

ELECTORAL AMENDMENT BILL (No. 2) 2021

SAMOA

Arrangement of Provisions

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2021, No.

A BILL INTITULED

AN ACT to provide for the amendment of the Electoral Act 2019 (“principal Act”) and related purposes.

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Electoral Amendment Act (No. 2) 2021 and commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the principal Act, for the definition of “lodgement day” insert the words “and section 149(1)(a)” after the number “45”.

3. Section 8 amended:

Section 8 of the principal Act is amended as follows:

(a) in subsection (1) -

(i) paragraph (c) substitute the words “registered matai title for a consecutive three (3) years ending on lodgement day” with “matai title registered before lodgement day,”; and

(ii) substitute paragraph (d) as follows:

“(d) has rendered a monotaga in respect of the registered matai title under paragraph (c) within a village in a constituency for which the person intends to run as a candidate for any three (3) consecutive years before lodgement day; and”;

(b) in subsection (2)(b) insert a new paragraph (iii) as follows -

- “(iii) sworn by any other person appointed by the Commissioner under subsection (8) to confirm the monotaga requirements;” and
- (c) in subsection (5), in the definition of “monotaga” insert the word “or religious” after the word “traditional”; and
- (d) insert a new subsection (8) as follows:
 - “(8) For the purposes of subsection (2)(b)(iii):
 - (a) the Commissioner may appoint a person if he or she is of the opinion that a person referred under subsection (2)(b)(i) and (ii) is unable or refuse to provide the statutory declaration required for the confirmation of monotaga required under subsection (1)(d); and
 - (b) the person appointed under paragraph (a) -
 - (i) is able to provide proof that the candidate meets the monotaga requirements pursuant to subsection (1)(d); and
 - (ii) sits on the same village council or holds a designated position in the same church as the candidate within a village in a constituency for which the person intends to run as a candidate.”.

4. Section 53 amended:

Section 53 is amended by inserting after subsection (4) the following new subsection:

- “(5) A candidate who by motion challenges the Commissioner's decision pursuant to section 47(3), and such challenge is successful, must not withdraw his or her nomination under subsection (1) as a candidate except for reason of serious illness rendering the candidate unfit for contesting in the elections.”.

5. Section 54 amended:

Section 54(2) of the principal Act is amended by omitting the word “only” and inserting the words “or outside of” after the word “within”.

6. Section 58 amended:

Section 58(2) of the principal Act is amended by substituting the words “nomination day” with “the designated day for withdrawal of nominations”.

7. Section 60 amended:

Section 60(2) of the principal Act is amended by substituting the word “period” with “day”.

8. Section 61 amended:

Section 61 of the principal Act is amended as follows:

- (a) in subsection (7) substitute the words “as soon as practicable after each day within designated period, carry out the procedure in section 77.” with “, when pre-polling ends, tally the number of ballot papers used.”; and
- (b) in subsection (8) substitute the number “79” with the number “83”; and
- (c) insert new subsection (11) as follows:

“(11) The list of voters qualified to pre-poll and who were notified by the Commissioner under subsection (3), and used in a general election must be used at a by-election arising as a result of an election declared void pursuant to sections 116 or 117.”.

9. Section 83 amended:

Section 83(2)(a) of the principal Act is amended by substituting “section 77(1)(e)” with “sections 77(1)(e) and 61(7)”.
