

ELECTORAL AMENDMENT BILL (No. 3) 2015

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 5 amended
3. Section 10 amended
4. Section 25B amended
5. Schedule 2 amended
6. Amendments to forms

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. 3) 2015.

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

2. Section 5 amended - For section 5 of the principal Act:

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

SAMOA

Faatulagaina o Aiaiga

1. Igoa puupuu ma le amataga
2. Ua teuteuina le fuaiupu 5
3. Ua teuteuina le fuaiupu 10
4. Ua teuteuina le fuaiupu 25B
5. Ua teuteuina le Faamatalaga 2
6. Teuteuga i pepa faatumu

2015, Nu.

O SE TULAFONO TAU FAAOFI UA TAUA

O SE TULAFONO e teuteuina ai le Tulafono o Faiga Palota 1963 (“Tulafono autu”).

UA FAIA e le Fono Aoaofa o Samoa i totonu o le Palemene ua potopoto e faapea:

1. Igoa puupuu ma le amataga-(1) E mafai ona taua lena Tulafono o le Tulafono o Teuteuga o le Tulafono o Faiga Palota (Nu. 3) 2015.

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

2. Ua teuteuina le fuaiupu 5 - Mo le fuaiupu 5 o le Tulafono autu:

- (a) in subsection (3A) after “particular village” add “, at least 3 years ending with the day on which the nomination paper is lodged with the Commissioner”; and
- (b) in subsection (5)(b)(i), for “a jurisdiction” substitute “Samoa or another country”.

3. Section 10 amended - For section 10 of the principal Act, in paragraph (e):

- (a) for “American Samoa” substitute “another country”;
- (b) for “2 years or upwards” substitute “4 years or more”.

4. Section 25B amended - In section 25B of the principal Act, for subsections (1I) and (1J) substitute:

“(1I) The Commissioner:

- (a) may require a registered voter to be re-photographed under this section after 10 to 15 years from the date on which the person was last photographed under this section, at a time and place and in a manner determined by the Commissioner, by public notice; and
- (b) shall substitute the photograph taken under paragraph (a) for any previous photograph of the voter taken, recorded or printed under this section.”.

5. Schedule 2 amended - In Schedule 2 of the principal Act:

- (a) for column 2 -
 - (i) in item 1, for “item 1” substitute “items 1 and 2”;

- (a) i totonu o le faafuaiupu (3A) i le tuanai ai o upu “nuu faapitoa”, ia faaopoopo i ai upu, “a itiiti mai e 3 tausaga e faaiuina i le aso na faaulu atu ai le pepa o filifiliga i le Komesina”; ma
- (b) i totonu o le fuaiupu 5(b)(i), mo upu “se puleaga faafaamasinoga” ia suia i upu “Samoa po o se isi atunuu”.

3. Ua teuteuina le fuaiupu 10 - Mo le fuaiupu 10 o le Tulafono autu, i totonu o le parakalafa (e):

- (a) mo upu “Amerika Samoa”, ia suia i upu “se isi atunuu”;
- (b) mo upu “2 tausaga po o luga atu” ia suia i upu “4 tausaga po o le sili atu”.

4. Ua teuteuina le fuaiupu 25B - I totonu o le fuaiupu 25B o le Tulafono autu, mo faafuaiupu (1I) ma le (1J) ia suia e faapea:

“(1I) O le Komesina:

- (a) e mafai ona ia manaomia se tagata palota taitoatasi ua faamauina ina ia toe pueina lona ata i lalo o lenei fuaiupu, i le tuanai ai o le 10 i le 15 tausaga mai le aso na pueina mulimuli ai lona ata i lalo o lenei fuaiupu, i se taimi ma se nofoaga ma i se faiga ua fuafuaina e le Komesina, e ala i se faasilasilaga faalauaitele; ma
- (b) e tatau ona suia le ata na pueina i lalo o le parakalafa (a) mo so o se ata na pueina talu ai o le tagata palota taitoatasi, na faamauina pe na lolomiina i lalo o lenei fuaiupu.”.

5. Ua teuteuina le Faamatalaga 2 - I totonu o le Faamatalaga 2 o le Tulafono autu:

- (a) mo le laina lona 2 -
 - (i) i totonu o le meataitasi 1, mo upu “meataitasi 1”, ia suia i upu “meataitasi 1 ma le 2”;

(ii) after item 4, add:

“4A. As an exception to item 4, if a person:

- (a) has no kinship connection to the Vaimauga and Faleata territorial constituencies; and
- (b) is or was registered on the electoral roll (in either of those constituencies) on or before the 2011 general elections,

any of the person’s direct descendants (including the descendant’s spouse) residing in any customary land or other land for at least 6 months within any of the territorial constituencies within Vaimauga and Faleata territorial constituencies may choose to be registered in the Vaimauga or Faleata territorial constituency in which the descendant resides.”; and

(iii) in item 5 -

- (A) after “land” insert “(other than customary land)”; and
- (B) for “Vaimauga or Faleata constituency” appearing twice, substitute “Vaimauga or Faleata territorial constituency”; and

(b) for column 3 -

- (i) in item 1, for “territorial constituency” substitute “urban constituency, subject to item 2 of this column”; and
- (ii) item 2, after “land” insert “(other than customary land)”.

(ii) i le tuanai ai o le meataitasi 4, ia faaopoopo e faapea:

“4A. I le avea ai ma tuusaunoaga i le meataitasi 4, afai o le tagata:

- (a) e leai se sootaga i le toto e fesootai ai i le itumalo faaalalafaga o le Vaimauga ma Faleata; ma
- (b) ua faamauina pe sa faamauina i le lisi o le faasologa o igoa o le au palota (i so o se tasi o na itumalo faaalalafaga) i le, po o, a o lumanai ai le faiga palota aoao o le 2011,

o so o se tasi o suli e patino i le tagata (e aofia ai suli o le toalua) o lo o nofo mau i so o se fanua faaleaganuu po o, isi fanua mo se vaitaimi a itiiti mai e 6 masina i totonu o so o se itumalo faaalalafaga, i totonu o itumalo faaalalafaga o le Vaimauga ma le itumalo faaalalafaga o Faleata, e mafai ona filifili ina ia faamauina i le itumalo faaalalafaga o le Vaimauga po o le itumalo faaalalafaga o Faleata, lea o lo o nofomau ai le suli.”; ma

(iii) i totonu o le meataitasi 5 -

- (A) i le tuanai ai o le upu “fanua”, ia faaofi upu “(e ese mai ai i lo fanua faaleaganuu)”; ma
- (B) mo upu “itumalo o Vaimauga po o Faleata” o lo o faalua ona aliali mai, ia suia i upu “itumalo faaalalafaga o Vaimauga po o Faleata”; ma

(b) mo le laina 3 -

- (i) i totonu o le meataitasi 1, mo upu “itumalo faaalalafaga” ia suia i upu “itumalo o nuu i le taulaga, i le noatia ma le fai fuafua i le meataitasi 2 o lenei laina”; ma
- (ii) i le meataitasi 2, i le tuanai ai o le upu “fanua”, ia faaofi upu “(e ese mai ai i lo fanua faaleaganuu)”.

6. Amendments to forms - For Schedule 1 of the principal Act:

- (a) for Form 1A substitute the form set out in the Schedule of this Act;
- (b) for Form 1B -
 - (i) in paragraph 7, for “any jurisdiction” substitute “in Samoa or another country”;
 - (ii) in paragraph 9, for “10 years” substitute “5 years”;
- (c) in paragraph 4 of Form 1D, for “American Samoa”, substitute “another country”, and for “2 years or upwards” substitute “4 years or more”;
- (d) in Form 2 -
 - (i) in paragraph 4, for “American Samoa”, substitute “another country” and for “2 years or upwards” substitute “4 years or more”;
 - (ii) in the declaration, after paragraph (a), add:

“(aa) I have resided in the above residential address for a period of [...*months/years*]; and”.

6. Teuteuga i pepa faatumu - Mo le Faamatalaga 1 o le Tulafono autu:

- (a) mo le Pepa Faatumu 1A, ia suia i le pepa faatumu ua faatulaga atu i totonu o le Faamatalaga o lenei Tulafono;
- (b) mo le Pepa Faatumu 1B -
 - (i) i totonu o le parakalafa 7, mo upu “so o se puleaga faa-faamasinoga”, ia suia i upu “i totonu o Samoa po o se isi atunuu”;
 - (ii) i totonu o le parakalafa 9, mo upu “10 tausaga” ia suia i upu “5 tausaga”;
- (c) i totonu o le parakalafa 4 o le Pepa Faatumu 1D, mo upu “Amerika Samoa”, ia suia i upu “se isi atunuu”, ma upu “2 tausaga po o luga atu” ia suia i upu “4 tausaga po o le sili atu”;
- (d) i totonu o le Pepa Faatumu 2 -
 - (i) i totonu o le parakalafa 4, mo upu “Amerika Samoa”, ia suia i upu “se isi atunuu” ma mo upu “2 tausaga po o luga atu”, ia suia i upu “4 tausaga po o le sili atu”;
 - (ii) i totonu o le tautinoga, i le tuanai ai o le parakalafa (a), ia faaopoopo e faapea:

“(aa) Na ou nofomau i le tuatusi ua taua i luga, mo se vaitaimi e [...*masina/tausaga*]; ma”.

SCHEDULE
(Section 6(a))

AMENDMENT TO FORM 1A

“FORM 1A

(Sections 5(3)(c), (4) and (6)(d)(ii), 19 and 50(1)(e))

**DECLARATION ON RESIDENTIAL AND
VILLAGE SERVICE REQUIREMENTS**

I, (Insert full name of candidate, relevant Matai title and address) solemnly and sincerely declare that:

(a) I have resided (*Delete subparagraph that is not applicable*) -

(i) (*for candidates in territorial constituencies*) in Samoa for a period equalling or exceeding 3 years, and therefore satisfied the 3-year residential requirement under section 5(3)(b) of the Electoral Act 1963 (“the Act”);

(ii) (*for candidates in urban constituencies*) -

(A) in Samoa for a period equalling or exceeding 3 years, and therefore satisfied the 3-year residential requirement under section 5(4) of the Act; and

(B) at the above address within the (*East/West*) Urban Constituency for a period equalling or exceeding 6 months, and therefore satisfied the 6-month residential requirement under section 19 of the Act; and

FAAMATALAGA
(Fuaiupu 6(a))

TEUTEUGA I LE PEPFA FAATUMU 1A

“PEPFA FAATUMU 1A

(Fuaiupu 5(3)(c), (4) ma le (6)(d)(ii), 19 ma le 50(1)(e))

**TAUTINOGA O MANOAGA E UIGA I LE
NOFOMAU MA LE TAUTUA I LE NUU**

O A’U (faaofi le igoa atoa o le sui faatu, igoa Matai talafeagai ma le tuatusi) ou te faasilasila atu ma le ava ma le faaaloalo e faapea:

(a) Ua ou nofomau (*Aveese le parakalafa laitiiti e lē talafeagai*) -

(i) (*mo sui faatutu i itumalo faaalaalafaga*) i totonu o Samoa, mo se vaitaimi e tutusa po o le sili atu i le 3 tausaga, ma ua faamalieina ai le manaoga mo le 3 tausaga e nofomau ai, i lalo o le fuaiupu 5(3)(b) o le Tulafono o Faiga Palota 1963 (“o le Tulafono”);

(ii) (*mo sui faatutu i itumalo o nuu i le taulaga*) -

(A) i totonu o Samoa mo se vaitaimi e tutusa pe sili atu i le 3 tausaga, ma ua faamalieina ai le manaoga o le 3 tausaga e nofomau ai, i lalo o le fuaiupu 5(4) o le Tulafono; ma

(B) i le tuatusi ua taua i luga i totonu o le Itumalo o Nu'u i le Taulaga (*Sasae/Sisifo*) mo se vaitaimi e tutusa pe sili atu i le 6 masina, ma ua faamalieina ai le manaoga o le 6 masina e nofomau ai, i lalo o le fuaiupu 19 o le Tulafono; ma

(b) I have rendered services to our village (*list village or villages, including any sub-village*) for at least 3 years (ending with the day on which my nomination paper is lodged with the Commissioner) pursuant to the customs of our village, and therefore satisfied the village service requirements as defined in section 5(3A) of the Act.

(b) Na ou tautua i lo matou nuu (*lisi le nuu po o nuu, e aofia ai so o se pitonuu*) mo se vaitaimi a itiiti mai e 3 tausaga (na faaiuina i le aso na faauluina ai la'u pepa o filifiliga i le Komesina) e tusa ai ma aganuu a lo matou nuu, ma ua faamalieina ai le manaoga o le tautua i le nuu, e pei ona faamatalaina i totonu o le fuaiupu 5(3A) o le Tulafono.

And I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths, Affidavits and Declarations Act 1963.

Ma ua ou faia lenei tautinoga i le loto faamaoni ma lou iloa lelei e moni ma faamaoni ma e tusa ai ma le tulaga aloaia o le Tulafono o Tautoga, Faamatalaga Tauto ma Tautinoga 1963.

SWORN atthis.....
day of20..... |
(Candidate's signature)

FAATAUTOINA i i
lenei aso o 20 |
(Saini a le Sui Faatu)

Before me:

I o'u luma:

.....
*Barrister and Solicitor
of the Supreme Court*

.....
*Loia ma Loia Faufautua
o le Faamasinoga Sili*
