



ELECTORAL (AMENDMENT) ACT 2023

(NO. 15 OF 2023)



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***PASSED** by the National Parliament this 14th day of December 2023.*

(This printed impression has been carefully compared by me with the Bill passed by Parliament and found by me to be a true and correct copy of the Bill)

David Kusilifu
Clerk to National Parliament

***ASSENTED** to in His Majesty's name and on His Majesty's behalf this 22nd day of December 2023.*

Sir David Vunagi
Governor-General

Date of Commencement: see section 2.

AN ACT TO AMEND THE ELECTORAL ACT 2018, AND FOR RELATED PURPOSES

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

ELECTORAL (AMENDMENT) ACT 2023

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ELECTORAL (AMENDMENT) ACT 2023

1 Short title

This Act may be cited as the *Electoral (Amendment) Act 2023*.

2 Commencement

This Act commences on the date appointed by the Minister by notice in the *Gazette*.

3 Amendment of Electoral Act 2018

This Act amends the *Electoral Act 2018* ("**Principal Act**").

4 Section 30 amended

Section 30 of the Principal Act is amended as follows:

- (a) in subsection (4), substitute the word "complaint." with the following:

"complaint, and a decision reached by a panel is to be treated as a decision made by the Commission."; and

- (b) after subsection (4) insert a new subsection as follows:

"(4a) For the purposes of subsection (4), the Commission may:

- (a) appoint as many 2 member panels as necessary to address the complaints within the timelines of subsection (3)(c); and

- (b) consider for the appointment of members:

- (i) persons who have reasonable knowledge of the provisions of the *Electoral Act 2018* and its regulations; and

- (ii) persons with experience in the work of similar panels would be an advantage; and

- (iii) to be engaged at a level of remuneration set by the Commission.”; and
- (c) in subsection (6), delete “or 104”; and
- (d) after subsection (6), add a new subsection:
 - “(7) A complaint under subsection (1) does not include a complaint during the counting process, which is addressed exclusively under section 104.”.

5 Section 59 amended

Section 59 of the Principal Act is amended:

- (a) in subsection (1)(b), insert the words “at least” between “ends” and “42 days”; and
- (b) by substituting subsection (3) with a new subsection:
 - “(3) The Commission may:
 - (a) declare a provincial headquarter or a place to be determined by the Commission to be a nomination place; and
 - (b) in the case of constituencies located within Honiara City, declare a place to be determined by the Commission to be a nomination place.”.

6 Section 61 amended

Subsection 61(1) of the Principal Act is amended by substituting the words “because of any unforeseen natural or man-made reason,” with “by reason of flood or storm or any other cause whatsoever, whether natural or man-made,”.

7 Section 79 amended

Section 79 of the Principal Act is amended:

- (a) in subsection (1), substitute “5pm,” with “4pm,”; and
- (b) by substituting subsection (2) with a new subsection:

“(2) The Commission may at any time prior to or on polling day, approve other hours of voting for a particular constituency or constituencies, ward or wards.”.

8 Section 93 amended

Section 93 of the Principal Act is amended in subsection 93(1) as follows:

- (a) in paragraph (a)(i), substitute “a date and time” with “dates and times”; and
- (b) substitute paragraph (a)(ii) with the following:
 - “(a)(ii) the date by which applications for pre-poll voting are to be made, must be at least 7 days before the date for that particular pre-poll voting.”.

9 Section 100 amended

Section 100 of the Principal Act is amended by substituting subsection (5) with the following:

- “(5) The returning officer may open the following documents if they are required for the purposes of verification or reconciliation in terms of the number of ballot papers issued:
 - (a) the sealed packet containing the marked copy of the register of electors;
 - (b) the sealed packet containing the counterfoils of used ballot papers.”.

10 Section 108 amended

Section 108 is amended by inserting 3 new subsections after subsection (5):

- “(6) The Court must declare the election of a candidate void if any corrupt or illegal practice was committed in connection with the candidate elected or the candidate’s agent.

- (7) Where in an election petition it is shown that:
- (a) corrupt or illegal practices or illegal payments, employments or hirings were committed in reference to the elections for the purposes of promoting or procuring the election of a candidate; and
 - (b) the corrupt or illegal actions or illegal payments, employments or hirings in paragraph (a) so extensively prevailed that they may be reasonably supposed to have affected the result;

the candidate's election, if elected, shall be void and the candidate shall be disqualified for election as a member of Parliament for a period commencing on the date of judgment by the Court to the date of dissolution of Parliament following that judgment.

- (8) For the purposes of this section, "agent" includes a polling agent, a counting agent, and any person acting on behalf of a candidate during that candidate's campaign."

11 Section 116 amended

Section 116 of the Principal Act is amended by:

- (a) after subsection (1) insert a new subsection (2):
 - "(2) For the avoidance of doubt:
 - (a) the request to be released to vote in subsection (1) is a reference to being released on polling day only; and
 - (b) the employer's duty under this section does not include releasing employees on any other day, before or after polling day."; and
- (b) renumber the current subsection (2) as subsection (3).