

ELECTORAL AMENDMENT BILL (No. 2) 2015

SAMOA

Explanatory Memorandum

Introduction

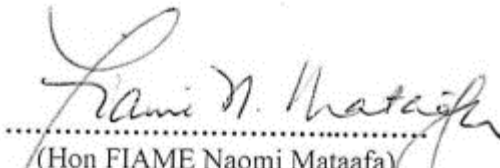
The Bill seeks to amend the Electoral Act 1963. The objectives of the Bill are:

- (a) to allow a candidate to challenge the qualification of another candidate to be elected as a Member of Parliament;
- (b) to provide for six (6) months residential requirement for those wishing to be registered in the urban constituencies; and
- (c) to re-define the boundaries of the urban constituencies.

Clauses:

- Clause 1:** -states that when enacted, the Bill will be called the Electoral Amendment Act (No. 2) 2015. It will commence on the date it is assented to by the Head of State.
- Clause 2:** -amends section 5 by giving the right of a candidate to apply to the Supreme Court to challenge the qualification of another candidate for election as a Member of Parliament.
- Clause 3:** -amends section 19 to impose six (6) months residential requirements for those qualified to be registered on the urban constituencies.
- Clause 4:** -amends section 45A to amend the time requirements under that section.
- Clause 5:** -amends section 19 to re-define the urban constituencies.

Clause 6: -empowers the Head of State to make transitional regulations on the advice of Cabinet to deal with amending forms and creating new ones.


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(Hon FIAME Naomi Mataafa)
MINISTER FOR JUSTICE AND
COURTS ADMINISTRATION

ELECTORAL AMENDMENT BILL (No. 2) 2015

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Arrangement of Provisions

1. Short title and commencement
2. Section 5 amended
3. Section 19 substituted
4. Section 45A amended
5. Territorial Constituencies Act amended
6. Transitional regulations

2015, No.

A BILL INTITULED

AN ACT to amend the Electoral Act 1963 (“Principal Act”).

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 (No. 2) 2015.

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

2. Section 5 amended - In section 5 of the Principal Act, after subsection (8), insert:

“(9) A candidate may, by motion and no later than noon of the 3rd day after nomination day, challenge the qualification of another candidate under this section in the Supreme Court for an order to disqualify that other candidate.

(10) An order made under subsection (9) is final and is not subject to any review or appeal.”.

3. Section 19 substituted - For section 19 of the Principal Act substitute:

“19. Qualifications of urban voters-(1) Subject to this Act and subsection (2), an adult person is qualified to be registered as an urban voter if the person:

- (a) is a Samoa citizen listed in Column 3 of Schedule 2; and
- (b) has lived in that urban constituency for a period of at least six (6) months immediately before registration.

(2) A person who is living in an urban constituency for less than six (6) months and therefore cannot be registered under subsection (1) may apply to be registered under this Act:

- (a) in a territorial constituency; or
- (b) in the other urban constituency in which the person last lived for at least six (6) months.”.

4. Section 45A amended - For section 45A of the Principal Act:

- (a) in subsection (1)(a) -
 - (i) for “12th” substitute “5th”; and
 - (ii) for “14th” substitute “7th”; and
- (b) in subsection (2) -
 - (i) for “12th” substitute “19th”; and
 - (ii) for “14th” substitute “21st”.

5. Territorial Constituencies Act amended - In the Schedule to the Territorial Constituencies Act 1963, for Part 2 substitute:

“PART 2 - BOUNDARIES FOR THE URBAN CONSTITUENCIES

URBAN CONSTITUENCY EAST

All that area of land (other than customary land) bounded as follows:

Commencing on the coast at the mouth of the Asaga Stream and continuing along the Asaga Stream to Fugalei Street, and from

that Street in a generally southerly direction along Fugalei Street to Vaitele Street, and from that Street in a generally westerly direction to Vaimoso Road, and by that Road to the Gasegase Stream, and by that Stream to Moamo Road, and from there in a generally south-westerly direction by that Road to the Ala-i-Sa track, and then in a generally south-westerly direction by that track to its intersection with the Public Road abutting Parcels 14 and 15 Flur IX, Upolu, and from there in a generally easterly direction to the south west corner of the Vaimauga East Electoral District, and from that corner by the western boundary of the Vaimauga East Electoral District to the coast and from there by the coast back to the point of commencement, and includes the villages and sub-villages of Matafagatele, Magiagi, Vaiala, Matautu, Apia, Tanugamanono, Taufusi, Vaimea, Fugalei, Saleufi, Sogi, Mulinu'u, Papauta, Vailima, Tanumaleko, Moto'otua, Lalovaea, Fa'ato'ia and part of Alamagoto.

URBAN CONSTITUENCY WEST

All that area of land (other than customary land) bounded as follows:

Commencing on the coast at the eastern boundary of Vaimauga West Electoral District and continuing in a generally south-westerly direction by that boundary to its intersection with the Safata Electoral District boundary, and from there in a generally west north-westerly direction along the Safata Electoral District boundary to the eastern side of Lake Lanuto'o, and from there in a generally north-easterly direction to the southern end of the boundary between the Vaiusu and Vailoa villages, and then by that boundary to the coast and then by the coast back to the point of commencement and includes the villages of Vaimoso, Lepea, Vailoa and part of Alamagoto."

6. Transitional regulations - The Head of State acting on the advice of Cabinet may (before the date the polling begins for 2016 general elections) make transitional regulations to amend or prescribe new forms for the purposes of the Principal Act.
