

ELECTORAL AMENDMENT BILL (No. 3) 2015

SAMOA

Explanatory Memorandum

Objects and reasons:

The Bill seeks to amend the Electoral Act 1963 (Principal Act).

The objects of the Bill are:

- (a) to provide a period of at least 3 years (up to the day the nomination paper is lodged with the Commissioner) for a candidate to render village service requirements;
- (b) to address the inconsistency in the Act on the terms of imprisonment relating to -
 - (i) grounds for disqualifications for candidates for Members of Parliament under section 5(5)(b)(i), which is 4 years; and
 - (ii) vacancy of seats of Members of Parliament under section 10(e), which is 2 years;
- (c) to give discretionary power to the Commissioner for re-photographing of voters from 10 to 15 years;
- (d) to provide for the right of descendants (including their spouses) of persons who is or was on the roll for the Vaimauga and Faleata Territorial Constituencies (TC) on or before the 2011 Generals Elections to register on those TC rolls, despite that they do not have kinship to those TCs. The descendants must reside in those TCs for at least 6 months to qualify.

TULAFONO TAU FAAOFI O TEUTEUGA O LE TULAFONO O FAIGA PALOTA (Nu. 3) 2015

SAMOA

Faamatalaga e Faamalamalama ai

Sini ma mafuaaga:

Ua taumafai le Tulafono Tau Faaofi e teuteu le Tulafono o Faiga Palota 1963 (Tulafono Autu).

O sini nei o le Tulafono Tau Faaofi:

- (a) ia aiaia o se vaiitami a itiiti mai e 3 tausaga (e oo atu i le aso na faauluina atu ai le pepa o filifiliga i le Komesina) mo se sui faatu, ina ia tuuina atu ai o manaoga o le tautua i le nuu;
- (b) ia tali atu i itu e le o ogatasi i totonu o le Tulafono, i vaiitami e nofosala ai i le falepuipui e faasino i -
 - (i) mafuaaga mo le tauleagavaaina o sui faatutu e avea ma Sui Usufono o le Palemene, i lalo o le fuaiupu 5(5)(b)(i), lea e 4 tausaga; ma
 - (ii) avanoa o nofoa o Sui Usufono o le Palemene i lalo o le fuaiupu 10(e), lea e 2 tausaga;
- (c) ia tuuina atu o le pule faitalia i le Komesina mo le toe pueina o ata o tagata palota taitoatasi, mai le 10 i le 15 tausaga;
- (d) ia aiaia ai mo le aia tatau a suli (e aofia ai o latou toalua) o tagata o lo o i ai pe sa i ai igoa i luga o lisi o le faasologa o igoa, mo le itumalo faaalaalafaga o Vaimauga ma le itumalo faaalaalafaga o Faleata (TC) i le aso po o a o lumanai ai le Faiga Palota Aoa o le 2011, ina ia faamau i na lisi o le faasologa o igoa o itumalo faaalaalafaga, e ui lava ina faapea e leai ni o latou sootaga i le toto i na itumalo faaalaalafaga. E tatau i suli ona nonofo mau i totonu o na itumalo faaalaalafaga mo se vaiitami a itiiti mai e 6 masina e agavaa ai.

Clauses:

- Clause 1:** - provides for the short title and commencement. It will commence on the date of assent by the Head of State.
- Clause 2:** - amends section 5 as follows:
- in subsection (3A), in order to specify a period in which the village service is to be carried out (i.e. at least 3 years up to the day the nomination paper is lodged with the Commissioner); and
 - in subsection (5)(b)(i) in order to be consistent with section 10(e) so that the term “jurisdiction” refers to “Samoa or another country”.
- Clause 3:** - amends section 10(e) in order to be consistent with section 5(b)(i) for the term 2 years to be 4 years and the reference to “American Samoa” to be a reference to “another country”.
- Clause 4:** - amends section 25B to give discretion to the Commissioner to require re-photographing of voters after 10 to 15 years.
- Clause 5:** - amends Schedule 2 Act by adding a new requirement specified under paragraph (d) of the objects of the Bill stated above.

Fuaiupu:

- Fuaiupu 1:** - ua aiaia ai mo le igoa puupuu ma le amataga. O le a amata faamamaluina le Tulafono i le aso o le a tuuina i ai le maliega a Le Ao o le Malo.
- Fuaiupu 2:** - ua teuteuina ai le fuaiupu 5 e faapea:
- i totonu o le faafuaiupu (3A) ina ia mafai ai ona faamaoti se vaitaimi lea o le a faatinoina ai le tautua i le nuu (o lona uiga, a itiiti mai e 3 tausaga e oo atu i le aso na faauluina ai le pepa o filifiliga i le Komesina); ma
 - i totonu o le faafuaiupu (5)(b)(i), ina ia mafai ai ona ogatasi ma le fuaiupu 10(e) ina ia faapea ai o le fuaitau “puleaga faa-faamasinoga” e faasino ia “Samoa po o se isi atunuu”.
- Fuaiupu 3:** - ua teuteuina ai le fuaiupu 10(e) ina ia mafai ai ona ogatasi ma le fuaiupu 5(b)(i) mo le vaitaimi e 2 tausaga ia avea o le 4 tausaga ma le faasinomaga ia “Amerika Samoa” ia faapea o se faasinomaga i “se isi atunuu”.
- Fuaiupu 4:** - ua teuteuina ai le fuaiupu 25B ina ia tuuina atu ai le faitalia i le Komesina e manaomia ai le toe pueina o ata o tagata palota taitoatasi i le tuanai ai o le 10 i le 15 tausaga.
- Fuaiupu 5:** - ua teuteuina ai le Faamatalaga 2 o le Tulafono, e ala i le faaopoopoina o se manaoga fou ua faamaotiina i lalo o parakalafa (d) o sini o le Tulafono Tau Faaofi ua taua i luga.

Clause 6: - deals with consequential amendments to forms, as set out in Schedule 1.

Fuaiupu 6: - ua tagofia ai teuteuga faatupulaia i pepa faatumu, e pei ona faatulagaina atu i totonu o le Faamatalaga 1.

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(Hon FIAME Naomi Mataafa)
MINISTER FOR JUSTICE
AND COURTS ADMINISTRATION

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(Hon FIAME Naomi Mataafa)
MINISITA O FAAMASINOGA
MA PULEGA TAU FAAMASINOGA