street to Vaitele Street, and from that Street in a generally westerly direction to Vaimoso Road, and by that Road to the Gasegase Stream, and by that Stream to Moamoa Road, and from there in a generally south-westerly direction by that Road to the Ala-i-Sa track, and then in a generally south-westerly direction by that track to its intersection with the Public Road abutting Parcels 14 and 15 Flur IX, Upolu, and from there in a generally easterly direction to the south west corner of the Vaimauga East Electoral District, and from that corner by the western boundary of the Vaimauga East Electoral District to the coast and from there by the coast back to the point of commencement, and includes the villages and sub-villages of Matafagatele, Magiagi, Vaiala, Matautu, Apia, Tanugamanono, Taufusi, Vaimea, Fugalei, Saleufi, Sogi, Mulinu’u, Papauta, Vailima, Tanumaleko, Moto’otua, Lalovaea, Fa’ato’ia and part of Alamagoto.

- (b) i totonu o le faafu'aiupu (2) -  
 (i) mo le “12<sup>th</sup>” ia suia i le “19<sup>th</sup>”; ma  
 (ii) mo le “14<sup>th</sup>” ia suia i le “21<sup>st</sup>”.

**5. Ua teuteuina le Tulafono o Itumalo Faa-alaalafaga** - I totonu o le Faamatalaga i le Tulafono o Itumalo Faa-alaalafaga 1963, mo le Vaega 2, ia suia e faapea:

**“VAEGA 2 - TUAOI MO ITUMALO O NUU I LE TAULAGA**

**ITUMALO O NUU I LE TAULAGA I SASAE**

**O le vaega eleele uma (e ese mai ai i lo fanua faaleaganuu) lea o lo o aofia i tuaoi e faapenei:**

E amata atu i le talafatai i le mulivai o le Vaitafe o le Asaga ma faaaau ai pea lava i le Vaitafe o le Asaga, seia oo atu i le Ala i Fugalei, ma mai lea Ala e agai atu i le itu i saute ma alu atu ai lava i le Ala i Fugalei seia oo atu i le Ala i Vaitele, ma mai lea Ala e agai atu i le itu i sisifo seia oo atu i le Ala i Vaimoso, ma mai lea lava Auala seia oo atu i le Vaitafe o Gasegase, ona alu atu ai lava lea i lea lava Vaitafe seia oo i le Ala i Moamoa, ona alu ane ai lea i le itu i saute feagai ma sisifo i lea lava Auala, e oo atu i le alasopo i le Ala-i-Sa, ma alu atu ai lea i le itu i saute feagai ma sisifo i tafatafa o lea lava alasopo e oo atu i le mea e fetau ai ma le Ala Tele o le Malo o lo o tau ane i ai fanua ua faamauina e aveva o Parcels 14 ma le 15 Flur IX, Upolu, ona alu atu ai lava lea agai i sasae e oo atu i le tulimanu i saute feagai ma sisifo o le Itumalo Faa-Palota o Vaimauga Sasae, ona alu atu ai lea mai lea tulimanu i le tuaoi i sisifo o le Itumalo Faa-Palota o Vaimauga i Sasae e oo atu i le talafatai i tai ma toe foi mai ai i le talafatai seia oo mai i le mea na amata atu ai, ma e aofia ai Nu'u ma pitonuu o Matafagatele, Magiagi, Vaiala, Matautu, Apia, Tanugamanono, Taufusi, Vaimea, Fugalei, Saleufi, Sogi, Mulinu’u, Papauta, Vailima, Tanumaleko, Moto’otua, Lalovaea, Fa’ato’ia ma se vaega o Alamagoto.

## URBAN CONSTITUENCY WEST

**All that area of land (other than customary land) bounded as follows:**

Commencing on the coast at the eastern boundary of Vaimauga West Electoral District and continuing in a generally south-westerly direction by that boundary to its intersection with the Safata Electoral District boundary, and from there in a generally west north-westerly direction along the Safata Electoral District boundary to the eastern side of Lake Lanuto’o, and from there in a generally north-easterly direction to the southern end of the boundary between the Vaiusu and Vailoa villages, and then by that boundary to the coast and then by the coast back to the point of commencement and includes the villages of Vaimoso, Lepea, Vailoa and part of Alamagoto.”.

**6. Transitional regulations** - The Head of State acting on the advice of Cabinet may (before the date the polling begins for 2016 general elections) make transitional regulations to amend or prescribe new forms for the purposes of the Principal Act.

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## ITUMALO O NUU I LE TAULAGA I SISIFO

**O le vaega eleele uma (e ese mai ai i lo fanua faaleaganuu) lea o lo o aofia i tuaoi e faapenei:**

E amata atu i le talafatai i tai i le tuaoi i le itu i sasae o le Itumalo Faa-Palota o Vaimauga Sisifo ma faaauau ai pea lava agai i le itu i saute feagai ma sisifo i lea lava tuaoi e oo atu i le mea e fetau ai ma le tuaoi o le Itumalo Faa-Palota o Safata, ona agai atu ai lava lea i le itu i sisifo-matu e feagai ma sisifo i le tuaoi o le Itumalo Faa-Palota o Safata e oo atu i le itu i sasae o le Vaituloto o Lanuto’o, ona alu ane ai lea i le itu i matu feagai ma sasae seia oo atu i le pito i saute o le tuaoi e i le va o nuu o Vaiusu ma Vailoa, ona alu atu ai lea mai lena tuaoi seia oo i le talafatai ma toe foi mai ai lava i le talafatai seia oo mai i le mea na amata atu ai, ma e aofia ai nuu o Vaimoso, Lepea, Vailoa ma se vaega o Alamagoto.”.

**6. Tulafono faatonutonu tau soloaiga** - E mafai e Le Ao o le Malo, i le faia i luga o le fautuaga a le Kapeneta (a o lumanai ai le aso e amata ai le faiga palota mo le Faiga Palota Aoao 2016), ona faia o tulafono faatonutonu tau soloaiga e teuteu ina ia po o le faatonuina ai foi o pepa faatumu fou mo faamoemoega o le Tulafono Autu.

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