



## ANALYSIS

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1986-87, No. 21

An Act to amend the Electoral Act 1966

(13 February 1987)

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

1. Short Title - This Act may be cited as the Electoral Amendment Act 1986-87 and shall be read with and deemed part of the Electoral Act 1966 (herein referred to as "the principal Act")

2. Amendments consequential on provisions of Constitution Amendment (No. 12) Act 1986 - (1) Paragraph (a) of subsection (1) of section 5 of the principal Act as substituted by section 2 of the Electoral Amendment Act 1982) is amended by inserting after the word "1982" the following words, "and amended by section 3 of the Constitution Amendment (No. 12) Act 1986".

(2) The Second Schedule to the principal Act (as inserted by section 2 of the Electoral Amendment Act 1982) is hereby amended:

- (a) By inserting after the word "1982" where it appears in the paragraph after the text of Article 27 of the Constitution the following words, "and amended by section 3 of the Constitution Amendment (No. 12) Act 1986";
- (b) By adding to the heading of Part II of the copy of the First Schedule to the Constitution (as set out in the said Second Schedule) the following "(As substituted by section 3 of the Constitution Amendment (No. 12) Act 1986)";

- (c) By deleting the descriptions of the constituencies comprising the islands of Rarotonga and Palmerston and substituting the following:

"NIKAO-PANAMA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Pokoinu, Nikao, Puapuautu, Areatu, and Kaikaveka, as delineated on plan S.O.1002D, deposited in the office of the Chief Surveyor at Rarotonga.

AVATIU-RUATONGA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Atupa, Avatiu and Ruatonga, as delineated on plan S.O.1002C deposited in the office of the Chief Surveyor at Rarotonga together with the Island of Palmerston.

TAKUVAINA-TUTAKIMOVA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga, comprising the Tapere of Tutakimoa, Tauae, and Takuvaine, as delineated on plan S.O.1002, deposited in the office of the Chief Surveyor at Rarotonga.

TUPAPA-MARAERENGA CONSTITUENCY

All that area in the Avarua Survey District in the Island of Rarotonga comprising the Tapere of Ngatipa, Vaikai, Tapae-i-Uta, Pue, Punamaia, Kiikii, and Tupapa, as delineated on the said plan S.O.1002.

MATAVERA CONSTITUENCY

All that area comprising the Matavera Survey District in the Island of Rarotonga, as delineated on the said plan S.O. 1002.

NGATANGIA CONSTITUENCY

All that area comprising the Ngatangia Survey District in the Island of Rarotonga, as delineated on the said plan S.O.1002.

TITIKAVEKA CONSTITUENCY

All that area comprising the Takitumu Survey District in the Island of Rarotonga, as delineated on the said plan S.O. 1002.

MURIENUA CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga comprising the Tapere of Akaoa, Vaiakura, Kavera, Aroa, and Rutaki, as delineated on the said plan S.O.1002.

RUAU CONSTITUENCY

All that area in the Arorangi Survey District in the Island of Rarotonga comprising the Tapere of Pokoinu-i-Raro, Tokerau, Inave, and Arerenga, as delineated on the said plan S.O. 1002."

3. Tenure of office - Section 7(1)(e) of the principal Act is repealed and the following substituted therefor:

"(e) On fourteen consecutive sitting days he fails, without permission of Parliament to attend in Parliament provided however that permission for failure to attend in Parliament (whether such failure to so attend shall have occurred before or after the coming into force of this Act) shall be deemed always to have been granted by Parliament to any member whose absence from Parliament is caused by illness or other unavoidable cause, or if the member is attending at any conference meeting or ceremony or travelling on any mission or business as a representative of the Government or of Parliament, and provided further that Parliament may delegate its responsibilities under this paragraph to the Speaker or to any member."

4. Deposit by candidates - Section 35 (1) of the principal Act is amended by deleting the word "\$200" and substituting therefor the word "\$500".

5. Election Petitions - (1) Section 74(1) of the principal Act is hereby amended:-

- (a) By deleting the words "14 days" and substituting therefor the words "7 days" and,
- (b) By deleting the words "or in the case of an election in the Overseas Constituency, within 21 days after the declaration of the result of the election".

(2) Section 74(2) of the principal Act is amended by deleting the word "\$20" and substituting therefor "\$500"

6. Security for costs - The principal Act is amended by inserting after section 74 the following section:

"74A. Security for costs (1) Notwithstanding anything contained in any other Act, in any proceedings where an election petition is filed and at any stage after filing thereof, the Court shall order security to be given by the petitioner personally for the costs of the hearing of the petition and shall order the hearing of the petition to be stayed until such security has been given.

(2) Every order made pursuant to this section shall fix a day not later than the last day for the commencement of the hearing of the petition by which security shall be given and may fix such other terms and conditions as the Court thinks just.

(3) In fixing the amount of security for costs the court shall have regard to the costs which the respondent

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or any other party to the petition will probably incur, provided that any amount so fixed shall not be less than \$2,000.

(4) If any petitioner fails to comply with any order for security for costs the Court shall dismiss the petition for want of prosecution.

(5) The provisions of this section shall apply notwithstanding that any respondent may have previously taken any step in the action.

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This Act is administered by the Chief Electoral Officer.