



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

(NO. 5 OF 2018)



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***PASSED** by the National Parliament this twenty-second day of August 2018.*

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

Clezy Rore
Clerk to National Parliament

***ASSENTED** to in Her Majesty's name and on Her Majesty's behalf this seventh day of September 2018.*

Sir Frank Utu Ofagioro Kabui
Governor-General

Date of Commencement: date of assent.

AN ACT TO AMEND THE CONSTITUTION IN RELATION TO ELECTORAL MATTERS

ENACTED BY THE NATIONAL PARLIAMENT OF SOLOMON ISLANDS.

CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) ACT 2018

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CONSTITUTION (AMENDMENT) (ELECTORAL REFORM) ACT 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) two other members; and
 - (c) the Chief Electoral Officer 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 Chief Electoral Officer:
 - (a) may take part in any deliberation of the Commission; but
 - (b) must not vote on it.
- (5) At least one member of the Commission must be a woman.
- (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 Chief Electoral Officer

- (1) The position of the Chief Electoral Officer is established as a public office.
- (2) The Chief Electoral Officer 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 Chief Electoral Officer.
- (4) Other terms and conditions of appointment and other functions, duties and powers of the Chief Electoral Officer are as prescribed.”.

7 Section 107 amended

Section 107 of the *Constitution* is amended in subsection (5) by adding “Chief Electoral Officer,” after “Commissioner of Police,”.

8 Section 129 amended

Section 129 of the *Constitution* is amended:

- (a) in subsection (1) by adding “Chief Electoral Officer,” after “Director of Public Prosecutions,”; and
- (b) in subsection (7), by adding “, Chief Electoral Officer” 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.

