

SAMOA

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2010, No. 28

AN ACT to amend the Plebiscite Act 1990 and for related purposes. *[19th October 2010]*

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 Plebiscite Amendment Act 2010 and shall be read with and form part of the Plebiscite Act 1990 (“the Principal Act”).

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

2. Long title of the Principal Act - In the long title of the Principal Act, for “pertaining to Parliament and to the representation of the people” substitute “of national interest or Constitutional reform, or both”.

3. Plebiscite to be held - In section 3(1) of the Principal Act:

- (a) after “plebiscite” insert “or plebiscites”; and
- (b) for “the franchise and the composition of Parliament” substitute “matters of national interest or Constitutional reform, or both, as determined by Cabinet”; and
- (c) substitute subsection (2) with the following:

“(2) A proposal or proposals to be voted on at a plebiscite shall be determined by Cabinet.”.

4. References to the plebiscite-(1) In section 3(3) of the Principal Act, for “The plebiscite” substitute “A plebiscite”.

(2) In section 22 of the Principal Act, for “the Plebiscite” substitute “a plebiscite”.

(3) In the following sections of the Principal Act, for “the plebiscite” substitute “a plebiscite”:

- (a) section 2;
- (b) section 4;
- (c) section 5(1);
- (d) section 7;
- (e) section 9;
- (f) section 24;
- (g) section 25, wherever occurring;
- (h) section 34(1);
- (i) section 43(2);
- (j) section 51(1), wherever occurring;
- (k) section 52, wherever occurring;
- (l) section 53(1);
- (m) section 53(2);

- (n) section 54, wherever occurring;
- (o) section 57(1), wherever occurring;
- (p) section 60;
- (q) section 61, wherever occurring;
- (r) section 62(1), wherever occurring;
- (s) section 62(2);
- (t) section 63;
- (u) section 64;
- (v) section 65, wherever occurring;
- (w) section 66, wherever occurring;
- (x) section 67, wherever occurring;
- (y) section 68, wherever occurring;
- (z) section 69(1), wherever occurring;
- (za) section 69(2), wherever occurring;
- (zb) section 72, wherever occurring;
- (zc) section 73(1), wherever occurring;
- (zd) section 74(1)(a);
- (ze) section 74(2);
- (zf) section 84(2);
- (zg) section 86(1);
- (zh) section 87;
- (zi) section 89(2);
- (zj) section 90.

5. Notice of poll - In section 25 of the Principal Act:

- (a) for “21st” substitute “14th”; and
- (b) omit “in every district”; and
- (c) in paragraph (c), before “proposals” insert “proposal or”.

6. Method of voting - In section 40(1) of the Principal Act, for “the proposals or either of them” substitute “a proposal”.

7. Preliminary count of votes - In section 45 of the Principal Act:

- (a) in subsection (2) -
 - (i) for “either of the proposals” substitute “a proposal”; and

- (ii) for “each”, wherever occurring, substitute “a”;
- (b) in subsection (4), for “each”, wherever occurring, substitute “a”.

8. Provisional result of poll - In section 46 of the Principal Act, for “each”, where secondly, thirdly, fourthly, fifthly, sixthly and seventhly occurring, substitute “a”.

9. Voting papers, etc., to be delivered to Returning Officer - In section 47(1) of the Principal Act, for “each”, wherever occurring, substitute “a”.

10. Official count - In section 51 of the Principal Act:

- (a) in subsection (1), for “each”, wherever occurring, substitute “a”; and
- (b) in subsection (2)(c), for “either of the proposals” substitute “a proposal”.

11. Official declaration of poll - In section 52 of the Principal Act:

- (a) after the words “notify the” insert “proposal or”; and
- (b) for “each”, wherever occurring, substitute “a”.

12. Voter not to be required to disclose how he or she voted - In section 54 of the Principal Act, for “either” substitute “a”.

13. Interfering with voters, etc. - In section 61(b) of the Principal Act, before “proposals” insert “proposal or”.

14. Influencing voters, etc. - In section 69(1)(a) of the Principal Act, for “either” substitute “a”.

15. Displaying cards, emblems, etc. - In section 73 of the Principal Act:

- (a) in subsection (1), for “either” substitute “a”; and
- (b) in subsection (2), omit “either”.

