



ANALYSIS

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1979, No. 6

An Act to amend the Electoral Act 1966

(18 December 1979)

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 - This Act may be cited as the Electoral Amendment Act 1979 and shall be read together with and deemed part of the Electoral Act 1966 (hereinafter referred to as "the principal Act.")

2. Qualification of candidates - (1) The principal Act is hereby amended by repealing section 6 and substituting the following section:

"6. (1) In addition to the qualifications as to Nationality and Residence provided for candidates for election by Article 28 of the Constitution, no person shall be qualified to be a candidate for election as a member, if,

- (a) he is not an elector duly registered under Part IV hereof; or
- (b) he has been adjudicated bankrupt within the meaning of the bankruptcy Laws in force in the Cook Islands, unless he has obtained an Order of discharge; or
- (c) he has been convicted of any of the offences contained in Part I of the Second Schedule of this Act; or
- (d) he has been convicted of any of the offences contained in Part II of the second schedule of this Act, unless a period of five years has elapsed from the date of his conviction.

- (2) Subject to the provisions of Article 28 of the Constitution and subject to the foregoing provisions of this section,
- (a) every person registered as an elector of any constituency shall be capable of being elected as a member for that constituency or for any other constituency,
- (b) in the case of any by-election for any constituency a person shall be deemed to be capable of being elected as a member from that constituency if he was registered as an elector on the roll of any constituency at the last election held for that constituency and at the time of nomination still possesses the qualifications to be registered as an elector.

3. Schedule - The principal Act is hereby further amended by adding after the schedule thereto the following schedule:-

"SECOND SCHEDULE

PART I

Crimes against the State, and Murder, Slavery, Piracy and Kidnapping:
 Crimes Act 1969 Sections 75 (Treason), 79 (Inciting to mutiny), 80 (Communicating secrets), 81 (Sabotage), 84 (Seditious conspiracy), 85 (Seditious statements), 86 (Publication of seditious documents), 87 (Use of apparatus for making seditious documents or statements), 103 and 104 (Piracy), 109 (Dealing in persons), 192 (Murder), 231 (1) (c) (Kidnapping).

PART II

Crimes affecting the administration of law and justice:
 Crimes Act 1969 Sections 111 (Judicial corruption), 112 (Bribery of judicial officer), 113 (Corruption and bribery of Minister of the Crown), 114 (Corruption and bribery of member of Legislative Assembly), 115 (Corruption and bribery of law enforcement officer), 116 (Corruption and bribery of official), 120 (Perjury), 121 (False oaths), 124 (Fabricating evidence), 126 (Conspiring to bring false accusations), 127 (Conspiring to defeat justice), 128 (Corrupting juries and witnesses).

Crimes involving dishonesty:

Crimes Act 1969 Sections 249 (a) and (b) (Theft), 250 (Conversion), 252 (Criminal breach of trust), 256 (Robbery), 257 (Aggravated robbery), 258 (Compelling execution of documents by force), 259 (Assault with intent to rob), 260 (Extortion), 216 (Demanding with menaces), 263 (Burglary), 264 (Entering with intent), 265 ((Being armed with intent to break and enter), 269 (1) and (2) (a) (False pretences), 271 (Personation), 272 (Acknowledging instrument in false name), 273 (False statement by promoter), 274 (Falsifying accounts relating to public funds), 275 (False accounting by officer or member of body corporate), 276 (False accounting by employee), 278 (Issuing false dividend warrants), 279 (Concealing deeds and encumbrances), 280 (Conspiracy to defraud), 281 (a) (Receiving), 288 to 309 and 314 and 315 (Forgery, uttering and counterfeiting offences)."

This Act is administered by the Chief Electoral Officer.