

SAMOA

Arrangement of Provisions

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2009, No. 21

AN ACT to amend the Electoral Act 1963, to make consequential amendments to the Public Holidays Act 2008, and for related purposes. [27th October 2009]

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 2009.

(2) Except for sections 5 and 15, this Act commences on the date of assent by the Head of State.

(3) Section 5 commences on a date nominated by the Head of State on the advice of Cabinet, and section 15 commences on 1 June 2011.

2. Interpretation – In this Act, unless the context otherwise requires:

“Principal Act” means the Electoral Act 1963.

3. Responsibilities, functions, duties and powers of the Commissioner - Section 3A(1) of the Principal Act is amended by:

(a) deleting the word “and” from the end of paragraph (h);

(b) inserting after paragraph (h) the following:

“(i) To determine issues of eligibility of electors and voters and candidates and other complex issues in a timely manner prior to the closing of rolls or immediately prior to polling day; and” and

(c) renaming paragraph (i) as paragraph (j).

4. Who may be candidates for election as Members –
Section 5 of the Principal Act is amended:

- (a) in subsection (1) by inserting between the words “individual voters’ roll” and “is qualified” the words “and is the holder of a matai title”;
- (b) by inserting after subsection (1) the following proviso:

“Provided that:

- (a) the requirement for a candidate registered in the individual voters’ roll to hold a matai title shall only apply to the 2011 General Elections and any other elections thereafter;
 - (b) a member of Parliament representing or who had represented the individual voters shall not be disqualified from being a Member of Parliament for not holding a matai title for any period leading up to the 2011 General Elections.”;
- (c) by omitting subsection (3) and substituting the following:

“(3) A person shall be disqualified as a candidate, or from election as a Member of Parliament representing a constituency, if he or she:

- (a) loses any qualification required to enable him or her to be registered as an elector of that constituency; or
- (b) has not resided in Samoa for a period equalling or exceeding three (3) years ending with the day on which the Nomination paper is lodged with the Commissioner; or
- (c) does not have a statutory declaration in Form 1A in the First Schedule from:
 - (i) the Pulenuu of his or her village; or
 - (ii) any other person determined by the Commissioner, if the Commissioner is of the opinion that the Pulenuu is unable to, or

cannot properly, provide the statutory declaration,
that the candidate satisfies the three (3) year residential requirement in paragraph (b) and, unless the Commissioner is satisfied that the candidate is banished from his or her village, satisfies village service requirements.

(3A) For the purposes of this section:

“village service requirements” means the services a matai renders to his or her village in accordance with the customs of that particular village.”.

(d) by omitting subsection (5)(b) and substituting the following:

“(b) Has been:

- (i) convicted in any jurisdiction within the previous eight (8) years, of an offence punishable by death or by imprisonment for a term of four (4) years or more; or
- (ii) convicted or found guilty in Samoa of a corrupt practice and has not been removed from the Corrupt Practices List under section 32A; or”;

(e) in subsection (4) by replacing the words “has not” appearing between the words “or that person” and “resided in Samoa” with the words “fails to provide his or her statutory declaration to the Commissioner that the person has”; and

(f) in section 5(6)(d):

(i) by omitting subparagraph (ii) and substituting the following:

“(ii) The Commissioner shall be satisfied of the matters referred to in this paragraph if the person provides the Commissioner with declarations in Forms 1A and 1B of the First Schedule”; and

(ii) by deleting the words “or other information referred to” in subparagraph (iii).

5. Vacancy – Section 10 of the Principal Act is amended by adding at the end of the section the following:

“(m) If a Member of Parliament holds himself or herself out during his or her term of office as representing or being a member of:

(i) a party or organisation that has political aims and is desirous of taking part in an election where such party or organisation is not registered as a political party under this Act; or

(ii) a registered political party other than the registered political party of which he or she is a member when he or she takes the oath of allegiance”.

6. Proof of disqualification – Section 11 of the Principal Act is amended:

(a) in subsection (1), by inserting “or 10(m)” after “10(k)”; and

(b) in subsection (3), by inserting “or (m)” after “said paragraphs (k)”.

7. Registrar of Court to notify cause of vacancy in certain cases – Section 12(1) of the Principal Act is amended by deleting the words “or after conviction of an offence punishable by death or by imprisonment for a term of two (2) years or upwards” and replacing them with the words “or after conviction in any jurisdiction within the previous eight (8) years, of an offence punishable by death or by imprisonment for a term of four (4) years or more.”.

8. Registration of Political Parties – Section 15A of the Principal Act is amended by inserting between the words “party may” and “be registered” the words “by application in Form 1C of the First Schedule”.

9. Application for registration – Section 15B of the Principal Act is amended:

- (a) in subsection (1) by -
 - (i) adding at the end of the word “Commissioner” the words “by the Secretary of the party”; and
 - (ii) deleting paragraphs (a) and (b);
- (b) in subsection (2)(c) -
 - (i) by deleting subparagraph (iv) and renaming current subparagraph (v) as subparagraph (iv); and
 - (ii) in the new subparagraph (iv) replace the number “100” with the number “8”.

10. Election of Candidates – Section 15F of the Principal Act is amended by adding at the end of the section the following:

“(5) After taking the oath of allegiance, a Candidate elected as a Member with the ballot paper for such election citing the Candidate as an independent, remains an independent during the term for which the candidate was so elected.

(6) Where a Candidate does not comply with subsection (5) the seat of such candidate as a Member of Parliament shall become vacant and such candidate shall be disqualified from holding such seat.”.

11. Qualifications of electors - Section 16 of the Principal Act is amended by deleting the entire subsection (3) and substituted by the following:

“(3) Subject to this Act, an elector shall be eligible to transfer the constituency in which the elector is registered once only between general elections provided that such transfer is done not less than five (5) years from the most recent previous transfer (if any).

(4) Despite subsection (3) no transfer shall be made after the date of the first publication of the notice in the Gazette caused by the Speaker under section 46, until after the vacancy to which the notice relates is supplied.”.

12. Insertion of new provision – The Principal Act is amended by inserting after section 18B the following:

“**18C. Electronic register** - There shall be a register in electronic form of all electors and voters.”.

13. Qualifications of voters – Section 19(2) of the Principal Act is amended by:

- (a) deleting paragraphs (a) to (c); and
- (b) deleting the expression “he or she.” and substituting “the person is registered as an elector.”.

14. Repeal of sections – Sections 24 and 25 of the Principal Act are repealed.

15. Corrupt Practices List – Section 32A of the Principal Act is amended in subsections (1) and (2) by deleting the figure “4” where it appears and substituting the figure “5”.

16. Rolls closed by the Commissioner - Section 34 of the Principal Act is amended by deleting the entire section and replacing with the following:

“**34. Rolls closed by the Commissioner**-(1) In every year in which a general election is to be held, all rolls shall be temporarily closed on a date to be fixed by the Commissioner which shall not be less than four (4) months before the last possible date for general elections, and after such date no name shall be added to the roll to which it relates until after that election **PROVIDED** that, despite section 25D, for electors and voters turning 21 years of age within four (4) months up to polling day, their names may be added to the rolls if they apply for registration before the four (4) months period preceding polling day.

(2) Where a by-election is to be held, the roll shall be temporarily closed on a date to be fixed by the Commissioner, and after such date no name shall be added to the roll to which it relates until after that by-election.

(3) The Commissioner shall give public notice of the date the roll or rolls will close at least 15 days before the date so fixed to close the roll or rolls.”.

17. Head of State’s warrant for issue of writs – The Principal Act is amended by:

(a) deleting the entire section 44 and replacing it with the following:

“44. Head of State’s writ for elections - For every general election the Head of State shall, not later than seven (7) days after the day of the dissolution or expiration of the last Parliament as the case may be, under the Head of State’s hand issue a writ of election to the Commissioner for the conduct of the election of members of Parliament for all Territorial Constituencies and Individual Voters.”; and

(b) in section 45 by deleting the word “warrant” and replacing it with the words “writ for general elections”;

(c) in subsection 45A(1) by inserting between paragraphs (a) and (b) the following:

“(b) the latest day for the withdrawal of nominations which shall be the 7th day from nomination day; and” and;

(d) by renaming paragraphs (b) and (c), paragraphs (c) and (d) respectively.

18. When Deputy Speaker to act for Speaker - Section 47 of the Principal Act is amended by deleting “Head of State” and substituting “Deputy Speaker”.

19. Acceptance or rejection of nominations - Section 50 of the Principal Act is amended:

(a) in subsection (1) -

(i) by deleting the full stop at the end of paragraph (d) and inserting “; or”;

(ii) inserting the following after paragraph (d);

“(e) if the nomination paper is not accompanied by a statutory declaration in Form 1A in the First Schedule.”;

(b) by deleting subsection (2).

20. Withdrawal of nomination - Section 52(1) of the Principal Act is deleted and substituted with the following:

“(1) Not later than seven (7) days from nomination day, a candidate may sign and deliver or cause to be delivered to the Commissioner a paper in Form 6 in the First Schedule, stating that the candidate withdraws his or her nomination. The Commissioner shall give public notice thereof.”.

21. Hours of polling - Section 65 (1) of the Principal Act is amended by deleting “9 o’clock” and substituting “8 o’clock”.

22. Insertion of new provision – The Principal Act is amended by inserting after section 65 the following:

“65A. Amendments to Public Holidays Act 2008-(1) The definition of “public holiday” in section 2 of the Public Holidays Act 2008 is amended by:

(a) inserting after paragraph (m) the following paragraph:

“(n) polling day and the day immediately preceding polling day in any general elections”; and

(b) renaming the current paragraph “(n)” to paragraph “(o)”.

(2) Section 5 of the Public Holidays Act 2008 is amended by inserting after paragraph (m) the following paragraph:

“(n) the Electoral Commissioner, his or her staff and such assistants working under his or her direction on public holidays during elections.”.

23. Employees to have time off to vote – Section 70E of the Principal Act is amended by:

- (a) in subsection (1) inserting between the words “or voter” and “shall be” the words “employed in the services and places of employment in section 5 of the Public Holidays Act 2008”;
- (b) subsections (2) and (3) are deleted.

24. Counting the votes – Section 79 of the Principal Act is amended by adding after subsection (3) the following:

“(4) The final count of the number of votes under this section shall be conducted by the Commissioner and if he or she so chooses, with the assistance only of his or her full time staff.”.

25. Declaration of result of poll – Section 80 of the Principal Act is amended by deleting the second sentence in subsection (1) and substituting the following:

“Thereupon the Head of State shall:

- (a) receive from the Commissioner the return of the writ issued by the Head of State to the Commissioner to conduct elections; and
- (b) by warrant under his hand declare the successful candidate or candidates to be elected.”.

26. Insertion of new provision - The Principal Act is amended by inserting after section 97A the following:

“97B. Conduct of “tautua faaauau”-(1) Despite the other provisions of this Act, the traditional service or assistance of “tautua faaauau” by a Member of Parliament or a person acting on behalf of such Member shall not be considered as treating or bribery or an illegal or corrupt activity or practice, where the service or assistance is given before 90 days prior to the expiry of Parliament at five (5) years from the date of the last preceding General Elections or given after the close of Poll on polling day.

(2) For the purposes of this section, “tautua faaauau” means the provision of service or assistance in any form or manner rendered or given to any person or organisation provided such service or assistance:

- (a) is considered to be culturally appropriate or expected;
- (b) is not excessive in the circumstances; and
- (c) is not a “O’o” or “Momoli”.

(3) This section does not apply to the provision of service or assistance at a funeral or to the Member of Parliament’s church minister.”.

27. Illegal activities during period of election – Section 99A of the Principal Act is amended by deleting subsection (4).

28. Punishment for corrupt or illegal practice – Section 101 of the Principal Act is amended by deleting paragraphs (a) and (b) and replacing with the following:

- “(a) In the case of a corrupt practice, to imprisonment for a term not less than two (2) years and not exceeding four (4) years or to a fine not less than 20 penalty units and not exceeding 50 penalty units, or both such imprisonment and fine; or

- (b) In the case of an illegal practice, to imprisonment for a term not exceeding three (3) years or to a fine not exceeding 20 penalty units, or both such imprisonment and fine; and
- (c) Any conviction under this Part shall be recorded as a criminal conviction by the Ministry of Police and Prisons Services.”.

29. Time limit for prosecutions – Section 103 of the Principal Act is amended by deleting the first paragraph before the proviso and substituting it with the following:

“**103. Time limit for prosecutions** - A prosecution against any person for a corrupt practice or an illegal practice shall be commenced within seven (7) days after the day on which the Commissioner has publicly notified the result of the poll.”.

30. Election petitions – Section 105(1) of the Principal Act is amended:

- (a) by deleting the period (.) at the end of paragraph (b) and replacing it with a semicolon (;); and
- (b) by inserting the following after the proviso to paragraphs (a) and (b):

“(c) the Commissioner, in considering the public interest, in his or her own motion:

- (i) on the question of whether a candidate is qualified to be a candidate; or
- (ii) where there are allegations of breaches of this Act.”.

31. Time for presentation of election petition – Section 106(1) of the Principal Act is amended by inserting between the figure “7” and the words “days after the day” the word “working”.

32. Insertion of new provisions-(1) The Principal Act is amended by inserting after section 107 the following:

“107A. Statutory declaration by petitioner-(1) At any time a petitioner presents an election petition, the petitioner shall also produce statutory declarations:

(a) made by himself or herself in Form 10 of the First Schedule, that the petitioner has not engaged in any corrupt or illegal practice; and

(b) made by the petitioner’s witnesses in Form 11 of the First Schedule, that to the best of the witness’ knowledge, the petitioner had not engaged in any corrupt or illegal practice.

(2) Where in the course of a petition hearing, a counter petition produces evidence accepted beyond reasonable doubt by the Court that a declaration under subsection (1) is false in any material particular, the Court may make a finding, in addition to any other findings available to the Court under this Act, that the person who made the false declaration has committed an offence and is liable to the penalties provided under section 23 of the Oaths, Affidavits and Declarations Act 1963.”.

(2) The Principal Act is further amended by inserting after section 130 the following:

“130A. Offence to pay money to stop petition - A person who pays money or attempts to pay money:

(a) to prevent the instigation of an election petition; or

(b) to cause a withdrawal of an election petition, commits an offence and is liable upon conviction to imprisonment for a term not exceeding six (6) months or to a fine not exceeding 20 penalty units or both.”.

33. Consequential amendments – The Principal Act is amended:

(a) wherever the expression “section 34(1)” appears, substitute the expression “section 34(1) and (2)”; and

- (b) wherever the expression “Form 1A” appears, substitute the expression “Form 1D”.

34. Repeal – The Electoral Regulations 2001 are repealed.

35. Amendments to First Schedule-(1) The First Schedule to the Principal Act is amended by:

- (a) in Form 1 by deleting the figure “4” in the expression “Section 4, 63, 64”;
- (b) after Form 1, inserting Forms 1A, 1B, and 1C as set out in Schedule 1;
- (c) in Form 1A -
 - (i) substituting the expression “Section 12” with the expression “Section 25B(3)”; and
 - (ii) deleting the entire Form 1A and replacing it with Form 1D as set out in Schedule 1;
- (d) in Form 2, deleting clauses B and C;
- (e) in Form 4, deleting the word “Surname” in the second column and replacing it with the words “Title(s) or Surname”;
- (f) in Form 8, substituting the expression “Section 56(5)” with the expression “Section 58(8)”; and
- (g) after Form 9, inserting Forms 10 and 11 as set out in Schedule 2.

(2) Any forms used or allowed to be used previously by the Electoral Commissioner shall be deemed for all purposes to be valid forms.

SCHEDULE 1

FORM 1A

Sections 5(3), 5(6) and 50

DECLARATION ON RESIDENTIAL AND VILLAGE SERVICE REQUIREMENTS

I, *(Insert full name of Pulenuu or any person determined by the Electoral Commissioner in accordance with section 5(3)(c)(ii) of the Electoral Act 1963) of (Insert place of abode and occupation)*

solemnly and sincerely declare that:

That *(name of candidate)*:

(a) has resided in Samoa for a period equaling or exceeding three (3) years and therefore satisfies the three (3) year residential requirement in accordance with section 5(3)(b) of the Electoral Act 1963; and

(Paragraph (b) below is to be omitted where the candidate is banished from his or her village)

(b) has rendered services to our village in accordance with the customs of our village and therefore satisfies the village service requirements as defined in section 5(3A) of the Electoral Act 1963.

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

SWORN atthis)
day of 20__)
.....)
before me:)

PERSON ELIGIBLE TO TAKE A DECLARATION UNDER THE OATHS, AFFIDAVITS AND DECLARATIONS ACT 1963

FORM 1B

Section 5(6)

DECLARATION BY CANDIDATE

I,
(full name) of (village)
.....(occupation)

Solemnly and sincerely declare:

1. **I** am a registered matai elector as shown under
Number..... Page, of
the Main or Supplementary Electoral Roll, for the Electoral
District of

2. **I** am a Matai whose title has already been confirmed and
registered on the List of Matai that is at the Office of the
Registrar of Titles at Mulinuu.

3. **I** am a citizen of Samoa.

4. **I** am not disqualified from being a Candidate for
Election in accordance with the provisions of the Constitution
of the Independent State of Samoa or any other law.

5(1) **I** have been in Samoa at least 240 days or more in each
year for the past three (3) years up to today as detailed in the
Annex to this Declaration; or

5(2) **I** have been in Samoa for at least 240 days or more in
each year for the past three (3) years up to today and as detailed
in the Annex to this Declaration apart from a period of 125 days
or more in which I was away from Samoa for medical treatment
as declared in the Annex to this Declaration.

5(3) **I** am exempt from the provisions of residing in Samoa in
accordance with section 5(6)(a) or section 5(6)(b) or section
5(6)(c) of the Electoral Act 1963.

6. _____ I am not a person who has been declared bankrupt.

7. _____ I have not been convicted in any jurisdiction within the previous eight (8) years, of an offence punishable by death or by imprisonment for a term of four (4) years or more.

8. _____ I am not a person against whom an Inpatient Treatment Order has been made under the Mental Health Act 2007.

9. _____ I have not been convicted in Samoa of a corrupt practice within the preceding 10 years.

10. _____ I believe that I am eligible to be a Candidate for the Electoral District of

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

SWORN at Mulinuu this)
day of 20__)
.....)
before me:)

**PERSON AUTHORISED TO TAKE DECLARATIONS
PURSUANT TO SECTION 21 OF THE OATHS, AFFIDAVITS
AND DECLARATIONS ACT 1963**

ANNEX to FORM 1B

CANDIDATE: DETAILS OF BEING IN SAMOA AND MEDICAL TREATMENT

1. Section 5(4)

(i)

PERIOD (Past 3 years)	NUMBER OF DAYS IN SAMOA	CONFIRMING DOCUMENT

(ii) Confirmation giving details of being in Samoa as shown in Passport; and

2. Section 5(6)(d)(i)

(i)

PERIOD (Past 3 years)	NUMBER OF DAYS OUT OF SAMOA FOR MEDICAL TREATMENT

Confirmation of Medical Treatment by Two Doctors:

Declaration by First Doctor:

I, (full name) solemnly and sincerely declare:

- (i) That I am a qualified medical practitioner;
- (ii) That I have examined and medically treated (full name of candidate);

- (iii) That (full name of candidate) was required to obtain and did obtain medical treatment for (details of condition) outside of Samoa for the following period (s) in the three (3) year period ending on (date of declaration by candidate)

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

SWORN atthis)
 day of 20__)
)
 before me:)

**PERSON ELIGIBLE TO TAKE A DECLARATION
 UNDER THE OATHS, AFFIDAVITS AND
 DECLARATIONS ACT 1963**

Declaration by Second Doctor:

I, (full name) solemnly and sincerely declare:

- (i) That I am a qualified medical practitioner;
- (ii) That I have examined and medically treated (full name of candidate);
- (iii) That (full name of candidate) was required to obtain and did obtain medical treatment for (details of condition) outside of Samoa for the following period (s) in the three (3) year period ending on (date of declaration by candidate)

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

SWORN atthis)
day of 20__)
.....)
before me:)

**PERSON ELIGIBLE TO TAKE A DECLARATION
UNDER THE OATHS AFFIDAVITS AND
DECLARATIONS ACT 1963**

FORM 1C

Section 15A

**APPLICATION FOR REGISTRATION OF
POLITICAL PARTY**

To the Electoral Commissioner:

I,
(full name)

of.....
((not P.O. Box), & phone number)

Secretary

**Hereby make application for
registration of**
(name of Political Party)

.....
abbreviation of name, office address (not P.O. Box) & phone number)

Secretary
(name, office address (not P.O. box) & phone number)

Under Part IIA of the Electoral Act 1963

Signature:

Secretary..... Date:

FORM 1C - Part B - Part IIA

POLITICAL PARTY DECLARATION

Pursuant to Part IIA of the Electoral Act 1963

I,
(full name)
of
(not P.O. Box) & phone number)

solemnly and sincerely declare that

.....
(name of Political Party)

has 8 current financial members eligible to enroll as electors or voters who are listed on the List attached to this Declaration. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths, Affidavits and Declarations Act 1963.

SWORN atthis)
day of 20__)
.....)
before me:)

PERSON ELIGIBLE TO TAKE A DECLARATION
UNDER THE OATHS AFFIDAVITS AND
DECLARATIONS ACT 1963

FORM 1D

Declaration of Personal Details for Application to
be registered as an Elector.

I,
(Surname/Matai Title) (Given Name)

.....
(Other Matai Title in the same Territorial Constituency/**other constituencies**)

.....
(Village Vote) (Residence Village) (Occupation)

Postal Address..... Contact No.....

solemnly and sincerely declare that:

(a) I am entitled to have my name entered on the roll of:

.....
(Territorial Constituency)

(b)(i) I am currently registered on the roll of

.....
(Territorial Constituency/ Individual Voters Roll)

and wish to make my decision to change my constituency to

.....
(Territorial Constituency)

and have not so changed in the preceding period after the last general election; or

(b)(ii) I am not currently registered on any roll as either an elector or a voter;

(c) All the details contained in this declaration are true and correct to the best of my knowledge.

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

DECLARED at.....

.....

this day.....of.....20.....before me



Witness by.....

High Court Lawyer

Registrar / Deputy Registrar of the High Court

Electoral Commissioner/Deputy Registrar of Electors & Voters

1. Are you a citizen of Samoa?

.....

2. Have you attained the age of 21 years? **Yes/No – If no state Birth Date**

.....

3. Are you an undischarged bankrupt?

.....

4. Have you been convicted in any jurisdiction within the previous eight (8) years, of an offence punishable by death or by imprisonment for a term of four (4) years or more or have you been convicted in Samoa or reported by the Supreme Court in its report on a trial of an election petition to have been proved of any practice declared to be a corrupt practice by the Electoral Act 1963?

5. If so, have you:

(a) Received a free pardon?
.....

(b) Undergone the sentence or punishment to which
you were adjudged for the offence?
.....

6. Are you of sound mind and not subject to an Inpatient
Treatment Order under the Mental Health Act 2007?
.....

7. What is (or was) the full name of your father?
.....

8. If he is dead, when and where did he die?
.....

9. What is the date of your birth?
.....

10. What is your father's village of origin?
.....

11. What are your parent's villages of origin?
(Father & Mother)
.....

12. Do you hold a Matai title in this Constituency and
others? **Yes / No**
.....

13. If yes, what are the details?

Matai Title
.....

Village Confirmation
.....

14. If you do not hold a Matai title does or did any of your parents, spouse or your son/daughter hold a Matai title?
Yes/No

.....

15. If so, supply particulars:

Relationship (e.g. Father etc)	Title	Village Confirmation
-----------------------------------	-------	----------------------

.....

16. Does or did any of your brothers or sisters hold a Matai title otherwise than through his or her spouse? **Yes/No**

.....

17. If so, supply particulars:

Name of Brother or sister	Title	Village Confirmation
---------------------------	-------	----------------------

.....

18. What is the full name of your mother? (Including her maiden surname and surname after marriage)

.....

Print Full Name

Signature of Witness

Residential address of Witness

Qualification of Witness

SCHEDULE 2**FORM 10**

Section 107A(a)

DECLARATION BY PETITIONER

“I, AB (*Insert name, residential address, occupation and office*) solemnly and sincerely declare that I have not engaged in any corrupt practice or illegal practice within the meaning of the Electoral Act 1963.

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

DECLARED at this day)

of20__ before me:)

**PERSON AUTHORISED TO TAKE DECLARATIONS
PURSUANT TO SECTION 21 OF THE OATHS, AFFIDAVITS
AND DECLARATIONS ACT 1963**

FORM 11

Section 107A(b)

DECLARATION BY PETITIONER’S WITNESS

“I, AB (*Insert residential address, occupation and description*) solemnly and sincerely declare that in respect of the Electoral Act 1963 and the most recent elections, to the best of my knowledge, the petitioner has not engaged in any corrupt or illegal practice.

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

DECLARED at this day)

of20__ before me:)

**PERSON AUTHORISED TO TAKE DECLARATIONS
PURSUANT TO SECTION 21 OF THE OATHS, AFFIDAVITS
AND DECLARATIONS ACT 1963**

—————
The Electoral Amendment Act 2009 is administered
by the Office of the Electoral Commissioner.

Printed by the Clerk of the Legislative Assembly,
by authority of the Legislative Assembly.