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Western Samoa

Analysis

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1984, No. 27

AN ACT to amend the Electoral Act 1963.

[24 July 1984]

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

1. Short title—This Act may be cited as the Electoral Amendment Act 1984.

2. Principal Act—The Electoral Act 1963\* is in this Act referred to as the principal Act.

3. Elector's and voter's objection—Section 26 of the principal Act is amended by omitting from subsection (3) the reference to "10 days" and substituting "5 days".

\*1963, No. 16

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**4. Registrar's objection**—Section 27 of the principal Act is amended by omitting from subsection (3) the reference to “10 days” and substituting “5 days”.

**5. Time limit for objections and hearings by Magistrate's Court after closing of rolls**—Section 28 of the principal Act is amended by omitting from paragraph (a) the reference to “35 clear days” and substituting “21 clear days”.

**6. Head of State to give notice to Chief Returning Officer** Section 44 of the principal Act is amended by omitting the reference to “95 clear days” and substituting “50 clear days”.

**7. Chief Returning Officer to give public notice of election and nomination day**—Section 45 of the principal Act is amended by omitting—

(a) the reference to “90 clear days” and substituting “45 clear days”;  
and

(b) the reference to “30 days” and substituting “14 days”

**8. Chief Returning Officer to give public notice of by-election and nomination day**—Section 47 of the principal Act is amended by omitting from subsection (1)—

(a) the reference to “90 clear days” and substituting “45 clear days”; and

(b) the reference to “30 days” and substituting “14 days”.

**9. Nomination fee**—Section 49 of the principal Act is repealed and the following section is substituted therefore:—

**49. “Nomination fee**—Every candidate, or some person on his behalf; shall pay to the Chief Returning Officer a nomination fee of \$100 not later than noon on nomination day.”

**10. Acceptance or rejection of nomination**—Section 50 of the principal Act is amended by omitting from paragraph (d) of subsection (1) the word “deposit” and substituting the words “nomination fee”.

**11. Withdrawal of nomination**—Section 52 of the principal Act is amended by omitting from subsection (1) the reference to “7 clear days” and substituting “5 clear days”.

**12. Death before close of nomination**—Section 57 of the principal Act is amended by omitting from subsection (1) the word “deposit” and substituting the words “nomination fee”

**13. Death after close of nomination**—Section 58 of the principal Act is amended by omitting from subsection (10) the reference to “7 clear days” and substituting “5 clear days”.

**14. Hours of polling**—Section 65 of the principal Act is amended by repealing subsection (1) and substituting the following subsection:—

“(1) The poll at every election shall commence at 9 o’clock in the morning of polling day, and, except as otherwise provided in this Act, shall finally close at 3 o’clock in the afternoon of the same day or at 7 o’clock in the evening of the same day if polling day is a Saturday.

**15. Illegal activities during period of election**—The principal Act is amended by inserting after section 99 the following section:—

**99A. Illegal activities during period of election**—(1) In this section “period of election” means the period during any election or by-election, commencing on the day after the Chief Returning Officer gives public notice of polling day and ending at the close of the Poll on polling day.

(2) Every candidate who, during a period of election except at a funeral, directly or indirectly, by himself or by any other person on his behalf, renders or makes presentation of any food, beverage, money or other valuable to an elector of his Constituency or to an individual voter at a ceremony or activity, is guilty of an illegal practice.

(3) Every elector or voter who, during a period of election except at a funeral, obtains or attempts to obtain, directly or indirectly by himself or by any other person on his behalf, any food, beverage, money or other valuable from a candidate for election, is guilty of an illegal practice.”

**16. Time for presentation of election petition**—Section 106 of the principal Act is amended by omitting from subsections (1) and (2) the references to “28 days” and substituting “14 days”.





Samoa i Sisifo

## Vaevaeina

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 1984, Nu. 27

## O SE TULAFONO e toe teuteu ai le Tulafono o Faiga-Palota 1963 [24 Iulai 1984]

UA FAIA e le Fono Aoaio Faitulafono a Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:—

1. Igoa puupuu—O lenei Tulafono e mafai ona ta'ua o le Tulafono Toe Teuteuina o Faiga-Palota 1984.

2. Tulafono Autu—O le Tulafono o Faiga-Palota 1963\* ua ta'ua i totonu o lenei Tulafono o le Tulafono autu.

3. Faatuiese a se tagata palota poo se tagata palota taitoatasi—O le fuaiupu 26 o le Tulafono autu ua toe teuteuina i le soloieseina mai le faafuaiupu (3) o le faasinomaga i le "10 aso" ma ia suia i le "5 aso".

\*1963 Nu. 16

4. **Faatuiese a le Resitara**—O le fuaiupu 27 o le Tulafono autu ua toe teuteuina i le soloieseina mai le faafuaiupu (3) o le faasinomaga i le “10 aso” ma ia suia i le “5 aso”.

5. **Taimi faatapulaaina mo faatuiese ma suesuega a le Faamasinoga Maualalo ina ua tapunia le lisi faasolo o igoa**—O le fuaiupu 28 o le Tulafono autu ua toe teuteuina i le soloieseina mai le parakalafa (a) o le faasinomaga i le “35 aso atoatoa” ma ia suia i le “21 aso atoatoa.

6. **E tuuina atu e le Ao o le Malo le faaaliga i le Alii Ofisa Sili Fai-Palota**—O le Fuaiupu 44 o le Tulafono autu ua toe teuteuina i le soloieseina o le faasinomaga i le “95 aso atoatoa” ma ia suia i le “50 aso atoatoa”

7. **Ia tuuina atu e le Alii Ofisa Sili Fai-Palota se faaaliga faalauaitele e uiga i le faiga-palota ma le aso o filifiliga**—O le fuaiupu 45 o le Tulafono autu ua toe teuteuina i le soloieseina—

(a) o le faasinomaga i le “90 aso atoatoa” ma ia suia i le “45 aso atoatoa”; ma

(b) o le faasinomaga i le “30 aso” ma ia suia i le “14 aso”

8. **Ia tuuina atu e le Alii Ofisa Sili Fai-Palota se faaaliga faalauaitele e uiga i se palota laitiiti ma le aso o filifiliga**—O le fuaiupu 47 o le Tulafono autu ua toe teuteuina i le soloieseina mai le faafuaiupu (1) —

(a) le faasinomaga i le “90 aso atoatoa” ma ia suia i le “45 aso atoatoa”; ma

(b) o le faasinomaga i le “30 aso” ma ia suia i le “14 aso”

9. **Totogi Fuapauina o le faatuina mai o se sui faatu**—O le Fuaiupu 49 o le Tulafono autu ua soloia ma o le fuaiupu ua ta’ua i lalo ua suitulaga ai:—

49. **Totogi fuapauina o le faatuina mai o se sui faatu**—O sui taitasi uma e faatu mai poo se tasi lava tagata e avea ma ona sui, o le a na totogiina i le Alii Ofisa Sili Fai-Palota se totogi fuapauina o le faatuina mai o se sui faatu e \$100 ia le silia le tutonu o le la i le aso o filifiliga.

10. O le talia poo le teena o se filifiliga—O le fuaiupu 50 o le Tulafono autu ua toe teuteuina i le soloieseina mai le parakalafa (d) o le faafuaiupu (1) le upu “tupe-teu” ma ia suia i upu “totōgi fuapauina o le faatuina mai o se sui faatu”.

11. Toe tatalaina i tua o se filifiliga—O le fuaiupu 52 o le Tulafono autu ua toe teuteuina i le soloieseina mai le faafuaiupu (1) o le faasinomaga i le “7 aso atoatoa” ma ia suia i le “5 aso atoatoa”.

12. Maliu a o lei tapunia fiiifiliga—O le fuaiupu 57 o le Tulafono autu ua toe teuteuina i le soloieseina mai le faafuaiupu (1) le upu “tupe-teu” ma ia suia i upu “totōgi fuapauina o le faatuina mai o se sui faatu”.

13. Maliu a ua tapunia filifiliga —O le fuaiupu 58 o le Tulafono autu ua toe teuteuina ; le soloieseina mai le faafuaiupu (10) o le faasinomaga i le “7 aso atoatoa” ma ia suia i le “5 aso atoatoa”.

14. Itula e fai ai palota—O le fuaiupu 65 o le Tulafono autu ua toe teuteuina le soloia o le faafuaiupu (1) ma ia suia i le faafuaiupu ua taua i lalo:—

“(1) O le faiga o palota i faiga-palota taitasi uma o le a amata i le itula e 9 i le tacao o le aso e fai ai palota, ma, seia vagana ai ua aiaia i se faiga e ese ai i totonu o leni Tulafono, o le a tapunia mulimuli ane ai i le itula e 3 i le afiafi o le aso lava lena e tasi poo i le ta o le 7 i le afiafi o le aso lava lena pe afai o le aso o le palota o se aso Toona’i”.

15. Gaoioiga faasolitulafono a o faagasolo le vaitaimi o faiga-palota—O le Tulafono autu ua toe teuteuina i le faafuina i ai ina ua tuanai le fuaiupu 99 ia le fuaiupu ua ta’ua i lalo:—

99A. Gaoioiga faasolitulafono a o faagasolo le vaitaimi o faiga-palota—(1) I totonu o leni fuaiupu “vaitaimi o faiga-palota” o lona uiga o le vaitaimi a o faagasolo soo se faiga



palota poo se palota laititi, e amata mai i le aso ina ua tuana'i le tuuina atu o le faaaliga faalauaitele o le aso e fai ai le palota e le Alii Ofisa Sili Fai-Palota ma e faamuta ina ua tapunia le palota i le aso o Faiga-Palota.

(2) O sui faatutu taitasi uma ia, i se vaitaimi a o faagasolo faiga-palota a e vagana o se maliu, ua na tuuina atu, tuusa'o pe faaalatua, e ia lava poo soo se isi tagata ua fai ma ona sui, ia ni mea taumafa, meainu, tupe poo se isi mea taua i se tagata palota o lona itumalo faafaipule po'o i se tagata palota taitoatasi i se sauniga po o se gaoioiga, ua nofosala o ia i se faiga faasolitulafono.

(3) O tagata palota po o tagata palota taitoatasi uma ia, a o faagasolo se vaitaimi o faiga-palota, a e vagana o se maliu, ua na aumaia pe taumafai ina ia aumaia, tuusa'o pe faaalatua, e ia lava poo soo se isi tagata ua avea ma ona sui, ia soo se mea taumafa, meainu, tupe poo se isi mea taua mai se sui faatu mai mo le palota, ua nofosala o ia i se faiga faasolitulafono".

16. Taini mo le tuuina mai o se taloasga e uiga i faiga-palota—O le fuaiupu 106 o le Tuiafono atu ua toe teuteuina i le soloiեսeina mai i faa-fuaiupu (1) ma le (2) ia faasinomaga i le "28 aso" ma ia suia i le "14 aso".

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By Authority

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