

5. Who may be candidates for election as Members –

(1) Subject to the provisions of the Constitution and of this Act, any person who is registered as an elector of any constituency **and is the holder of a matai title** is qualified to be a candidate and to be elected as a Member of Parliament for that constituency, and any person who is registered as a voter on the individual voters' roll and is the holder of a matai title is qualified to be a candidate and to be elected as a Member of Parliament representing the individual voters, if in either case, as required by Article 45 of the Constitution, he or she:

(a) Is a citizen of Samoa; and

(b) Is not disqualified under the provisions of the Constitution or of any Act,

...

(2) Any other person shall be disqualified for being a candidate for, or being elected as a Member of Parliament.

(3) A person shall be disqualified as a candidate, or from election as a Member of Parliament representing a constituency, if he or she:

(a) Loses any qualification required to enable him or her to be registered as an elector of that constituency; or

(b) Has not resided in Samoa for a period equalling or exceeding three (3) years ending with the day on which the Nomination paper is lodged with the Commissioner; or

(c) Does not have a statutory declaration in Form 1D in the First Schedule from:

(i) The Pulenu'u of his or her village; or

(ii) Any other person determined by the Commissioner, if the Commissioner is of the opinion that the Pulenu'u is unable to, or cannot properly, provide the statutory declaration,

that the candidate satisfies the three (3) year residential requirement in paragraph (b) and, unless the Commissioner is satisfied that the candidate is banished from his or her village, **satisfies village service requirements**.

(3A) For the purposes of this section:

"village service requirements" means the services a matai renders to his or her village in accordance with the customs of that particular village.

Electorate	Electors on roll
Tupapa-Maraerenga	1,139
Takuvaine-Tutakimoa	730
Avatiu-Ruatonga-Palmerston	720
Nikao-Panama	988
Ruaau	774
Akaoa	471
Murienua	595
Titikaveka	836
Ngatangiaa	637
Matavera	637
Amuri-Ureia	389
Arutanga-Reureu-Nikaupara	354
Vaipae-Tautu	432
Oneroa	233
Ivirua	79
Tamarua	61
Teenui-Mapumai	127
Tengatangi-Areroa-Ngatiarua	167
Mauke	226
Mitiaro	117
Rakahanga	59
Manihiki	183
Pukapuka-Nassau	243
Penrhyn	146
Total	10,343

105 (1) An election petition may be presented to the Supreme Court by one or more of the following persons:

(a) A person claiming to have had a right to be elected or returned at the election;

(b) A person alleging himself or herself to have been a candidate at the election;

PROVIDED HOWEVER THAT no petition can be filed by a person who polled less than 50% of the total number of votes polled by a person elected or returned at the election.

(c) the Commissioner, in considering the public interest, in his or her own motion:

(i) On the question of whether a candidate is qualified to be a candidate; or

(ii) Where there are allegations of breaches of this Act.

Non-compliance	Based in custom/culture?
Matai-only candidate	Yes
Return of candidate fee	No
Village service requirement	Yes
Electoral geometry	No
Funding transparency	No
Direct challenge of corrupt practice	No