

# ELECTORAL AMENDMENT BILL 2014

## SAMOA

### Explanatory Memorandum

#### **Introduction**

The Bill seeks to amend the Electoral Act 1963 to give effect to the recommendations in the 2012 Commission of Inquiry into Electoral Matters, as approved by Cabinet and the F.K.(14)11 dated 2 April 2014. The main recommendations considered by Cabinet are as follows:

- (a) replacement of the individual voters roll with two (2) urban constituencies;
- (b) dealing with the problems of electors (without kinship connections) residing within the Faleata and Vaimauga territorial constituencies who have swelled the rolls of those constituencies;
- (c) territorial constituencies to cover any person (whether or not a Matai title holder) residing within the Vaimauga or Faleata territorial constituencies;
- (d) urban roll to include those in the current individual voters roll but this will be restricted to those living on lands (other than customary lands) in the Vaimauga or Faleata territorial constituencies;
- (e) the O'o and momoli to be undertaken after the declaration of polls;
- (f) the removal of the power of Pulenuu to confirm candidacy of persons wanting to stand for elections as Members of Parliament.

#### **Clauses:**

- Clause 1:** - states that, when enacted, the Bill will be called the Electoral Amendment Act 2014. It will commence on the date it is assented to by the Head of State.
- Clause 2:** - amends section 5 so that the statutory declarations in Form 1A is done by the candidate and witnessed by a lawyer in private practice.
- Clause 3:** - amends sections 8 and 9 and replaces it with a new section 8 to deal with resignation of public servants wanting to stand as candidates for election as Members of Parliament.
- Clause 4:** - amends section 16 to deal with the qualifications of persons as voters in territorial constituency.
- Clause 5:** - amends section 19 to deal with the qualifications of persons as voters in either of the two (2) urban constituencies.

- Clause 6:** - inserts new sections 25F and 25G to deal with registration in one (1) constituency only and requirements for persons applying for registration as voters to provide further information on their entitlements to be registered as voters.
- Clause 7:** - amends section 35 by inserting a new subsection (1A) requiring voters in territorial constituency rolls to be listed alphabetically under each village or sub-village.
- Clause 8:** - amends section 94(5) to increase the penalties for offences under that section.
- Clause 9:** - amends section 97A to ensure that O’o and Momoli are carried after the declaration of the results of poll under section 80.
- Clause 10:** - amends section 106 to extend the period from seven (7) working days to 10 working days.
- Clause 11:** - amends the Schedule to the Act in respect of Forms 1A and 3.
- Clause 12:** - provides for general amendments, including general increases in penalty units under the Act and a new Schedule 2 of the Act listing the persons qualified to be registered as voters under the territorial and urban constituencies.
- Clause 13:** - provides for consequential amendments to other Acts, including the power to make transitional regulations to deal with any transitional matter that may be required.

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(Hon FIAME Naomi Mataafa)

**MINISTER FOR JUSTICE AND COURTS ADMINISTRATION**