

**ACT NO. 9 OF 2021**

I assent.

J. K. KONROTE

President

[7 June 2021]

## **AN ACT**

### **TO AMEND THE ELECTORAL ACT 2014**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

**1.—**(1) This Act may be cited as the Electoral (Amendment) Act 2021.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Electoral Act 2014 is referred to as the “Principal Act”.

*Section 2 amended*

**2.** Section 2 of the Principal Act is amended by—

- (a) in the definition of “banker’s cheque” after “Fiji”, inserting “but does not include a personal cheque”;
- (b) after the definition of “campaign”, inserting the following new definition—  
 ““campaign period” means the period determined by the Electoral Commission under section 109A;”;

- (c) after the definition of “day”, inserting the following new definition—  
 ““designated area” means an area designated by the Supervisor for the purpose of observing an electoral process;”;
- (d) in the definition of “election official”, deleting “section 42” and substituting “this Act”; and
- (e) in the definition of “polling” after “day”, inserting “or a date determined and approved by the Electoral Commission under section 47 following an adjournment of polling”.

*Section 6 amended*

**3.** Section 6(1)(a) of the Principal Act is amended after “registration” by inserting “and regulates the conduct, funding and disclosures”.

*Section 14 amended*

**4.** Section 14(g) of the Principal Act is amended by deleting “3” and substituting “6”.

*Section 21 amended*

**5.** Section 21(2) of the Principal Act is amended by—

- (a) in paragraph (c) after “;”, deleting “and”;
- (b) in paragraph (d), deleting “.” and substituting “;”; and
- (c) after paragraph (d), inserting the following new paragraph—  
 “(e) time and date of the close of the Register of Voters.”.

*Section 25 amended*

**6.** Section 25(5) of the Principal Act is amended after “relates” by deleting “to”.

*Section 30 amended*

**7.** Section 30 of the Principal Act is amended by deleting subsection (1) and substituting the following—

“(1) A person who is a registered voter may object to the nomination of any candidate on the ground that the nomination of the candidate as an independent candidate or as a party candidate on a party list does not comply with the requirements of the Constitution or this Act.”.

*Section 36 amended*

**8.** Section 36(6) of the Principal Act is amended by deleting “must not contain any party name or party symbol” and substituting “may contain either the party name or the party symbol or any other information as approved by the Supervisor”.

*Section 40 amended*

**9.** Section 40 of the Principal Act is amended by—

- (a) in subsection (4), deleting “residing at their facilities and forward them to the Supervisor” and substituting “, in the approved form, residing at their facilities and forward the list to the Supervisor within 7 days of the dissolution of Parliament”;

(b) deleting subsection (8) and substituting the following—

“(8) The Supervisor may publish the provisional voter list for each polling station as approved by the Electoral Commission on or before 30 September of each year except in an election year.”; and

(c) in subsection (9), deleting “prescribed” and substituting “approved”.

*Section 41 amended*

**10.** Section 41 of the Principal Act is amended by—

(a) in subsection (5), deleting “address of all polling stations and polling venues, the location of a polling station or polling venue” and substituting “list of all polling venues, the polling venues”; and

(b) after subsection (6), inserting the following new subsections—

“(7) The Supervisor must identify the physical locations of all polling venues and submit the list of all polling venues to the Electoral Commission for approval on or before 30 June of each year except in an election year.

(8) The Electoral Commission must publish the approved list of polling venues within 30 days after the list of polling venues has been submitted to the Electoral Commission.

(9) The Supervisor may establish a polling venue in Suva for voters who are registered overseas but are not postal voters to attend to cast their vote and special procedures for the conduct of polling at such polling stations as approved by the Electoral Commission.”.

*Section 45 amended*

**11.** Section 45(1) of the Principal Act is amended by—

(a) after “a polling station”, inserting “or designated area”;

(b) after “officer”, inserting “or authorised officer”; and

(c) deleting “at the polling station”.

*Section 50 amended*

**12.** Section 50(2) of the Principal Act is amended by deleting “and police officers” and substituting “, police officers and Fijian Elections Office service providers”.

*Section 51 amended*

**13.** Section 51(3) of the Principal Act is amended by deleting “, date of birth or occupation” and substituting “or date of birth”.

*Section 53 amended*

**14.** Section 53 of the Principal Act is amended by—

(a) in subsection (1), deleting paragraphs (a) to (c) and substituting the following—

“(a) mark the name of the voter on the voter list;

- (b) have the voter sign next to his or her name on the voter list; and
- (c) immediately hand a ballot paper to the voter.”;
- (b) in subsection (8) after “followed”, inserting “and the assistance provided is within the polling venue boundary”; and
- (c) after subsection (8), inserting the following new subsection—

“(8A) The presiding officer must ensure that all the voters in the queue at a polling station have voted before the presiding officer leaves the polling station to assist a person who—

- (a) is unable to cast his or her vote at his or her assigned polling station due to illness, physical disability or for any reason approved by the Supervisor; and
  - (b) resides within 300 metres of the polling venue,
- to cast his or her vote.”.

*Section 57 amended*

**15.** Section 57 of the Principal Act is amended by—

- (a) deleting “illiterate or” wherever it appears;
- (b) in subsection (1)—
  - (i) after “station”, deleting “is”; and
  - (ii) after “officer”, inserting “or a person of their own choice”;
- (c) deleting subsection (2) and substituting the following—
 

“(2) When assisting a person with disability to cast his or her vote—

  - (a) the presiding officer must ensure that one other election official is present with the presiding officer;
  - (b) if it is a person chosen by the person with disability, the presiding officer or election official must be present; and
  - (c) the person chosen by the person with disability must be a registered voter.”;
- (d) in subsection (3) after “officer”, inserting “or person chosen by the person with disability”;
- (e) after subsection (4), inserting the following new subsection—
 

“(4A) An illiterate voter may only request the presiding officer to assist him or her to cast a vote and the presiding officer must ensure that one other election official is present.”; and
- (f) in subsection (5) after “assisted voter”, inserting “and any person providing the assistance”.