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National Parliament (Electoral Provisions) (Amendment) Act 2005

SOLOMON ISLANDS

THE NATIONAL PARLIAMENT (ELECTORAL PROVISIONS) (AMENDMENT) ACT 2005

(NO. 4 OF 2005)

Passed by the National Parliament this twenty-eighth day of July, 2005.

Assented to in Her Majesty's name and on Her Majesty's behalf this sixth day of September, 2005.

*Nathaniel Rahumaea Waena
Governor-General*

Date of commencement: date of publication in the Gazette.

AN ACT TO AMEND THE NATIONAL PARLIAMENT (ELECTORAL PROVISIONS) ACT, CAP. 87

ENACTED by the National Parliament of Solomon Islands.

THE NATIONAL PARLIAMENT (ELECTORAL PROVISIONS) (AMENDMENT) ACT 2005

ARRANGEMENT OF SECTIONS

SECTION:

1. SHORT TITLE
2. AMENDMENT OF SECTION 4 OF CAP 87
3. AMENDMENT OF SECTION 34
4. REPEAL AND REPLACEMENT OF SECTION 36
5. AMENDMENT OF SECTION 38
6. REPEAL AND REPLACEMENT OF SECTION 41
7. REPEAL AND REPLACEMENT OF SECTION 49
8. INSERTION OF NEW SECTION

9. INSERTION OF NEW SCHEDULE

Short title

1. This Act may be cited as the [National Parliament \(Electoral Provisions\) \(Amendment\) Act 2005](#).

Amendment of section 4 of Cap 87

2. Subsection 1 of section 4 of the National Parliament (Electoral Provisions) Act (hereinafter referred to as the "principal Act") is hereby amended by deleting the words "public officer" and substituting therefore the words "fit and proper person".

Amendment of section 34

3. Section 34 of the principal Act is hereby amended as follows –

(a) by deleting paragraph (d) and substituting therefore the following new paragraph -

"(d) furnish each polling station with compartments in which electors can, in secret, record their votes;

(b) by renumbering the existing section as subsection (1) and substituting thereafter the following new subsections as subsections (2) and (3) respectively –

"(2) The presiding officer shall provide a sealed and secured ballot box in the polling station.

(3) Immediately before the commencement of the voting, the presiding officer at the polling station shall show to the electors present the empty ballot box so that they may see that it is empty and shall then close and seal the box in such a manner as to prevent it being opened without breaking the seal."

Repeal and replacement section 36

4. Section 36 of the principal Act is hereby repealed and the following new section substituted therefore –

"Symbols and colours marked in accordance with section 34(1)(g)

36. The presiding officer shall cause to be displayed in the polling station, a list of the candidates' names, symbols and colours in accordance with section 34(1)(g)".

Amendment of section 38

5. Section 38 of the principal Act is hereby amended as follows –

(a) by inserting at the end of paragraph (a) the words "in the form prescribed in the

Fourth Schedule".

(b) by deleting paragraph (d) and substituting therefore the following new paragraph –

"(d) an elector on receiving a ballot paper, shall go immediately into a voting compartment in the polling station, and shall then secretly record his vote by placing a mark in the box in the ballot paper corresponding to the candidate of his choice and insert the marked folded ballot paper into the ballot box prior to leaving the polling station. The ballot box shall be placed within the polling station in such manner as to be observed by polling officials"; and

(c) by deleting paragraph (g) and substituting therefore the following new paragraph –

"(g) if an elector by reason of blindness or other physical disability, is unable to cast his vote, he shall call the presiding officer aside and tell him, no other person being present or within hearing the name of the candidate for whom he wishes to vote and the presiding officer shall record the elector's vote by placing a mark in the box on the ballot paper corresponding to the candidate for whom the elector wishes to vote and insert the marked folded ballot paper into the ballot box prior to the aforesaid elector leaving the polling station".

Repeal and replacement of section 41

6. Section 41 of the principal Act is hereby repealed and the following new section substituted therefore –

"Tendered ballot

41. If a person representing himself to be an elector named in the register of electors applies for a ballot paper after another person has voted as such an elector, the applicant shall, upon giving satisfactory answers to the questions set out in section 38(c), be entitled to receive a ballot paper in the same manner as any other elector but such ballot paper, hereinafter, called tendered ballot paper, shall be of a colour different from ordinary ballot papers and instead of being put in the ballot box, shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors: the elector shall then place a mark on the box on the ballot paper corresponding to the candidate of his choice or call the presiding officer aside and tell him, no other person being present or within hearing, the name of the candidate for whom he wishes to vote and the presiding officer shall record the electors vote by placing a mark in the box on the ballot paper corresponding to the candidate for whom the elector wishes to vote, and in either case the ballot paper shall then be set aside in a separate packet and not counted by the Returning Officer as herein provided; and the name of the elector shall be entered in a list to be called the tendered votes list, and the list shall be admissible in any legal proceedings out of the election".

Repeal and replacement of Section 49.

7. Section 49 of the principal Act is hereby repealed and the following new section substituted therefore –

"Handling of Ballot papers

49. The Returning Officer and any Assistant Returning Officers assisting the Returning Officer, while counting and recording the number of the ballot papers, shall keep the ballot papers with their faces upwards and take all precautions for preventing any person from seeing the numbers printed on the back of the ballot paper."

Insertion of new section

8. The principal Act is hereby amended by inserting of new section immediately after section 87 the following as section 88 –

"Power to make regulations

88. The Minister on the advice of the Electoral Commission may make regulations for the better carrying out of the provisions and purposes of this Act".

Insertion of new Schedule

9. The principal Act is hereby amended by inserting the following as the Fourth Schedule –

"FOURTH SCHEDULE
(Section 38(a))

BALLOT PAPER

CONSTITUENCY OF

PUT A MARK IN THE BOX OF YOUR CHOICE

Vote for one candidate only

NAME OF CANDIDATE POLITICAL PARTY/ INDEPENDENT	SYMBOL OF CANDIDATE	MARK

OFFICIAL MARK."
