

ELECTIONS ORDINANCE 1977 (No. 12 of 1977).

Note. - This legislation is not included in the
in the 1977 Revised Edition.

A. The Ordinance

New Section 1A

Insert after section 1 -

"Constitutional 1A. This Ordinance shall be read subject to
provision. the provisions of Part I of Chapter 7 of the
Constitution."

Section 2

Insert before the definition "council" -

"candidate; means a person submitting himself, in accordance
with this Ordinance, for election as a member of the
Maneaba ni Maungatabu or of a Council;"

Insert after the definition "election" -

"election petition' means an application under section 60
of the Constitution or under section 34;"

Omit the definition "elector", substitute -

"elector' means a person who is entitled to vote -

(a) by virtue of section 64 or 118 of the Constitution -
of an election of a member of the Maneaba ni
Maungatabu; or

(b) by virtue of section 7 of this Ordinance - at an
election of a member of a council,
as the case requires;"

Add at the end of the definition "Electoral Officer" -

"and, where the Chief Electoral Officer performs, by virtue of
subsection (2), a function of an Electoral Officer, includes,
in relation to the performance of that function, the Chief
Electoral Officer".

Omit the definition "resident", substitute -

"resident', in relation to an electoral district, means
resident within that district for the purpose of section
64 of the Constitution;"

Add at the end of the section -

"(2) Subject to any directions of the Electoral Commission
under the powers conferred by section 63(1) of the
Constitution, the Chief Electoral Officer may, if he thinks
it expedient to do so, perform any function under this
Ordinance of an Electoral Officer in relation to the election
of a member of the Maneaba ni Maungatabu."

Section 3

Insert in subsection (1) after "appointed" ~~the words~~ ", subject to section 99 of the Constitution,".

Insert in subsection (1) after "exercise" the words ", subject to any directions of the Electoral Commission under the powers conferred by section 63(1) of the Constitution,".

Omit from subsection (2) "The Chief Electoral Officer",
substitute "Subject to section 99 of the Constitution, the Chief Electoral Officer".

Section 4

Omit subsection (2).

Section 7

Omit the section, substitute -

"Qualifications for registration and voting.

"7.(1) A person who is entitled under section 64 of the Constitution to be registered as an elector in an electoral district is entitled to be registered in respect of the ward within which he is resident at the time of registration.

"(2) A person who is registered as an elector is entitled -

- (a) to vote at an election of a member of the Manatani Maungatabu for the elections district in which he is registered; and
- (b) where the ward in respect of which he is registered comprises or forms part of the area of authority of a Council - to vote at an election of a member of the Council for that ward."

Section 8

Omit the section.

Section 10

Omit from subsection (1) "the Chief Electoral Officer",
substitute "the Electoral Commission".

Section 12

(a) Omit from subsection (1) ", hereinafter referred to as a candidate,".

Omit subsection (3), substitute -

"(3) The Electoral Officer for the electoral district in which the election is to be held shall -

- (a) provide nomination papers; and
- (b) at the request of the candidate, complete a nomination paper on behalf of a candidate.

"(3A) In addition, the Chief Electoral Officer may provide nomination papers for an election of a member of the Maneaba ni Maungatabu."

Section 13

Omit from subsection (1) "the Electoral Officer" (first occurring), substitute "the Chief Electoral Officer or an Electoral Officer in accordance with section 12(5)".

Omit from subsection (1) "the Electoral Officer" (second and third occurring),

substitute "the Chief Electoral Officer or the Electoral Officer, as the case may be,".

Omit from subsection (2) "The Electoral Officer" (first occurring), substitute "The Chief Electoral Officer or an Electoral Officer".

Omit from subsection (2)(d) "the Electoral Officer", substitute "he".

Omit subsection (2)(g), substitute -

"(g) that the candidate is not qualified to be a member of the Maneaba ni Maungatabu or of the council for which he is proposing to stand."

Section 16

Omit "the Chief Electoral Officer",

substitute "the Electoral Commission in the case of an election of a member of the Maneaba ni Maungatabu, or to the Chief Electoral Officer, in the case of an election to a council".

Section 17

Omit from subsection (1) "the Chief Electoral Officer", substitute "the Electoral Commission".

Omit from subsection (2) "the Chief Electoral Officer", substitute "the Electoral Commission".

Section 22

Omit from subsection (1) "Every",

substitute "The members of the Electoral Commission, the Chief Electoral Officer and every".

Omit from subsection (2) "No such officer, assistant, candidate or agent, and no person whosoever,"

substitute "No person".

Omit from subsection (3) "Every such officer, assistant, candidate or agent",

substitute "A person to whom subsection (1) applies".

Section 30

Insert in paragraph (a) after "is prohibited" the words "or is disqualified".

Omit from paragraph (a) "this Ordinance or by any other law",

substitute "the Constitution, this Ordinance or any other law".

Section 34

Omit from subsection (1) "on a petition presented by the Attorney-General or by an elector", substitute -

"(a) in the case of a question relation to the Meneaba - on application in accordance with section 60 of the Constitution; and

"(b) in the case of a question relating to a Council - on application by the Attorney-General or an elector,".

Section 35

~~Omit~~ the section, substitute -

"Election petitions.

"35. For the purposes of section 60 of the Constitution and of section 34, an election petition may, within one month after the date of publication of the result of the election, be presented to the Court:-

(a) in the case of an election of a member of the Meneaba ni Maungatabu - in accordance with section 60 of the Constitution; and

(b) in the case of an election of a member of a council - by -

(i) a person who had a right to vote at the election; or

(ii) a person who claims to have had a right to be returned or elected at the election; or

(iii) a person who claims that he was a candidate at the election.".

Section 36

Omit from subsection (3) "to the Chief Electoral Officer",
substitute "to the Electoral Commission in the case of a
petition relating to the Maneaba ni Maungatabu or to the Chief
Electoral Officer, in the case of a petition relating to a
Council".

Section 38

Omit from subsection (1) "the Chief Electoral Officer",
substitute "the Electoral Commission, in the case of an
election to the Maneaba ni Maungatabu, or the Chief
Electoral Officer, in the case of an election to a
Council,".

Omit from subsection (1) "he",
substitute "it or he".

Omit from subsection (2) "by the Chief Electoral Officer".

Omit from subsection (3) "his",
substitute "its or his".

Omit from subsection (3) "the Chief Electoral Officer",
substitute "the Electoral Commission or the Chief Electoral
Officer, as the case may be,".

Omit from subsection (3) "he",
substitute "it or he".

Section 39

Omit "The Minister may make Regulations",
substitute "Subject, in the case of regulations relating
to elections of members of the Maneaba ni Maungatabu, to
Part I of Chapter V, and to sections 118 and 131(1) of
the Constitution, the Beretitenti, acting in accordance
with the advice of the Cabinet, may make regulations".

B. Elections Regulation 1977 (LN-145/77)

Regulation 2

Omit from subregulation (1) "The Electoral Officer",
substitute "Subject to any directions of the Electoral
Commission under the powers conferred by section 63(1) of the
Constitution, the Electoral Officer".

Omit from subregulation (3) "The Chief Electoral Officer",
substitute "The Chief Electoral Officer, with the approval
of the Electoral Commission,".