

***ELECTIONS LEGISLATION (AMENDMENT) ACT 2014***

**Arrangement of Sections**

1	Short title.....	1
2	Acts amended.....	1

SCHEDULE 1 – AMENDMENT OF ACTS

**AUTONOMOUS REGION OF BOUGAINVILLE**

**(№ 10 OF 2014)**

***ELECTIONS LEGISLATION (AMENDMENT) ACT 2014***

Being an Act to amend the *Bougainville Elections Act 2007* and the *Bougainville Public Services (Management and Administration) Act 2014*

MADE by the House of Representatives

**1 Short title**

This is the *Elections Legislation (Amendment) Act 2014*.

**2 Acts amended**

Schedule 1 amends the Acts mentioned in it.

## SCHEDULE 1—AMENDMENT OF ACTS

Section 2

### Part 1 — Bougainville Elections Act 2007

#### [1] Amendment of Section 3

1.1 Section 3(1), after the definition of “category of election”

*insert*

“Chief Secretary” means the person holding the office established by Section 11 of the *Bougainville Public Services (Management and Administration) Act 2014*;

1.2 Section 3(1), definition of “Chief Administrator”

*omit*

1.3 Section 3(1), definition of “officer”, paragraph (e)

*omit*

#### [2] Amendment of Section 4A

2.1 Section 4A, heading

*omit*

**Commission**

*substitute*

**Commissioner**

2.2 Section 4A

*omit*

Commission

*substitute*

Commissioner

#### [3] Amendment of Section 5

Section 5, after “such staff”

*insert*

, equipment and vehicles (to the extent that available resources allow)

#### [4] Repeal of Section 49A

Section 49A

*repeal*

**[5] Amendment of Part IX heading**

Part IX, heading

*omit*

**ARRANGEMENT**

*substitute*

**ARRANGEMENTS**

**[6] Repeal of Division 2 in Part IX, and Sections 55A to 55E**

Division 2 in Part IX, and Sections 55A to 55E

*repeal*

**[7] Repeal and substitution of Section 70**

Section 70

*repeal, substitute*

**70 Polling period**

- (1) The date fixed for the commencement of the polling period must be not less than 6 weeks nor greater than 8 weeks after the date of the writ.
- (2) The date fixed for the end of the polling period must be not more than 3 weeks after the date fixed under Subsection (1).

**[8] Repeal of Section 117A**

Section 117A

*repeal*

**[9] Insertion of new Division 3A in Part XIV**

After Section 118

*insert*

**Division 3A—Special Voting Arrangements**

**118A Special voting arrangements**

The regulations may prescribe special voting arrangements to enable an elector to vote if the elector will, during the polling period, be—

- (a) an electoral officer; or
- (b) a member of the Police, or otherwise providing election-related security; or

- (c) prevented by illness or physical disability from attending a polling place; or
- (d) absent from the single member constituency where the elector is enrolled.

**[10] Amendment of Part XV, Division 3 heading**

Division 3 in Part XIV, heading

*omit*

**Relation**

*substitute*

**Relating**

**[11] Insertion of heading for Part XV, Division 3A**

After Section 137

*insert*

**Division 3A—The Result**

**[12] Amendment of Section 138**

Section 138(1)(g)

*repeal, substitute*

- (g) if, on any count, 2 or more candidates have an equal number of votes and 1 of them has to be excluded, the Returning Officer must determine, by drawing lots, which candidate is to be excluded;
- (h) if, in the final count, 2 candidates have an equal number of votes, the Returning Officer must determine, by drawing lots, which candidate is elected.

**[13] Omnibus amendment of references to 'Chief Administrator'**

*omit (all references)*

Chief Administrator

*substitute*

Chief Secretary

**Part 2 — Bougainville Public Services (Management and Administration) Act 2014**

**[14] Amendment of Section 63**

Section 63(2)

*repeal, substitute*

- (2) An officer wishing to stand as a candidate in a National or Bougainville election must resign no later than—
- (a) for a National general election under Section 105(1)(a) of the *National Constitution*—the date 4 years and 3 months after the day fixed for the return of the writs for the previous National general election; or
  - (b) for a Bougainville general election under Section 107(1)(b)(i) of the *Bougainville Constitution*—the date 4 years and 3 months after the day fixed for the return of the writs for the previous Bougainville general election; or
  - (c) otherwise—the date fixed in the writ for the election as the last date for the receipt of nominations.

**[15] Insertion of new Division 4 in Part 17**

After Section 82

*insert*

**Division 4—Provisions consequent on enactment of  
*Elections Legislation (Amendment) Act 2014***

**83 Transitional matters – *Elections Legislation (Amendment) Act 2014***

- (1) In this section—
- “amending Act”* means the *Elections Legislation (Amendment) Act 2014*.
- (2) For the first Bougainville general election after the commencement of the amending Act, an officer is taken to have complied with Section 63(2)(b) (as amended by the amending Act) if the officer resigns no later than 9 January 2015.

I certify that the above is fair copy of a Bill for an Act entitled *Elections Legislation (Amendment) Act 2014*, passed by the House of Representatives on 31 December 2014 and now presented to the Speaker for his certificate under Section 66(1) of the *Bougainville Constitution*.

Dated 31 December 2014

---

**Edwin Kenehata**  
Acting Clerk of the  
House of Representatives

I, Andrew Miriki, Speaker of the House of Representatives, hereby certify that the *Elections Legislation (Amendment) Act 2014* was made by an absolute majority vote of the House of Representatives on 31 December 2014.

Dated 31 December 2014

---

**Honourable Andrew Miriki**  
Speaker of the House of  
Representatives