



Tonga

ELECTORAL (AMENDMENT) ACT 2014

Act 5 of 2014



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Arrangement of Sections

Section

1	Short Title	5
2	Section 5 amended	5
3	Section 5A amended	5
4	New Section 10A	6
5	Section 12 amended	6
6	Section 13 amended	6
7	Section 14 amended	7
8	Schedule amended	7



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AN ACT TO MAKE VARIOUS CHANGES TO THE ELECTORAL ACT

I assent,
TUPOU VI,
20th August 2014.

BE IT ENACTED by the King and Legislative Assembly of Tonga in the Legislature of the Kingdom as follows:

1 Short Title

- (1) This Act may be cited as the Electoral (Amendment) Act 2014.
- (2) In this Act, the Electoral Act 1989 as amended, shall be referred to as the Principal Act.

2 Section 5 amended

Section 5(5) of the Principal Act is amended by repealing paragraph (a) and replacing it with the following -

- “(a) to include any elector who becomes qualified to vote in any constituency between publication and 14 days prior to election day; or”.

3 Section 5A amended

Section 5A of the Principal Act is amended by inserting after the second appearance of the word “constituency” the words “but including any elector who becomes

qualified to vote in any constituency between the last election and 14 days prior to the by-election”.

4 New Section 10A

The Principal Act is amended by inserting immediately after section 10 the following new section 10A -

“10A Adjournment of poll

- (1) Where the polling at any polling station cannot start or has been suspended whether by reason of natural disaster, bad weather conditions or any other case, the Supervisor may adjourn the taking of the poll at that polling station to the following day, and if necessary from day to day until the poll can be taken, and shall, if he adjourns the taking of the poll forthwith give public notice of the adjournment in such manner as he thinks fit.
- (2) Notwithstanding subsection (1), the poll shall not be kept open for more than 10 hours at any polling station.
- (3) Where the close of the poll at any polling station is adjourned under this section for any number of days, the day on or before which the Writ is made returnable shall be postponed by the same number of days.”.

5 Section 12 amended

Section 12 of the Principal Act is amended –

- (a) by repealing subsection (3) and replacing it with the following –
 - “(3) After checking against the final roll that the elector is entitled to vote, and the identity of the elector in accordance with any regulations made under this Act, the returning officer shall cross out the electors name on the roll, initial at the back of the ballot paper and then hand the ballot paper to him.”;
- (b) by renumbering subsection “(6)” as subsection “(7)”; and
- (c) by inserting a new subsection (6) as follows –
 - “(6) Any voter who not having deposited his ballot paper, in the ballot box, satisfies the returning officer that the ballot paper has been spoiled by inadvertence may be supplied with a fresh ballot paper, in accordance with the regulations made by the Commission.”.

6 Section 13 amended

Section 13 of the Principal Act is amended by repealing subsection (2) and replacing it with the following –

“(2) The returning officer of the district in which such an elector is temporarily resident shall accept such vote provided that such elector is registered on the roll under the appropriate constituency.”.

7 Section 14 amended

Section 14(b) of the Principal Act is amended by deleting the words “thumb prints on the ballot paper and” and replacing them with the words “signature on” .

8 Schedule amended

- (1) Forms 1 and 6 in the Schedule is amended by deleting the words “punishable by” wherever appearing and replacing them with the words “and sentenced to”.
- (2) Forms 4 in the Schedule is amended by deleting the words “punishable by” and replacing them with the words “and sentenced to”.

Passed by the Legislative Assembly this 24th day of June 2014.