

**LAWS OF KIRIBATI
REVISED EDITION 1980**

CHAPTER 29A

ELECTION OF BERETITENTI

ARRANGEMENT OF SECTIONS

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Act 4 of 1979
4 of 1980 **An Act to provide for the procedure for the nomination of the Beretitenti by the Maneaba ni Maungatabu and for the election of the Beretitenti by the electorate, and for other matters connected therewith**

Commencement: 6 December 1979

PART I

PRELIMINARY

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|------------------------------|---|
| Short title | 1. This Act may be cited as the Election of Beretitenti Act. |
| Interpretation | 2. In this Act, unless the context otherwise requires— |
| Cap. 29B | “Chief Electoral Officer” means the Chief Electoral Officer appointed under section 3 of the Elections Ordinance; |
| Cap. 29B | “electoral district” means an electoral district constituted by section 4 of the Elections Ordinance; |
| Cap. 29B | “Electoral Officer” means an Electoral Officer or Assistant Electoral Officer appointed under section 3 of the Elections Ordinance for an electoral district; |
| L.N. 145/77 | “member” means an elected member of the Maneaba ni Maungatabu, and includes the member nominated under section 117 of the Constitution; |
| Cap. 29B | “register of electors” means a register compiled for a ward of an electoral district in accordance with the Elections Regulations; |
| Superintendence of elections | 3. In accordance with section 38 of the Constitution, the election of a Beretitenti shall be carried out under the superintendence of the Chief Justice, who may give to the Electoral Com- |

mission, the Chief Electoral Officer and the Electoral Officers all such lawful instructions as he thinks necessary to ensure a proper election.

4. (1) Every person who is registered as an elector for a ward of an electoral district in accordance with the Elections Regulations (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. Right to vote
L.N. 145/77

(2) The Electoral Officer shall close the register of electors for every ward in the electoral district on the 14th day before the poll is to be taken, and regulations 5 and 7 of the regulations shall thereupon apply as if the election were an election held in pursuance of the Elections Ordinance. Cap. 29B

(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

NOMINATIONS

5. At a meeting of the Maneaba ni Maungatabu at which candidates for election as Beretitenti are to be nominated in accordance with section 32 (2) of the Constitution— Calling for
nominations

- (a) the Speaker shall call for the names of members qualified and willing to stand for nomination; and
- (b) if, at the end of the period allowed by the Speaker for names to be given, less than 3 names have been given, the Speaker shall extend this period for such period as he thinks proper until at least 3 names have been given; and
- (c) if, at the end of the period or extended period referred to in paragraph (b), the names of only 3 or 4 members qualified and willing to stand have been given, the Speaker shall declare them to be the candidates nominated by the Maneaba for the purposes of section 32 (2) of the Constitution; and
- (d) if, at the end of the period or extended period referred to in paragraph (b), the names of more than 4 members

qualified and willing to stand have been given, an election shall be held by the Maneaba, in accordance with section 6, to select 4 candidates.

Selection of
nominees

6. (1) At an election referred to in section 5 (d), the provisions of this section apply.

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

(3) Each member shall cast 4 votes in order of preference, and a member who is in the ballot may vote for himself.

(4) Any dispute arising out of or in connection with the election shall be determined by the Speaker, whose decision is final.

(5) When voting has been completed points shall be awarded by the Speaker to each member in the ballot, in the following manner—

(a) 4 points in respect of each 1st preference vote cast for him; and

(b) 3 points in respect of each 2nd preference vote cast for him; and

(c) 2 points in respect of each 3rd preference vote cast for him; and

(d) 1 point in respect of each 4th preference vote cast for him.

(6) The Speaker shall then add, or cause to be added, the points awarded to each member in the ballot, and shall declare, in alphabetical order, the 4 members with the greatest number of points to be duly nominated.

(7) If an equality of points is found to exist between any of the members in the ballot, the Speaker shall order any further ballot that he thinks necessary, and the procedure at any further ballot shall be in accordance with this section.

PART III

THE ELECTION

Notice of
election

7. As soon as possible after the selection of candidates in accordance with Part II, the Electoral Commission 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; and
- (c) the full name and description of each candidate; and
- (d) the hours during which the poll is to be taken.

8. (1) Subject to subsection (2), 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 1 member of the Man-eaba ni Maungatabu or a local government council. Arrangements
for election
and poll

(2) An elector shall not vote for more candidates than 1 nor record more than 1 vote at any election of the Beretitenti.

9. (1) A candidate once duly nominated in accordance with Part II shall not be permitted to withdraw his candidature without the permission in writing of the Electoral Commission. Death of
candidate,
etc.

(2) Where, after the candidates have been duly nominated in accordance with Part II 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

10. (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 1 member of the Man-eaba ni Maungatabu or a local government council. Arrangements
for the count

(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 “such persons of repute as the Electoral Officer may invite”; and
- (b) paragraphs (3) and (4) of the said regulation 20 shall be omitted; and

- (c) from the said regulation 23 there shall be omitted "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 "and send a copy to the Chief Electoral Officer".

PART V

THE RESULT

Reporting of
result

11. 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

12. 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 Electoral Commission 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

13. 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 Electoral Commission 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
to successful
candidate

14. 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

15. (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. Recount

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

16. (1) The provisions of Part III and section 38 of the Elections Ordinance 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 Electoral Commission". Application of Elections Ordinance Cap. 29B

~~(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 Chief Justice".~~

17. Save as provided in section 6, 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 \$250 and to imprisonment for 12 months. Voting more than once

18. 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. Power of cancellation