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# Electoral (Registration of Voters)

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# Electoral (Registration of Voters) Act 2012

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# Electoral (Registration of Voters) Act 2012

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## TABLE OF AMENDMENTS

Electoral (Registration of Voters) Act 2012 (No 54 of 2012)<sup>1</sup> commenced on 29 June 2012, as amended by:

<b>Amending Legislation</b>	<b>Date of Commencement</b>
Electoral (Registration of Voters) (Amendment) Decree 2012 (No 66 of 2012)	9 November 2012
Political Parties (Registration, Conduct, Funding and Disclosures) Decree 2013 (No 4 of 2013)	18 January 2013
Electoral (Registration of Voters) (Amendment) Decree 2014 (No 9 of 2014)	28 March 2014
Revised Edition of the Laws (Consequential Amendments) Act 2016 (No 31 of 2016)	1 December 2016

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<sup>1</sup> This was promulgated as Decree 54 of 2012. In accordance with section 3 of the Interpretation Act 1967, the word "Decree" used with reference to any such "Decree" in the title or provisions of any written law or in any document or legal proceeding may be replaced with the word "Act".

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AN ACT TO PROVIDE FOR THE REGISTRATION OF VOTERS FOR GENERAL ELECTIONS AND FOR RELATED MATTERS

PART 1 — PRELIMINARY

**[ERV 1] Short title and commencement**

1 This Act may be cited as the Electoral (Registration of Voters) Act 2012 and shall come into force on 29 June 2012.

**[ERV 2] Interpretation**

2 In this Act, unless the context otherwise requires—

**election** means an election of a member of Parliament;

[def am Act 31 of 2016 s 61, opn 1 Dec 2016]

**list of post-register deletions**

[def rep Decree 9 of 2014 s 2, opn 28 Mar 2014]

**list of post-register registrations**

[def rep Decree 9 of 2014 s 2, opn 28 Mar 2014]

**mental disorder** has the same meaning under the Mental Health Act 2010;

**Minister** means the Minister responsible for elections;

**National Register of Voters** means a register of persons entitled to vote at an election and includes an electronic register;

**Permanent Secretary**

[def rep Decree 9 of 2014 s 2, opn 28 Mar 2014]

**polling day** in respect of an election, means the day or days appointed in the writ for that election for the polling to take place;

**publish**

[def rep Decree 9 of 2014 s 2, opn 28 Mar 2014]

**qualified person** means a person who has the right to be registered as a voter;

**registration officer** means any officer appointed by the Supervisor to register qualified persons in the National Register of Voters;

[def am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**registration period** means—

- (a) in respect of the election held for the first time immediately upon the commencement of this Act, the period from and including the date of commencement of this Act to and including the writ day for that election; and
- (b) in respect of any other election, the period from and including the date of the official announcement of the election results of any previous election to and including the writ day for the following election;

**repealed Act** means the Electoral Act 1998;

**residential address** means the address where a person lives, including the province and division, provided however that he or she has lived there for a period of at least 3 months immediately before registration;

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**Supervisor** means the Supervisor of Elections appointed under section 76 of the Constitution of the Republic of Fiji;

[def insrt Decree 9 of 2014 s 2, opn 28 Mar 2014]

**voter** means a qualified person whose name has been entered in the National Register of Voters;

**voter number** means a unique identification number assigned to every voter under section 10;

**writ** means a formal written order made by the President of the Republic of Fiji for an election; and

**writ day** in respect of an election, means the day of the issue of the writ for that election.

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PART 2 — REGISTRATION OF VOTERS

**[ERV 3] Registration of voters**

- 3 (1) Subject to subsection (2), a person who—  
(a) has reached the age of 18 years; and  
(b) is a citizen of Fiji,  
shall have the right to be registered as a voter.
- (2) Any person who, during the registration period, is—  
(a) serving a sentence of imprisonment of 12 months or longer imposed by a court in Fiji or by a court of another country; or  
(b) under a law in force in Fiji, adjudged or declared to have a mental disorder,  
shall not have the right to be or shall cease to have the right to be registered as a voter unless the circumstances in paragraphs (a) and (b) cease to exist.
- (3) The Supervisor shall, at least once a year, publish a notice in a daily newspaper and broadcast a notice over the radio, calling upon every qualified person who has not been registered as a voter to apply for registration.  
[subs (3) am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**[ERV 4] Application for registration**

- 4 (1) A qualified person may apply for registration as a voter in the National Register of Voters within the registration period.
- (2) An application for registration as a voter shall be made to a registration officer and the application shall have recorded the applicant's—  
(a) full name;  
(b) residential address;  
(c) occupation;  
(d) date of birth;  
(e) gender;  
(f) form of identification acceptable to the registration officer;  
(g) thumbprints;  
(h) facial photograph; and  
(i) such other particulars as a registration officer may require.
- (3) The Supervisor or a registration officer may reject an application that is not completed in accordance with this section.  
[subs (3) am Decree 9 of 2014 s 5, opn 28 Mar 2014]
- (4) Any person who applies on more than one occasion to be registered as a voter shall be guilty of an offence and liable upon conviction to a fine not exceeding \$10,000 or a term of imprisonment not exceeding 5 years, or both.  
[subs (4) insrt Decree 66 of 2012 s 2, opn 9 Nov 2012]
- (5) Subsection (4) shall not apply to any person who may be required to re-register as a voter for the purposes of correcting any mistake or omission in the particulars of registration of that person, or for the purpose of providing a replacement voter identification card in respect to that person.  
[subs (5) insrt Decree 66 of 2012 s 2, opn 9 Nov 2012]

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**[ERV 5] Change of residential address**

5 (1) A registered voter who changes his or her residential address shall, within 3 months from the date of the change of residential address, notify the Supervisor of his or her new residential address.

[subs (1) am Decree 9 of 2014 s 5, opn 28 Mar 2014]

(2) Any person who fails to comply with this section commits an offence and is liable on conviction to a fine of \$100.

**[ERV 6] Effect of failure to notify change of residential address**

6 (1) A registered voter who has changed his or her residential address shall not be disqualified from voting at an election by reason only that he or she has not given notice of the change of residential address as required by section 5.

(2) Subsection (1) shall apply for a period of 6 months from the date when the registered voter changed his or her residential address, after which the voter shall not vote at an election.

**[ERV 7] Effect of registration**

7 Any qualified person who has applied in accordance with this Part for registration as a voter and whose application has not been rejected, shall be a registered voter from the date his or her name is entered in the National Register of Voters under section 10.

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PART 3 — NATIONAL REGISTER OF VOTERS

**[ERV 8] Establishment of the National Register of Voters**

**8** This section establishes the National Register of Voters.

**[ERV 9] Form of the National Register of Voters**

**9** The National Register of Voters shall include the full name, residential address, occupation, if any, date of birth, gender, form of identification, thumbprints, facial photograph and voter number of each voter arranged alphabetically according to a voter's last name.

**[ERV 10] Preparation of the National Register of Voters**

**10** (1) Every person applying under section 4(1) shall have a voter number assigned to him or her and, upon the registration of the person as a voter, shall be entered in the National Register of Voters with the other particulars of the person specified in section 9.

(2) The Supervisor may, before entering any person's name in the National Register of Voters, make any such enquiries as shall be necessary to satisfy himself or herself that the applicant is qualified to be registered as a voter.

[subs (2) am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**[ERV 10A] Manipulation of the National Register of Voters and its database**

**10A** Any person who without the authority of the Supervisor alters, interferes or manipulates any information obtained in the National Register of Voters or in any database of the National Register of Voters by any means whatsoever commits an offence and shall be liable upon conviction to a fine not exceeding \$100,000 or a term of imprisonment of 10 years, or both.

[s 10A insrt Decree 66 of 2012 s 3, opn 9 Nov 2012; am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**[ERV 11] Information about a voter to be made available to the voter**

**11** The Supervisor must ensure that any information in the National Register of Voters about any person is made available to that person through such means as the Supervisor deems necessary or convenient to enable that person to verify any information about him or her in the National Register of Voters.

[s 11 subst Decree 9 of 2014 s 3, opn 28 Mar 2014]

**[ERV 12] Revision of the National Register of Voters**

**12** (1) The Supervisor may revise the National Register of Voters to—

- (a) correct any mistake or omission in the particulars of the registration of a person;
- (b) on the application of a person who is a registered voter, record a change in the person's name, residential address, postal address or occupation, or any other particulars contained in the National Register of Voters in respect of that person;
- (c) remove from the National Register of Voters the name of any person whom the Supervisor has good reason to believe—
  - (i) is dead;

- (ii) has ceased to be a citizen of Fiji;
  - (iii) has been adjudged or otherwise declared to have a mental disorder under any law in force in Fiji;
  - (iv) is serving a sentence of imprisonment for a term of 12 months or more; or
  - (v) is otherwise disqualified from registration in the National Register of Voters;
- (d) remove a superfluous entry, if the same person is registered more than once in the National Register of Voters;
- (e) remove the name of every person who, on an inquiry made at the last residential address for that person of which the Supervisor was notified under this Act, cannot be found;
- (f) remove the name of every person who has been disqualified from voting by an order of a court under this Act;
- (g) reinstate the name of every person whose disqualification has expired or has been removed;
- (h) reinstate any name removed by mistake, clerical error or false information; and
- (i) if the name of a street or any other part of a residential address that appears on the National Register of Voters is changed, substitute the changed name or other part of the address.

[subs (1) am Decree 9 of 2014 s 5, opn 28 Mar 2014]

(2) Any revision of the National Register of Voters under subsection (1) may be made at any time prior to the closure of the National Register of Voters under section 19.

### [ERV 13] Notice of deletions from the National Register of Voters

13 [s 13 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 14] Subdivision of the National Register of Voters

14 [s 14 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 15] Inspection of the National Register of Voters

15 [s 15 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 16] Objections

16 [s 16 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 17] Settling objections

17 [s 17 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 18] Review of decision of the Permanent Secretary on objection

18 [s 18 rep Decree 9 of 2014 s 4, opn 28 Mar 2014]

### [ERV 19] Date of closure of the National Register of Voters

19 The National Register of Voters shall be closed on the writ day and no name shall be entered into it after such day until the beginning of the following registration period.

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PART 4 — MISCELLANEOUS

**[ERV 20] Regulations**

20 The Minister may make Regulations to give effect to the provisions of this Act.

**[ERV 21] Power to summon**

21 The Supervisor shall have the power to summon any person for the purposes of exercising his or her powers conferred by or duties conferred under section 12.

[s 21 am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**[ERV 22] Delegation of powers**

22 The Supervisor may delegate any of his or her powers under this Act to an officer of the office of Supervisor of Elections, except the power to revise the National Register of Voters.

[s 22 am Decree 9 of 2014 s 5, opn 28 Mar 2014]

**[ERV 23] Repeal and savings**

23 (1) The Electoral Act 1998 is hereby repealed.

(2) [subs (2) rep Decree 4 of 2013 s 31, opn 18 Jan 2013]

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