



ANALYSIS

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1969, No. 15

An Act to amend the Electoral Act 1966

(22 December 1969)

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

1. Short Title and commencement - (1) This Act may be cited as the Electoral Amendment Act 1969, and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as "the principal Act")

(2) This Act shall come into force on a date to be appointed by the High Commissioner by Order in Executive Council, being a date later than the first day of January 1972 and being a date earlier than nomination day for the first general election after the first day of March 1972.

2. New sections inserted - The principal Act is hereby amended by inserting after section 6 the following new sections:

"6A. Public servants may become candidates or be elected - (1) Any public servant who desires to become a candidate for election as a member of the Legislative Assembly shall be placed on leave of absence for the purpose of his candidature.

(2) That leave shall commence on such date as his controlling authority determines, being not later than nomination day, and, in the event of his nomination as a candidate, shall continue until the seventh day after polling day, unless he withdraws his nomination.

(3) During the period of his leave he shall not be required or permitted to carry out any of his official duties, nor shall he be entitled to receive any salary or other remuneration as a public servant in respect of that period or any part thereof, except to the extent to which he takes during that period any leave with pay to which he is entitled.

(4) Except as provided in the foregoing provisions of this section, his rights as a public servant shall not be affected by his candidature.

6B. Members disqualified from being public servants - (1) If any public servant is elected as a member of the Legislative Assembly he shall forthwith, on being declared so elected, be deemed to have vacated his office as a public servant.

(2) Except as provided in subsection (3) of this section or in any other enactment, a member of the Legislative Assembly shall not, within twelve months after he ceases to be a member of the Legislative Assembly, be capable of being appointed to be a public servant; and if he is so appointed he shall be liable on conviction to a fine not exceeding one hundred dollars for every day on which he remains a public servant.

(3) Nothing in subsection (2) of this section shall apply in relation to the appointment as a public servant of any person who has previously been a public servant for not less than five years."

3. Tenure of office - Subsection (1) of section 7 of the principal Act is hereby amended by adding a new paragraph as follows:

"(1) He becomes a public servant."

4. Offence for public servant to sit - The principal Act is hereby further amended by inserting after section 7 a new section as follows:

"7A. Every member of the Legislative Assembly who sits or votes therein after his seat has become vacant by reason of his becoming a public servant, knowing that his seat is so vacant, shall be liable on conviction to a fine not exceeding one hundred dollars for every day on which he so sits or votes."

This Act is administered by the Chief Electoral Officer.