

REPUBLIC OF KIRIBATI

ELECTION OF BERETITENTI ACT 1979.

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REPUBLIC OF KIRIBATI.

No. 4 of 1979

I assent.

J. Tahai
Beretitenti

25th November 1979

~~A BILL~~

entitled

ELECTION OF BERETITENTI ACT 1979

Commencement:

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

PART I
PRELIMINARY

- | | | |
|----------------|----|--|
| Short title | 1. | This Act may be cited as the Election of Beretitenti Act 1979. |
| Interpretation | 2. | In this Act, unless the context otherwise requires -

"Chief Electoral Officer" means the Chief Electoral Officer appointed under Section 3 of the Elections Ordinance 1977.

"electoral district" means an electoral district constituted by Section 4 of the Elections Ordinance 1977;

"Electoral Officer" means an Electoral Officer or Assistant Electoral Officer appointed under Section 3 of the Elections Ordinance 1977 for an electoral district;

"member" means an elected member of the Maneaba ni Maungatabu, and includes the member nominated under section 117 of the Constitution;

"register of electors" means a register compiled for a ward of an electoral district in accordance with the Elections Regulations 1977;

"ward" means a ward of an electoral district constituted in accordance with Section 5 of the Elections Ordinance 1977. |

right to
vote

3.(1) Every person who is registered as an elector for a ward of an electoral district in accordance with the Elections Regulations 1977 (hereinafter referred to as "the Regulations") shall be entitled to vote in the ward in which he is registered at the time of an election of the Beretitenti.

(2) The Electoral Officer shall close the register of electors for every ward in the electoral district on the fourteenth day before the poll is to be taken, and regulations 5 and of the Regulations shall thereupon apply as if the election were an election held in pursuance of the Elections Ordinance 1977.

(3) Notwithstanding anything in this Act and the Regulations to the contrary, a member of the Maneaba ni Maungatabu who has notified the Chief Electoral Officer in writing of his intention so to do may, instead of voting in the ward in which he is registered, vote in the Bairiki ward of the Tarawa Teinainano electoral district as if he were resident and registered as a voter in that ward.

PART II

THE NOMINATION

Nominations.

4.(1) The Chief Justice shall attend in the chamber of the Maneaba ni Maungatabu between the hours of 8 a.m. and 10 a.m. on the date fixed for the nomination of candidates for the purpose of receiving from any constitutionally qualified member of the Maneaba ni Maungatabu wishing to stand for election to the office of Beretitenti his nomination of a candidate, which may be a nomination of himself.

(2) The Chief Justice may at any time before its expiry extend the period for nomination.

(3) Where at the close of the nomination period there are fewer than three candidates the Chief Justice may appoint another period for the receipt of nominations.

Declaration
of
nominations.

5. Where at the close of the nomination period there are fewer than five but more than two constitutionally qualified members whose names have been put forward as candidates, the Chief Justice shall declare those candidates to be duly nominated, and shall cause to be published the names of the persons so nominated.

Nomination
meeting.

6.(1) Where at the close of the nomination period there are more than four constitutionally qualified members whose names have been put forward as candidates, a nomination meeting shall be then held in the chamber of the Maneaba ni Maungatabu, which meeting shall be presided over by the Chief Justice. The purpose of the meeting shall be to allow each member to vote for the candidates of his choice.

(2) The Chief Justice may for the purpose of counting votes and for any other purpose relating to the conduct of the voting enlist the assistance of such number of public officers as he considers necessary.

(3) The method of voting shall be by secret ballot.

(4) Each member shall cast four votes in order of preference; a candidate may vote for himself.

(5) Any dispute arising out of or in connection with the calling or conduct of the nomination meeting or the nomination of candidates under this part shall be determined by the Chief Justice, whose determination of the matter in dispute shall be final and conclusive and shall not be questioned in any proceedings whatsoever.

Declaration
of result.

7.(1) When voting has been completed points shall be awarded to each candidate in the following manner:-

- (a) four points in respect of each first preference vote cast for him;
- (b) three points in respect of each second preference vote cast for him;
- (c) two points in respect of each third preference vote cast for him;
- (d) one point in respect of each fourth preference vote cast for him.

(2) The Chief Justice shall then add, or cause to be added, the points awarded to each candidate and shall declare, in alphabetical order, the four candidates with the greatest number of points to be duly nominated.

(3) If an equality of points is found to exist between any candidates, the Chief Justice shall order such further ballot as he may consider necessary, and the procedure at any further ballot shall be in accordance with the provisions of this section and of section 6.

PART III

THE ELECTION

Notice of
election.

8.(1) As soon as possible after the selection of candidates in accordance with Part II, the Chief Justice shall direct the Chief Electoral Officer to cause to be published by the Electoral Officers in every ward a notice of election, which notice shall specify -

- (a) the date on which the registers of electors for the wards in that electoral district will be closed; and
- (b) the day on which the poll is to be taken;
- (c) the full name and description of each candidate;
- (d) the hours during which the poll is to be taken.

Arrangements for election and poll.

9.(1) Subject to subsection (2) of this section, regulations 9 to 16 inclusive of the Regulations shall apply, mutatis mutandis, to the arrangements for the election of the Beretitenti and the conduct of the poll as if the election were an election conducted in accordance with those regulations for the election of one member of the Maneaba ni Maungatabu or a local government council.

(2) An elector shall not vote for more candidates than one nor record more than one vote at any election of the Beretitenti.

Death of candidate, etc.

10.(1) A candidate once duly nominated in accordance with Part II of this Act shall not be permitted to withdraw his candidature without the permission in writing of the Chief Justice.

(2) Where, after the candidate have been duly nominated in accordance with Part II of this Act but before the day of the poll, a candidate dies, or, if the Chief Justice in his discretion is satisfied that the candidate would be incapable of carrying out the duties of the Beretitenti, the Chief Justice shall countermand the election, and the nomination and electoral procedures shall be commenced de novo.

PART IV

THE COUNT

Arrangements for the count.

11.(1) Subject to subsection (2) of this section, regulations 17 to 24 inclusive of the Regulations shall apply, mutatis mutandis, to the arrangements for the count at the election of the Beretitenti as if the count were a count conducted in accordance with the said Regulations at the election of one member of the Maneaba ni Maungatabu or a local government council.

(2) The said Regulations shall apply with the following modifications:-

- (a) in the said regulation 18 after the words "their agents," there shall be inserted the words "such persons of repute as the Electoral Officer may invite";
- (b) paragraphs (3) and (4) of the said regulation 20 shall be omitted;
- (c) from the said regulation 23 there shall be omitted the words "and shall be subject to review only on an election petition questioning the election,"; and
- (d) by deleting from the last sentence of regulation 24 the words "and send a copy to the Chief Electoral Officer".

PART V

THE RESULT

Reporting of result.

12. When the result of the poll has been ascertained in any electoral district, the Electoral Officer shall forthwith report to the Chief Electoral Officer, in such manner as the Chief

Electoral Officer may direct, the total number of votes cast in that district for each candidate.

Declaration
of result.

13. When the results of the polls in the various electoral districts have been reported to the Chief Electoral Officer, the Chief Electoral Officer shall report to the Chief Justice the candidate for whom the greatest number of votes have been cast, and shall also report the number of votes cast for each and every candidate whether elected or not.

Equality
of votes.

14. When an equality of votes is found to exist between any candidates so that an addition of a vote would entitle any of them to be declared elected, the Chief Electoral Officer shall order a recount of the votes cast. If there is again an equality of votes as ascertained by such recount, the Chief Justice shall order that another election shall be held and a poll taken on such day as he shall specify for the purpose of determining which of the candidates between whom such equality of votes was found to exist shall be elected to the office of Beretitenti. At such election only those candidates between whom the equality of votes was found to exist shall be entitled to be candidates and no new nominations shall be required in respect of any of them.

Notification
of successful
candidate.

15. At the conclusion of the election, the Chief Justice shall cause the successful candidate to be notified in writing of his election as Beretitenti and cause the result and the number of votes cast for each and every candidate to be announced and published in such manner as he may direct.

PART VI

MISCELLANEOUS

Recount.

16.(1) At any time before reporting to the Chief Electoral Officer the result of the poll in an electoral district the Electoral Officer may order a recount.

(2) At any time before notifying the successful candidate of his election the Chief Justice may order a recount of votes cast.

Application
of
Elections
Ordinance
177.

17.(1) The provisions of Part III and section 38 of the Elections Ordinance 1977 shall apply, mutatis mutandis, to an election of the Beretitenti under this Act save that in the said section 38 for the words "Chief Electoral Officer" wherever they occur there shall be substituted the words "Chief Justice".

(2) Regulations 28 to 31 inclusive of the Regulations shall apply, mutatis mutandis, to an election of the Beretitenti under this Act save that in regulation 28 for the words "an order of the Court" there shall be substituted the words "the Chief Justice".

Voting
more than
once.

18. Save as provided in section 6(4) and 7, no person shall vote more than once at any election held in accordance with this Act, and any person who does so shall be liable to a fine of two hundred and fifty dollars and to imprisonment for twelve months.

Power of
cancellation.

19. At any time before notifying the successful candidate of his election, the Chief Justice may cancel all or any proceedings hereunder and order that the proceedings be recommenced de novo or from a particular stage.

Directions.

20. The Chief Electoral Officer and all Electoral Officers shall comply with any directions given to them by the Chief Justice.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 26 September 1979 and is found by me to be a true and correctly printed copy of the said Bill.

M Taniera

Clerk of the Maneaba ni Maungatabu

I certify that the above Bill was, on 26 September 1979, passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

Rota Oronio
Speaker

26 November 1979.

Published by exhibition at the Public Office of the
Beretitenti November 1979.

Secretary to the Cabinet

ELECTION OF BERETITENTI ACT 1979

EXPLANATORY MEMORANDUM

Under the Constitution, which forms part of the Kiribati Independence Order 1979, "nomination for and an election to the Office of Beretitenti shall be held in such manner as is prescribed by this section and subject thereto by or under law - " (Section 32).

The Act prescribes the manner of nomination for and election of Beretitenti.

The Election of Chief Minister Regulations 1978 were used as a model for the Act.

Part I makes provision for persons who are registered as electors to vote at an election of the Beretitenti; Part II relates to the procedure for the nomination of candidates; Part III sets out the arrangements for the election and the poll; Part IV deals with the counting of votes; Part V is concerned with the result of the election and Part VI contains miscellaneous provisions.

The Elections Regulations 1977 form the framework for the procedure for an election of Beretitenti, with the necessary changes to reflect the essential differences between an election of a member of the Maneaba ni Maungatabu (or a member of a Council) and an election of Beretitenti.

C. J. Lynch
Attorney General

