

CONSTITUTION AMENDMENT BILL 2018

SAMOA

Explanatory Memorandum

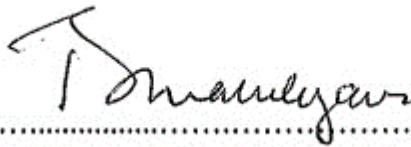
1.0 Object and reasons

- 1.1 The Bill seeks to amend the Constitution to increase the number of electoral constituencies. The Legislative Assembly shall comprise of one member elected from 51 electoral constituencies. This does not affect the requirement that 10% of membership of the Legislative Assembly must comprise of women.

- 1.2 The objects of the Bill are:
 - (a) to have members of the Legislative Assembly elected from electoral constituencies which will no longer be regarded as territorial constituencies;
 - (b) to specify that there will now be 51 electoral constituencies with a member elected from each one to make up the composition of the Legislative Assembly;
 - (c) to remove representation from six additional members being one additional member elected from former territorial constituencies with two representatives as such are absorbed into the 51 electoral constituencies;
 - (d) to repeal urban constituencies;
 - (e) to allow the recognition of the 51 Constituencies at the commencement of this Act only for the purpose of permitting the Electoral Commissioner to prepare the electoral rolls in anticipation of the next general elections.

Clauses:

- Clause 1:** - provides for the short title and commencement.
- Clause 2:** - provides for the amendment to Article 44(1) which is substituted with a new clause (1). The new clause replaces the current clause. The changes are that the Legislative Assembly will consist of one member elected for each of 51 electoral constituencies comprising of villages and sub-villages as are prescribed by Act. Urban seats are also repealed.
- Clause 3:** - provides for the amendment of Article 109 to replace the term “territorial” with the term “electoral” for consistency as constituencies will be referred to as “electoral constituencies”.
- Clause 4:** - provides a transitional provision to allow the Electoral Commissioner to begin compiling rolls only for the preparation for the next general elections. The electoral constituencies for the purpose of membership in Parliament will not come into effect until Parliament dissolves for the general elections.



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(Hon TUILAEPA Auelua Fatialofa Lupesoliai Lolofietele
Neioti Aiono Galumalemana Dr. Sailele Malielegaoi)

PRIME MINISTER

CONSTITUTION AMENDMENT BILL 2018

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Article 44 amended
3. Article 109 amended
4. Transitional provision

2018, No.

A BILL INTITULED

**AN ACT to amend the Constitution of the Independent State of Samoa 1960
("Constitution").**

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 Constitution Amendment Act 2018.
- (2) Except for section 4 which commences on the date of assent of the Head of State, this Act commences on the day the Head of State dissolves the Legislative Assembly pursuant to Article 63(4) of the Constitution.

2. Article 44 amended:

- (1) Article 44, clauses (1)(a), (aa), and (b) of the Constitution are substituted with the following new clause:

“(1) Subject to the provisions of this Article, the Legislative Assembly shall consist of one member elected for each of 51 electoral constituencies having names, and comprising of villages or sub-villages as are prescribed from time to time by Act.”; and

- (2) Article 44(3) is amended by substituting the words:
 - (a) “electors” with “voters”; and
 - (b) “territorial or urban” with “electoral”.

3. Article 109 amended:

Article 109(1) is amended by substituting the word “territorial” with “electoral”.

4. Transitional provision:

The 51 electoral constituencies prescribed by Act are lawfully recognized at the commencement of this Act only for the purpose of the compilation of rolls for the electoral constituencies as prescribed by Act.
