



**CONSTITUTION (AMENDMENT) (ELECTORAL  
REFORM) BILL 2018**

**(NO. 1 OF 2018)**





**CONSTITUTION (AMENDMENT)  
(ELECTORAL REFORM) BILL 2018**

(NO. 1 OF 2018)

A

BILL

Entitled

**AN ACT TO AMEND THE CONSTITUTION IN RELATION TO ELECTORAL  
MATTERS**

**ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.**

# CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) BILL 2018

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# CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) BILL 2018

## 1 Short title and commencement

- (1) This Act may be cited as the *Constitution (Amendment) (Electoral Reform) Act 2018*.
- (2) This Act commences on the date of assent by the Governor-General.

## 2 Section 48 amended

Section 48 of the *Constitution* is amended in subsection (1):

- (a) by replacing the full stop with “; and” at the end of paragraph (b); and
- (b) by adding after paragraph (b) the following paragraph:

“(c) he is registered as an elector, as prescribed by Parliament.”.

## 3 Section 49 amended

Section 49(1) of the *Constitution* is amended in paragraph (g) by inserting after “is acting in,” the following:

“or within 12 months before the date, prescribed by Parliament, by which nominations of candidates for the election must be received, has held or acted in,”.

## 4 Section 55 amended

Section 55(2) of the *Constitution* is amended in paragraph (b) by inserting “as prescribed by Parliament” after “not ordinarily resident”.

## 5 Section 57 substituted

The *Constitution* is amended by repealing section 57 and substituting the following section:

**"57 Electoral Commission**

- (1) The Electoral Commission is established.
- (2) The Commission comprises:
  - (a) a Chairperson; and
  - (b) three other members; and
  - (c) the Commissioner of Elections appointed under section 57A.
- (3) The Governor-General may, acting on the advice of the Judicial and Legal Service Commission, appoint the members mentioned in subsection (2)(a) and (b) (the "***appointed members***").
- (4) The Commissioner of Elections:
  - (a) may take part in any deliberation of the Commission; but
  - (b) must not vote on it.
- (5) At least 2 women are to be members of the Commission.
- (6) Only the following persons are qualified to be appointed as appointed members of the Commission:
  - (a) a former Governor-General;
  - (b) a former Speaker;
  - (c) a retired judge;
  - (d) a former Member of Parliament;
  - (e) a current or retired head of any religious organisation or of any civil society organisation;
  - (f) a person who has held a distinguished career in the government or private sector;

- (g) a public officer of the permanent secretary level.
- (7) The following persons are not qualified to be appointed as appointed members of the Commission:
  - (a) a member of or a candidate for election to:
    - (i) Parliament; or
    - (ii) a Provincial Assembly; or
    - (iii) the Honiara City Council; or
  - (b) a person who is a member of a political party registered under a law relating to political parties.
- (8) Subject to subsection (9), an appointed member vacates the office of the member:
  - (a) when the member's period of appointment expires; or
  - (b) if any circumstances arise that, if the person were not an appointed member, would cause the person to be disqualified from appointment as a member.
- (9) An appointed member may be removed from office under section 126 as if the office of appointed member were an office to which that section applies.
- (10) However, reference to "in accordance with the advice of the Prime Minister" in section 126(7) is modified to read "acting on the advice of the Judicial and Legal Service Commission", for the purpose of subsection (9) of this section.
- (11) Any other terms and conditions of appointment of the appointed members are as prescribed."

**6 Section 57A added**

The *Constitution* is amended by adding after section 57 the following

new section:

**"57A Commissioner of Elections**

- (1) The position of the Commissioner of Elections is established as a public office.
- (2) The Commissioner is the administrative head of the office responsible for electoral matters and other prescribed matters.
- (3) The Governor-General may, acting on the advice of the Judicial and Legal Service Commission, appoint a suitably qualified and experienced person as the Commissioner.
- (4) Other terms and conditions of appointment and other functions, duties and powers of the Commissioner are as prescribed."

**7 Section 107 amended**

Section 107 of the *Constitution* is amended in subsection (5) by adding "Commissioner of Elections," after "Commissioner of Police,".

**8 Section 129 amended**

Section 129 of the *Constitution* is amended:

- (a) in subsection (1) by adding "Commissioner of Elections," after "Director of Public Prosecutions,"; and
- (b) in subsection (7), by adding ", Commissioner of Elections" after "Director of Public Prosecutions".

**9 Transition**

The Electoral Commission that exists (including the current members) before the commencement of this Act, continues until the date the new members of the Electoral Commission take their oaths of office.



# CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) BILL 2018

## OBJECTS AND REASONS

The objects of the Bill are:

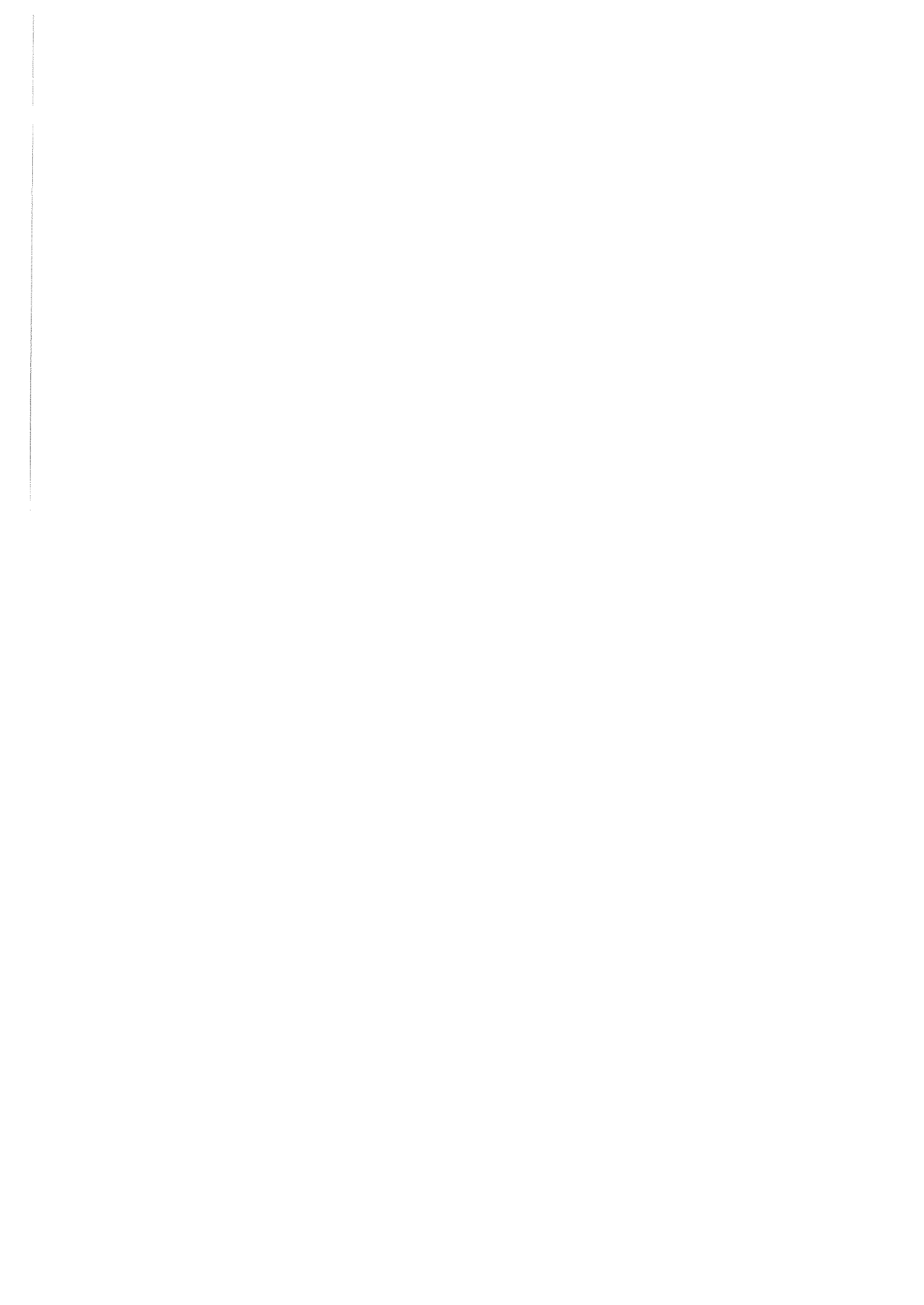
- (a) to provide an additional requirement that a candidate for election be a registered elector; and
- (b) to allow an Act to prescribe the term “ordinarily resident”; and
- (c) to provide for a 12-month stand-down period for a member of the Electoral Commission or staff involved in the election process if he or she intends to stand as a candidate; and
- (d) to increase the membership of the Electoral Commission to 5 members, which will also deal with registration of political parties currently undertaken by the Political Parties Commission under the *Political Parties Integrity Act 2014*; and
- (e) to establish a new position of Commissioner of Elections as the administrative head of the office responsible for elections and will also act as the Registrar for Political Parties under the *Political Parties Integrity Act 2014*.

.....  
PRIME MINISTER

# CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) BILL 2018

## EXPLANATORY MEMORANDUM

- Clause 1** provides for the short title and the commencement provision.
- Clause 2** amends section 48 of the Constitution to add a new requirement for candidates to be registered electors.
- Clause 3** amends section 49 to provide a stand-down period of 12 months for those involved in the conduct of elections if they want to stand as candidates.
- Clause 4** amends section 55(2)(b) to provide that the term “ordinarily resident” be defined by an Act.
- Clause 5** repeals and replaces section 57 of the Constitution to establish the new Electoral Commission of 5 members, including an appointed Chairperson to replace the Speaker as the Chairperson.
- Clause 6** adds a new section 57A to create the positions of the Commissioner of Elections as a constitutional position to be the administrative head of the Electoral Commission.
- Clause 7** amends section 107 to add the office of the Electoral Commissioner to that section in relation to remuneration.
- Clause 8** amends section 129 to add the office of the Electoral Commissioner to that section in relation to removal of constitutional public offices.
- Clause 9** provides for a transitional provision allowing the current Electoral Commission and its current members to continue until the 5 members of the new Electoral Commission take their oaths of office.



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