



**ROYAL SOLOMON ISLANDS POLICE**

# **ELECTION OFFENCES**

**This paper has been produced by the  
Prosecutions Directorate and outlines the  
'Election Offences' which may be committed  
under the *National Parliament Electoral  
Provisions Act Chapter 87.***

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## RIGHT TO VOTE

### **[1] Right To Vote**

#### **[1.1] Offences**

Section 7 states:

'(1) No person shall vote at an election unless he is entitled to do so by section 56 of the *Constitution*.

(2) No person shall be entitled to vote more than once at an election.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment'.

Section 56 of the *Constitution* states:

'(1) No person who is registered as an elector in any constituency shall be entitled to vote in such manner as may be prescribed at any election for that constituency unless –

(a) on the date appointed for polling he is under such sentence of death or serving such sentence of imprisonment as is referred to in paragraph (a) of section 55(3) of this Constitution or (except in so far as may be otherwise prescribed) he is for any other reason unable to attend in person at the place and time appointed for polling; or

(b) he is prohibited from so voting by any law in force in Solomon Islands because he holds or is acting in any office the functions of which involve any responsibility for, or in connection with, the conduct of that election or because he has been convicted of any offence connected with elections.

(2) No person shall vote at any election for any constituency who is not registered as an elector in that constituency'.

Section 55(3) of the *Constitution* states:

'No person shall be entitled to be registered as an elector who –

(a) is under sentence of death imposed on him by a court in any part of the world, or is under a sentence of imprisonment (by whatever name called) for a term of, or exceeding, six months, other than a sentence in lieu of a fine, but including a suspended sentence, imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court;

(b) is certified to be insane or otherwise adjudged to be of unsound mind under any law for the time being in force in Solomon Islands; or

## RIGHT TO VOTE

(c) is disqualified from registration as an elector or from voting at elections under any law for the time being in force in Solomon Islands relating to offences connected with elections’.

### **[1.2] Wording of Charges**

#### **[1] Not Entitled To Vote**

‘... did vote at an election whilst not being entitled to do so by section 56 of the *Constitution*.’

#### **[2] Vote More Than Once**

‘... did vote more than once at an election.’

### **[1.3] Elements**

#### **[1] Not Entitled To Vote**

- [a] Date
- [b] Place
- [c] Defendant
- [d] Vote
- [e] Election
- [f] Whilst Not Being Entitled To Do So By Section 56 Of The *Constitution*

#### **[2] Vote More Than Once**

- [a] Date
- [b] Place
- [c] Defendant
- [d] Vote
- [e] More Than Once
- [f] Election

<b>FALSE ANSWER</b>
---------------------

**[2] False Answer**

**[2.1] Offence**

Section 67 states:

'Every person who makes a false answer to either of the questions prescribed in section 38(c) knowing it to be false or not believing it to be true, shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment'.

Section 38(c) states:

'[A] polling assistant may, and if required by a candidate or a polling agent shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions or either of them –

- (i) are you the person whose name is on the register of electors as follows (reading the copy of the entry in the register)?
- (ii) have you already voted at the present election at this or any other polling station?'

**[2.2] Wording of Charge**

'did [knowing it to be false **or** not believing it to be true] make a false answer to the following question as prescribed in section 38(c), [Are you the person whose name is on the register of electors as follows (insert the full name referred to)? **or** Have you already voted at the present election at this or any other polling station?].'

**[2.3] Elements**

- [a] Date
- [b] Place
- [c] Defendant
- [d]
  - 1. Knowing It To Be False; OR
  - 2. Not Believing It To Be True
- [e] Make A False Answer

<b>FALSE ANSWER</b>
---------------------

[f] To The Following Questions:

1. Are You The Person Whose Name Is On The Register Of Electors As Follows [insert the full name referred to]?; OR
2. Have You Already Voted At The Present Election At This Or Any Other Polling Station?

## NOMINATION PAPERS

### [3] Nomination Papers

#### [3.1] Offences

Section 68 states:

‘(1) Every person who –

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper, or delivers, to any person or authority to whom nomination papers are required by the *National Parliament (Electoral Provisions) Act* to be delivered, any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or

(c) without due authority, supplies any ballot paper to any person; or

(d) fraudulently takes out of any polling station, place of voting or place of election any ballot paper; or

(e) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of an election;

shall be guilty of an offence, and shall be liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(2) In any prosecution for an offence in relation to the nomination papers, ballot boxes, ballot papers, counterfoils, marking instruments and other things in use at an election, the property in such papers, boxes, instruments and things may be stated to be in the Returning Officer at such election’.

#### [3.2] Wording Of Charges

[1] ‘... did [(forge, fraudulently defaces **or** fraudulently destroys) a nomination paper] **or** [deliver to (a person namely [insert the full name of this person] **or** an authority [specify the position of the authority, for example ‘Returning Officer’ and the full name of the person who holds the position])] to whom nomination papers were required by the *National Parliament (Electoral Provisions) Act* to be delivered a nomination paper knowing the same to be forged].’

[2] ‘... did [forge, counterfeit, fraudulently deface **or** fraudulently destroy] [a ballot paper **or** the official mark on a ballot paper].’

[3] ‘... without due authority supply a ballot paper to a person namely (insert the full name of this person).’

<b>NOMINATION PAPERS</b>
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[4] ‘... fraudulently take out of a [polling station, place of voting **or** place of election] a ballot paper.’

[5] ‘... without due authority [destroy, take, open **or** interferes with] a [ballot box **or** packet of ballot papers] then in use for the purposes of an election’.

**[3.3] Elements**

[1] [a] Date

[b] Place

[c] Defendant

- [d] 1. Forge;  
2. Fraudulently Deface; OR  
3. Fraudulently Destroy

A Nomination Paper

OR

[a] Date

[b] Place

[c] Defendant

[d] Deliver To

1. (insert the full name of this person); OR  
2. An Authority (specify the position of the authority and the full name of the person who holds the position)

[e] To Whom Nomination Papers Were Required By The *National Parliament (Electoral Provisions) Act* To Be Delivered

[f] A Nomination Paper Knowing The Same To Be Forged

<b>NOMINATION PAPERS</b>
--------------------------

- [2]    [a]    Date
- [b]    Place
- [c]    Defendant
- [d]    1.      Forge;
2.      Counterfeit;
3.      Fraudulently Deface; OR
4.      Fraudulently Destroy
- [e]    1.      A Ballot Paper; OR
2.      The Official Mark On A Ballot Paper
- 
- [3]    [a]    Date
- [b]    Place
- [c]    Defendant
- [d]    Without Due Authority
- [e]    Supply
- [f]    Ballot Paper
- [g]    To A Person Namely (insert the full name of this person)
- 
- [4]    [a]    Date
- [b]    Place
- [c]    Defendant
- [d]    Fraudulently Take Out Of A
- [e]    1.      Polling Station;
2.      Place Of Voting; OR
3.      Place Of Election
- [f]    A Ballot Paper

<b>NOMINATION PAPERS</b>
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- [5]    [a]    Date
- [b]    Place
- [c]    Defendant
- [d]    Without Due Authority
- [e]    1.     Destroy;  
              2.     Take;  
              3.     Open; OR  
              4.     Interfere With
- [f]    1.     Ballot Box; OR  
              2.     Packet Of Ballot Papers
- [g]    Then In Use For The Purposes Of An Election

## INFRINGEMENT OF SECRECY

### **[4]                      Infringement of Secrecy**

#### **[4.1]                    Offences**

Section 69 states:

‘(1) Every Returning Officer, Assistant Returning Officer, Supervising Officer, polling or other assistant and agent shall maintain and aid in maintaining the secrecy of the voting in an election and shall not communicate, except for some purpose authorized by law, before the election is closed to any person any information as to the name or number on a register of electors, of any elector who has or has not applied for a ballot paper or voted, or as to the official mark.

(2) No such Officer, assistant or agent, and no person whosoever shall interfere with or attempt to interfere with an elector when casting his vote, or otherwise attempt to obtain information as to the candidate for whom any elector is about to vote or has voted, or communicate at any time to any person information obtained during any election as to the candidate for whom any elector is about to vote, or has voted, or as to the number on the ballot paper given to any voter:

Provided always that the provisions of this subsection shall not prohibit, limit or qualify any procedure prescribed under this Act for recording the vote of any elector who is unable to read or is incapacitated by blindness or other disability from casting his vote himself.

(3) Any such Officer, assistant, candidate or agent in attendance at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting and shall not communicate any information obtained at such counting as to the candidate for whom any vote is given by any particular ballot paper.

(4) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment’.

#### **[4.2]                    Wording Of Charges**

[1]     ‘... did communicate whilst not authorized by law before the election was closed to a person namely (insert the full name of this person) information as to the [name of an elector namely (insert the name of this person) **or** number on a register of electors] who [(has / have) **or** (has / have) not] [applied for a ballot paper **or** voted] **or** official mark.’

[2]     ‘...did [(interfere with **or** attempt to interfere with) an elector namely (insert the name of this person) when casting (his / her) vote].’; **or**

[attempt to obtain information as to the candidate for whom an elector namely (insert the name of this person) who (was about to vote **or** had voted)].’; **or**

## INFRINGEMENT OF SECRECY

[communicate to a person namely (insert the name of this person) information obtained during an election as to the (candidate for whom an elector namely (insert the name of this person) [was about to vote **or** had voted] **or** number on the ballot paper given to a voter namely (insert the name of this person)].’

[3] ‘... did communicate information obtained at the counting of an election as to a candidate namely (insert the name of this person) for whom a vote was given by a ballot paper.’

### **[4.3] Elements**

- |     |                             |  |     |                |     |                |    |                             |    |           |
|-----|-----------------------------|--|-----|----------------|-----|----------------|----|-----------------------------|----|-----------|
| [1] | [a]                         | Date   |     |                |     |                |    |                             |    |           |
|     | [b]                         | Place  |     |                |     |                |    |                             |    |           |
|     | [c]                         | Defendant  |     |                |     |                |    |                             |    |           |
|     | [d]                         | Communicate Whilst Not Authorised By Law Before The Election Was Closed To A Person Namely (insert the full name of this person)   |     |                |     |                |    |                             |    |           |
|     | [e]                         | Information As To The <ol style="list-style-type: none"> <li>1. Name Of An Elector Namely (insert the name of this person); OR</li> <li>2. Number On A Register Of Electors Who               <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">[a]</td> <td style="vertical-align: top;">Has / Have; OR</td> </tr> <tr> <td style="vertical-align: top;">[b]</td> <td style="vertical-align: top;">Has / Have Not</td> </tr> </table> </li> <li> <table border="0" style="margin-left: 20px;"> <tr> <td style="vertical-align: top;">A.</td> <td style="vertical-align: top;">Applied For A Ballot Paper;</td> </tr> <tr> <td style="vertical-align: top;">B.</td> <td style="vertical-align: top;">Voted; OR</td> </tr> </table> </li> <li>3. Official Mark</li> </ol> | [a] | Has / Have; OR | [b] | Has / Have Not | A. | Applied For A Ballot Paper; | B. | Voted; OR |
| [a] | Has / Have; OR              |  |     |                |     |                |    |                             |    |           |
| [b] | Has / Have Not              |  |     |                |     |                |    |                             |    |           |
| A.  | Applied For A Ballot Paper; |  |     |                |     |                |    |                             |    |           |
| B.  | Voted; OR                   |  |     |                |     |                |    |                             |    |           |
- 
- |     |     |   |
|-----|-----|---|
| [2] | [a] | Date  |
|     | [b] | Place   |
|     | [c] | Defendant   |
|     | [d] | <ol style="list-style-type: none"> <li>1. Interfere With; OR</li> <li>2. Attempt To Interfere With</li> </ol> |
|     | [e] | An Elector Namely (insert the name of this person)  |
|     | [f] | When Casting [His/Her] Vote   |

<b>INFRINGEMENT OF SECRECY</b>
--------------------------------

OR

- [a] Date
- [b] Place
- [c] Defendant
- [d] Attempt To Obtain Information As To The Candidate For Whom An  
Elector Namely (insert the name of this person) Who
- [e]
  - 1. Was About To Vote; OR
  - 2. Had Voted

OR

- [a] Date
- [b] Place
- [c] Defendant
- [d] Communicate To A Person Namely [insert the name of this person]
- [e] Information Obtained During An Election As To The
  - 1. Candidate For Whom An Elector Namely (insert the name of this  
person)
    - A. Was About To Vote; OR
    - B. Had Voted
  - 2. Number On The Ballot Paper Given To A Voter Namely (insert the  
name of this person)

- [3] [a] Date
- [b] Place
- [c] Defendant
- [d] Communicate Information Obtained At The Counting Of An Election As  
To A Candidate Namely (insert the name of this person) For Whom A  
Vote Was Given By A Ballot Paper

<b>BRIBING</b>
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**[5]                      Bribing**

**[5.1]                    Offence Provision**

Section 70 states (in part):

‘Any person who is guilty of bribery [...] shall be guilty of a corrupt practice and liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment’.

Section 71 states:

‘The following persons shall be deemed to be guilty of bribery within the meaning of this Act –

(a) any person who directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers, promises or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector or to or for any person on behalf of any elector, or to or for any other person, in order to induce such elector to vote or to refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;

(b) any person who directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure or to endeavour to procure, any office, place or employment to or for any elector, or to or for any person on behalf of any elector, or to or for any person, in order to induce such elector to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any elector having voted or refrained from voting at any election;

(c) every person who directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement as aforesaid to or for any person, in order to induce such person to procure, or to endeavour to procure, the return of any person as a member of the National Parliament or to vote of any elector at any election;

(d) any person who, upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person as a member of the National Parliament or the vote of an elector at any election;

(e) any person who advances or pays, or causes to be paid, any money to or for the use of any other person, with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who knowingly pays or causes to be paid, any money to any person, in discharge or repayment of any money wholly or in part expended in bribery at any election;

## BRIBING

(f) any elector, who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives, agrees to receive, or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election; and

(g) any person who, after any election, directly or indirectly by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting, at any election:

Provided always that the provisions of this section shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses bona fide incurred at or concerning any election’.

### **[5.2]            Wording Of Charges**

[1]     ‘... did [directly **or** indirectly] by [(himself/herself) **or** another person namely (insert the full name of this person) on (his / her) behalf] [(give, lend or agree to give **or** lend) **or** (offer, promise **or** (promise to procure **or** endeavour to procure))] a [sum of money **or** valuable consideration] [to **or** for] [an elector namely (inset the full name of this person) **or** another person namely (insert the name of this person) on behalf of an elector namely (insert the full name of this person) **or** another person namely (insert the name of this person))] in order to induce such elector to [(vote **or** refrain from voting) **or** corruptly do an act as aforesaid on account of such elector (having voted **or** refrained from voting)] at the election held on (insert date).’

[2]     ‘... did [directly **or** indirectly] by [(himself/herself) **or** another person namely (insert the full name of this person)] on his/her behalf [(give **or** procure), agree to (give **or** procure) **or** endeavour to procure] [an office, a place **or** employment (to **or** for) an elector namely (insert the full name of this person)] in order to [induce such elector to (vote **or** refrain from voting) **or** corruptly do such an act aforesaid on account of an elector namely (insert the full name of this person) having (voted **or** refrained from voting) at an election].’

[3]     ‘... did [directly **or** indirectly] by [(himself/herself) **or** another person namely (insert the name of this person)] on his/her behalf make [a gift, a loan, an offer, a promise, a procurement **or** an agreement] as aforesaid [to **or** for] another person namely (insert the full name of this person) in order to induce such person to [procure **or** endeavour to procure] [the return of a person namely (insert the full name of this person) as a member of the National Parliament **or** the vote of an elector namely (insert the full name of this person)] at an election.’

## BRIBING

[4] ‘... did [upon **or** in consequence of] a [gift, loan, offer, promise, procurement **or** agreement] [(procure **or** engage) **or** (promise **or** endeavour to procure)] the [return of a person namely (insert the full name of this person) as a member of the National Parliament **or** vote of an elector namely (insert the full name of this person) at an election].’

[5] ‘... did [(advance **or** pay) **or** cause to be paid] a sum of money to wit (specify the sum of money) [to **or** for] the use of another person namely (insert the full name of this person) expended in bribery at an election’;

**Or**

‘... did knowingly [pay **or** cause to be paid] a sum of money to wit (specify the sum of money) to a person namely (insert full name of this person) in [discharge **or** repayment] of money expended in bribery at an election.’

[6] ‘... being an elector did [before **or** during] an election [directly **or** indirectly] by [himself/herself **or** another person namely (specify the full name of this person) on his/her behalf] [receive, agree to receive **or** contract for] [a sum of money, a gift, a loan, a valuable consideration, an office, a place, **or** employment] for [himself/herself **or** another person namely (specify the full name of this person)] for [voting, agreeing to vote **or** (refraining **or** agreeing to refrain) from voting] at an election.’

[7] ‘... did after an election [directly **or** indirectly] by [himself/herself **or** by another person namely (specify the name of this person)] receive [a sum of money to wit (specify the sum of money) **or** valuable consideration] on account of a person namely (specify the full name of this person) having [(voted **or** refrained from voting) **or** induced another person namely (specify the full name of this person) to (vote **or** refrain from voting)] at an election.’

### **[5.3] Elements**

- |     |     |   |
|-----|-----|---|
| [1] | [a] | Date  |
|     | [b] | Place   |
|     | [c] | Defendant   |
|     | [d] | 1. Directly; OR<br>2. Indirectly  |
|     | [e] | 1. Himself/Herself; OR<br>2. Another Person Namely (insert the name of this person) On His/Her Behalf |

<b>BRIBING</b>
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- [f]      1.      A.      Give;  
                  B.      Lend;  
                  C.      Agree To

- [i]      Give; OR  
                  [ii]      Lend;

OR

2.      A.      Offer;  
                  B.      Promise;  
                  C.      Promise To Procure; OR  
                  D.      Endeavour To Procure

- [g]      1.      Sum Of Money; OR  
                  2.      Valuable Consideration

- [h]      1.      Elector Namely (insert the full name of this person)  
                  3.      Another Person Namely (insert the full name of this person) On  
                       Behalf Of An Elector Namely (insert the full name of this person);  
                       OR  
                  3.      Another Person Namely (insert the full name of this person)

- [i]      In Order To Induce Such Elector To

1.      Vote;  
                  2.      Refrain From Voting; OR  
                  3.      Corruptly Do An Act As Aforesaid On Account Of Such Elector

- A.      Having Voted; OR  
                  B.      Refrained From Voting

- [j]      At The Election Held On (insert date)

- [2]      [a]      Date

- [b]      Place

- [c]      Defendant

- [d]      1.      Directly; OR  
                  2.      Indirectly

- [e]      1.      Himself/Herself; OR  
                  2.      Another Person Namely (insert the full name of this person) On  
                       His/Her Behalf

<b>BRIBING</b>
----------------

- [f]
1. Give;
  2. Procure;
  3. Agree To
    - A. Give; OR
    - B. Procure;
  4. Endeavour To Procure

- [g]
1. Office;
  2. Place;
  3. Employment

[h] Elector Namely (insert the full name of this person)

- [i]
1. In Order To Induce Such Elector To
    - A. Voted; OR
    - B. Refrained From Voting

OR

2. Corruptly Do Such An Act Aforesaid On Account Of An Elector Namely (insert the full name of this person) Having
  - C. Voted; OR
  - D. Refrained From Voting

At An Election

[3] [a] Date

[b] Place

[c] Defendant

- [d]
1. Directly; OR
  2. Indirectly

- [e]
1. Himself/Herself; OR
  2. Another Person Namely (insert the full name of this person) On His/Her Behalf

<b>BRIBING</b>
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- [f]
  - 1. Gift;
  - 2. Loan;
  - 3. Offer;
  - 4. Promise;
  - 5. Procurement; OR
  - 6. Agreement
  
- [g] Another Person Namely [insert the full name of this person]
  
- [h] In Order To Such Person To
  - 1. Procure; OR
  - 2. Endeavour To Procure
  
- [i]
  - 1. The Return Of A Person Namely (insert the full name of this person) As A Member Of The National Parliament; OR
  - 2. The Vote Of An Elector Namely (insert the full name of this person)
  
- [j] At An Election
  
- [4] [a] Date
  
- [b] Place
  
- [c] Defendant
  
- [d]
  - 1. Upon; OR
  - 2. In Consequence Of
  
- [e]
  - 1. Gift;
  - 2. Loan;
  - 3. Offer;
  - 4. Promise;
  - 5. Procurement; OR
  - 6. Agreement
  
- [f]
  - 1. Procure;
  - 2. Engage;
  - 3.
    - A. Promise; OR
    - B. Endeavour To Procure
  
- [g]
  - 1. Return Of A Person Namely (insert the name of this person) As A Member Of The National Parliament; OR
  - 2. Vote Of An Elector Namely (insert the full name of this person)
  
- [h] At An Election

<b>BRIBING</b>
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- [5]     [a]     Date
- [b]     Place
- [c]     Defendant
- [d]     1.     Advance;  
                 2.     Pay; OR  
                 3.     Cause To Be Paid
- [e]     Sum Of Money
- [f]     Use Of Another Person Namely (insert the full name of this person)  
                 Expended In Bribery At An Election

OR

- [a]     Date
- [b]     Place
- [c]     Defendant
- [d]     Knowingly
- [e]     1.     Pay; OR  
         2.     Cause To Be Paid
- [f]     Sum Of Money
- [g]     To A Person Namely (insert the full name of this person)
- [h]     1.     Discharge; OR  
         2.     Repayment
- [i]     Money Expended In Bribery At An Election

- [6]     [a]     Date
- [b]     Place
- [c]     Defendant
- [d]     Elector
- [e]     1.     Before; OR  
                 2.     During

<b>BRIBING</b>
----------------

- [f] Election
  
- [g]    1.     Directly; OR  
       2.     Indirectly
  
- [h]    1.     Himself/Herself; OR  
       2.     Another Person Namely (insert the full name of this person) On His/Her Behalf
  
- [i]    1.     Receive;  
       2.     Agree To Receive; Or  
       3.     Contract For
  
- [j]    1.     Sum Of Money;  
       2.     Gift;  
       4.     Loan;  
       5.     Valuable Consideration;  
       6.     Office;  
       7.     Place; OR  
       8.     Employment
  
- [k]    1.     Himself/Herself; OR  
       2.     Another Person Namely (insert the name of this person)
  
- [l]    1.     Voting;  
       2.     Agreeing To Vote; OR  
       3.     A.     Refraining; OR  
              B.     Agreeing To Refrain  
                  From Voting
  
- [m]    At An Election
  
- [7]    [a]    Date
  
- [b]    Place
  
- [c]    Defendant
  
- [d]    After An Election
  
- [e]    1.     Directly; OR  
           2.     Indirectly
  
- [f]    1.     Himself/Herself; OR  
           2.     Another Person Namely (insert the name of this person)
  
- [g]    Receive

<b>BRIBING</b>
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- [h]    1.    Sum Of Money; OR  
       2.    Valuable Consideration
  
- [i]    Account Of A Person Namely (insert the full name of this person)
  
- [j]    1.    [a]    Voted; OR  
             [b]    Refrained From Voting; OR  
  
       2.    Induced Another Person Namely (insert the full name of this  
             person)  
  
             [a]    Vote; OR  
             [b]    Refrain From Voting
  
- [k]    At An Election

## TREATING

### **[6] Treating**

#### **[6.1] Section**

Section 70 states (in part):

‘Any person who is guilty of [...] treating [...] shall be guilty of a corrupt practice and liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment’.

Section 72 states:

‘(1) The following persons shall be deemed to be guilty of treating within the meaning of this Act –

(a) any person who corruptly, by himself or by any other person, either before, during or after an election, directly or indirectly gives, or provides, or pays, or promises to give, provide or pay, wholly or in part, the expense of giving or providing any food, drink, entertainment or provision to or for any person, for the purpose of corruptly influencing that person, or any other person, to vote or refrain from voting at such election or on account of that person or any other person having voted or refrained from voting at such election; and

(b) any elector who corruptly accepts or takes any such food, drink, entertainment or provision.

(2) For the avoidance of doubt, it is hereby declared that the provision of any feast or other entertainment in accordance with established custom shall not be treating for the purposes of this section if the provision of that feast or entertainment is not for the purpose of corruptly influencing any person.’

#### **[6.2] Wording Of Charges**

[1] ‘... did corruptly by [himself/herself **or** another person namely (insert the full name of this person)] [before, during **or** after] an election [directly **or** indirectly] [give, provide **or** pay **or** (promise to [give, provide **or** pay] the expense of [giving **or** providing] [food, drink, entertainment **or** provision] [to **or** for] a person namely (insert the full name of this person) for the purpose of corruptly influencing [that person **or** another person namely (insert the full name of this person)] [(to vote **or** refrain from voting) at such election **or** on account of that person having (voted **or** refrained from voting) at such election].’

[2] ‘... being an elector did corruptly [accept **or** take] [food, drink, entertainment **or** provision] that was for the purpose of corruptly influencing [that person **or** another person namely (insert the full name of this person)] [(to vote **or** refrain from voting) at such election **or** on account of that person having (voted **or** refrained from voting) at such election].’

## TREATING

### [6.3]

### Elements

- [1]    [a]    Date
- [b]    Place
- [c]    Defendant
- [d]    Corruptly
- [e]    1.    Himself/Herself; OR
- 2.    Another Person Namely (insert the full name of this person)
- [f]    1.    Before;
- 2.    During; OR
- 3.    After
- [g]    Election
- [h]    1.    Give;
- 2.    Provide;
- 3.    Pay; OR
- 4.    Promise
- A.    Give;
- B.    Provide; OR
- C.    Pay
- [i]    Expense
- 1.    Giving; OR
- 2.    Providing
- [j]    1.    Food;
- 2.    Drink;
- 3.    Entertainment; OR
- 4.    Provision
- [k]    Person Namely (insert the full name of this person)
- [l]    1.    For The Purpose Of Corruptly Influencing
- A.    That Person; OR
- B.    Another Person Namely (insert the full name of this person);
- [i]    Vote; OR
- [ii]    Refrain From Voting
- At Such Election

<b>TREATING</b>
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OR

2. On Account Of That Person Having
  - A. Voted; OR
  - B. Refrained From VotingAt Such Election

- [2] [a] Date
- [b] Place
- [c] Defendant
- [d] Being An Elector
- [e] Corruptly
- [f]
  1. Accept; OR
  2. Take
- [g]
  1. Food;
  2. Drink;
  3. Entertainment; OR
  4. Provision
- [h]
  1. That Was For The Purpose Of Corruptly Influencing
    - A. That Person; OR
    - B. Another Person Namely (insert the full name of this person);
      - [i] Vote; OR
      - [ii] Refrain From VotingAt Such Election

OR

2. On Account Of That Person Having
  - A. Voted; Or
  - B. Refrained From VotingAt Such Election

## UNDUE INFLUENCE

### **[7] Undue Influence**

Section 70 states (in part):

‘Any person who is guilty of [...] undue influence shall be guilty of a corrupt practice and liable to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment’.

### **[7.1] Offence**

Section 73 states:

‘Any person who directly or indirectly, by himself or by any other person on his behalf, makes use of, or threatens to make use of, any force, violence, or restraint, or inflicts or threatens to inflict, by himself or by any other person, any injury, damage, harm or loss, upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who, by abduction, duress, or any fraudulent contrivance, impedes or prevents the free use of the vote of any elector or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election shall be guilty of undue influence within the meaning of this Act’.

### **[7.2] Wording Of Charges**

[1] ‘... did [directly **or** indirectly] by [(himself/herself **or** another person namely (insert the full name of this person) on his/her behalf)] [(make use of **or** threaten to make use of) (force, violence **or** restraint) **or** (inflict **or** threaten to inflict) (injury, damage, harm **or** loss)] [upon **or** against a person namely (insert the full name of this person)] [in order to (induce **or** compel) such person to (vote **or** refrain from voting) **or** on account of such person having (voted **or** refrained from voting)] at an election.’

**Or**

[2] ‘... did by [abduction, duress **or** fraudulent contrivance] [(impeded **or** prevented) the free use of the vote of an elector namely (insert the full name of this person) **or** thereby (compelled, induced **or** prevailed upon an elector namely [insert the full name of this person]) to (give **or** refrain from giving his/her vote)] at an election.’

### **[7.3] Elements**

- [1] [a] Date
- [b] Place
- [c] Defendant

TREATING	
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- OR

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<b>TREATING</b>
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[2] [a] Date

[b] Place

[c] Defendant

[d] 1. Abduction;  
2. Duress; OR  
3. Fraudulent Contrivance

[e] 1. A. Impeded; OR  
B. Prevented

The Free Use Of The Vote Of An Elector Namely (insert the full name of this person) At An Election

2. A. Compelled;  
B. Induced; OR  
C. Prevailed

Upon An Elector Namely (insert the full name of this person) To

A. Give; OR  
B. Refrain From Giving

His/Her Vote At An Election

## PERSONATION

### **[8] Personation**

#### **[8.1] Offence**

Section 74 states:

‘Any person who is guilty of personation or of aiding, abetting, counseling or procuring the commission of the offence of personation, shall be guilty of a corrupt practice and liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment’.

#### **[8.2] Definition of Personation**

Section 75 states:

‘Any person who at any election applies for a ballot paper in the name of another person or tenders a vote in the name of another person whether that name is the name of a person living or dead or of a fictitious person, or who, having voted once at any direct election, applies for a ballot paper or tenders a vote at the same election, in his own name, which he is not entitled to tender under the provisions of this Act shall be guilty of personation within the meaning of this Act’.

#### **[8.3] Wording Of Charges**

‘... did [(aid, abet, counsel **or** procure) a person namely (insert the name of this person) to ...]

[1] ‘... did at an election [apply for a ballot paper in the name of another person namely (insert the full name of this person) **or** tender a vote in the name of another person namely (insert the full name of this person)].’

**Or**

[2] ‘... did [apply for a ballot paper **or** tender a vote] at the same election at which he/she had voted once in his/her own name.’

#### **[8.4] Elements**

- [1] [a] Date
- [b] Place
- [c] Defendant
- [d] Election

<b>PERSONATION</b>
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- [e]     1.     Apply For A Ballot Paper In The Name Of Another Person Namely (insert the full name of this person); OR
- 2.     Tender A Vote In The Name Of Another Person Namely (insert the full name of this person)
  
- [2]     [a]     Date
- [b]     Place
- [c]     Defendant
- [d]     1.     Apply For A Ballot Paper; OR
- 2.     Tender A Vote
  
- [e]     At The Same Election At Which He/She Had Voted Once In His/Her Own Name

## VOTING WHILST PROHIBITED

### [9] Voting Whilst Prohibited

#### [9.1] Offences

Section 77 states (in part):

‘Any person who –

(a) votes, or induces, or procures any other person to vote, at any election, knowing that he or such other person is prohibited by any provision of this Act or of the Constitution or any other law for the time being in force in Solomon Islands from voting at such election; or

(b) [...]

shall be guilty of an illegal practice and shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, and shall be disqualified during the period of three years from the date of conviction, from voting at any election’.

#### [9.2] Wording Of Charges

‘... did [vote **or** (induce **or** procure another person namely (insert the full name of this person) to vote] at an election knowing that [he/she or such other person] was prohibited by a provision of [the *National Parliament (Electoral Provisions) Act*, the *Constitution* **or** another law for the time being in force in Solomon Islands] from voting at such election.’

#### [9.3] Elements

[a] Date

[b] Place

[c] Defendant

[d] 1. Vote; OR

2. A. Induce; OR  
B. Procure

Another Person Namely (insert the full name of this person) To Vote

[e] Election

<b>VOTING WHILST PROHIBITED</b>
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[f]      Knowing

- [g]      1.      He/She; OR  
          2.      Such Other Person

[h]      Prohibited By A Provision Of

1.      The *National Parliament (Electoral Provisions) Act*;  
          2.      The *Constitution*; OR  
          3.      Another Law For The Time Being In Force In Solomon Islands

[i]      From Voting AT Such Election

## KNOWINGLY PUBLISH FALSE STATEMENTS

### [10]                      **Knowingly Publish False Statements**

#### [10.1]                    **Offences**

Section 77 states (in part):

‘Any person who –

(a) [...];

(b) before or during an election knowingly publishes any false statement of the withdrawal of a candidate at such election for the purpose of promoting the election of another candidate,

shall be guilty of an illegal practice and shall be liable to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment, and shall be disqualified during the period of three years from the date of conviction, from voting at any election’.

#### [10.2]                    **Wording Of Charges**

‘... did [before **or** during] an election knowingly publish a false statement of the withdrawal of a candidate namely (insert the full name of this person) at such election for the purpose of promoting the election of another candidate namely (insert the full name of this person).’

#### [10.3]                    **Elements**

[a]      Date

[b]      Place

[c]      Defendant

[d]      1.      Before; OR  
          2.      During

[e]      Election

[f]      Knowingly

[g]      Publish

<b>KNOWINGLY PUBLISH FALSE STATEMENTS</b>
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- [h] False Statement
- [i] Withdrawal Of A Candidate Namely (insert the name of this person)
- [j] For The Purpose Of Promoting The Election Of Another Candidate Namely  
(insert the full name of this person)

## **INTERFERENCE WITH LAWFUL PUBLIC MEETING**

### **[11] Interference With Lawful Public Meeting**

#### **[11.1] Offence**

Section 78 states:

'Any person who at a lawful public meeting, held in connection with the election of any person to the National Parliament between the date of publication of a notice issued under the provisions of sections 24 or 65 appointing a day for the holding of an election under this Act and the date on which the result of the election is published, acts or incites others to act in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together shall be guilty of an illegal practice and shall be liable to a fine not exceeding one hundred dollars or to a term of imprisonment not exceeding three months or to both such fine and such imprisonment, and shall be disqualified, during a period of three years from the date of his conviction, from voting at any election'.

#### **[11.2] Wording Of Charge**

'... at a lawful public meeting held in connection with the election of a person namely (insert the full name of this person) to the National Parliament did [act **or** incite others to act] in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together.'

#### **[11.3] Elements**

[a] Date

'between the date of publication of a notice issued under the provisions of sections 24 or 65 appointing a day for the holding of an election under this Act and the date on which the result of the election is published'

[b] Place

[c] Defendant

[d] Lawful Public Meeting

[e] Held In Connection With The Election Of A Person Namely (insert the full name of this person) To The National Parliament

[f] 1. Act; OR  
2. Incite Others To Act

<b>INTERFERENCE WITH LAWFUL PUBLIC MEETING</b>
--

- [g] Disorderly Manner
- [h] For The Purpose Of Preventing The Transaction Of The Business For Which The Meeting Was Called Together

## DISPLAY OF EMBLEMS

### [12] Display Of Emblems

#### [12.1] Offence

Section 79 states:

(1) No person other than a candidate shall within any building where voting for the election of a member of the National Parliament is in progress, or on any public way within a distance of fifty yards of any entrance to such building, bear or display any card, symbol, favour or other emblem indicating support for a particular candidate or political party and no person shall within two hundred yards of any such building make any public address indicating support for a particular candidate or political party.

(2) Any person acting in contravention of this section shall be guilty of an offence and shall be liable to a fine not exceeding twenty dollars.

(3) For the purpose of this section "public way" includes any highway, market place, square, street, bridge or other way which is lawfully used by the public'.

#### [12.2] Wording Of Charges

[1] '.. not being a candidate did [within a building where voting for the election of a member of the National Parliament was in progress **or** on a public way within a distance of fifty yards of an entrance to a building where voting for the election of a member of the National Parliament was in progress] [bear **or** display] a [card, symbol, favour **or** emblem] indicating support for a particular [candidate namely (insert the full name of this person) **or** political party namely (insert the full name of the political party)].'

[2] '... did within two hundred yards of a building where voting for the election of a member of the National Parliament was in progress make a public address indicating support for a particular [candidate namely (insert the full name of this person) **or** political party namely (insert the full name of the political party)].'

#### [12.3] Elements

- [1] [a] Date
- [b] Place
- [c] Defendant
- [d] Not Being A Candidate

## INTERFERENCE WITH LAWFUL PUBLIC MEETING

- [e]     1.     Within A Building Where Voting For The Election Of A Member Of The National Parliament Was In Progress; OR  
          2.     On A Public Way Within A Distance Of Fifty Yards Of An Entrance To A Building Where Voting For The Election Of A Member Of The National Parliament Was In Progress
  
- [f]     1.     Bear; OR  
                 Display
  
- [g]     1.     Car;  
          2.     Symbol;  
          3.     Favour; OR  
          4.     Emblem
  
- [h]     Indicating Support For A Particular  
  
          1.     Candidate Namely (insert the full name of this person); OR  
          2.     Political Party Namely (insert the full name of the political party)
  
- [3]     [a]     Date
  
- [b]     Place
  
- [c]     Defendant
  
- [d]     Within Two Hundred Yards Of A Building Where Voting For The Election Of A Member Of The National Parliament Was In Progress
  
- [e]     Make
  
- [f]     Public Address Indicating Support For A Particular  
  
                 1.     Candidate Namely (insert the full name of this person); OR  
                 2.     Political Party Namely (insert the full name of the political party)

## ELECTION BOYCOTTS

### **[13] Election Boycotts**

#### **[13.1] Offences**

Section 80 states:

‘Any person –

(a) having customary authority or religious influence within any constituency or over or upon any elector residing within any constituency who, in relation to any election being held or proposed to be held within the constituency, issues or causes to be issued any prohibition, instruction, direction, order or command which, having regard to the nature and extent of such authority or influence or to the probable consequences, if any, of non – compliance with the prohibition, instruction, direction, order or command, is likely to cause –

(i) any elector residing within the constituency or who is subject to the authority or affected by the influence to desist or refrain from voting or taking part in the election; or

(ii) any election officer to desist or refrain from conducting the election within the constituency, or among the electors who are subject to the authority or affected by the influence; or

(b) who publicises any prohibition, direction, order or command referred to in paragraph (a) knowing that the prohibition, instruction, direction, order or command is likely to cause any elector residing within the constituency or who is subject to the authority or affected by the influence to desist or refrain from voting or taking part in the election,

is guilty of an offence and liable to imprisonment for a term not less than one year but not more than then years’.

#### **[13.2] Wording Of Charges**

[1] ‘... who having [customary authority **or** religious influence] [within a constituency **or** (over **or** upon) an elector namely (insert the full name of this person) residing within the said constituency] and who in relation to an election [being held **or** proposed to be held] within the said constituency did [issue **or** cause to be issued] [a prohibition, an instruction, a direction, an order **or** a command] which having regard to [the nature and extent of such (authority **or** influence) **or** probable consequences of non – compliance with such [prohibition, instruction, direction, order **or** command] was likely to cause [an elector (residing within the said constituency **or** who is [subject to the authority **or** affected by the influence]) to (desist **or** refrain) from (voting **or** taking part in the election) **or** any election officer to (desist **or** refrain) from conducting the said election (within the constituency **or** among the electors) who are (subject to the authority **or** affected by the influence)].’

<b>ELECTION BOYCOTTS</b>
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[2] ‘...did publicise a [prohibition, direction, order **or** command] referred to in paragraph (a) of section 80 of the *National Parliament (Electoral Provisions) Act* knowing that the [prohibition, instruction, direction, order **or** command] was likely to cause an elector [residing within the constituency **or** who was (subject to the customary authority **or** affected by the religious influence) of the person namely (insert the full name of this person) who issued it] to [desist **or** refrain] from [voting **or** taking part] in the election.’

**[13.3] Elements**

- |     |     |  |
|-----|-----|--|
| [1] | [a] | Date   |
|     | [b] | Place  |
|     | [c] | Defendant  |
|     | [d] | Having <ol style="list-style-type: none"> <li>1. Customary Authority; OR</li> <li>2. Religious Influence</li> </ol>  |
|     | [e] | <ol style="list-style-type: none"> <li>1. Within A Constituency; OR</li> <li>2. Over / Upon An Elector Namely (insert the full name of this person) Residing Within The Said Constituency</li> </ol> |
|     | [f] | Who In Relation To An Election <ol style="list-style-type: none"> <li>1. Being Held; OR</li> <li>2. Proposed To Be Held</li> </ol> <p style="margin-left: 20px;">Within the Said Constituency</p>    |
|     | [g] | <ol style="list-style-type: none"> <li>1. Issue; OR</li> <li>2. Cause To Be Issued</li> </ol>  |
|     | [h] | <ol style="list-style-type: none"> <li>1. Prohibition;</li> <li>2. Instruction;</li> <li>3. Direction;</li> <li>4. Order; OR</li> <li>5. Command</li> </ol>  |
|     | [i] | Which Having Regard To <ol style="list-style-type: none"> <li>1. Nature And Extent Of Such Authority / Influence; OR</li> <li>2. Probable Consequences Of Non - compliance</li> </ol>                |

## ELECTION BOYCOTTS

[j] With Such

1. Prohibition;
2. Instruction;
6. Direction;
7. Order; OR
8. Command

[k] Likely To Cause

1. An Elector

- A. Residing Within The Said Constituency; OR
- B. Who Is

[I] Subject To The Authority; OR  
[II] Affected By The Influence

[a] Desist; OR  
[b] Refrain

[1] Voting; OR  
[2] Taking Part In The Said Election

OR

2. Any Election Officer To

- A. Desist; OR
- B. Refrain

From Conducting The Election Within the Said Constituency /  
Among The Electors Who Are Subject To The Authority Or  
Affected By The Influence

[2] [a] Date

[b] Place

[c] Defendant

[d] Publicise

<b>ELECTION BOYCOTTS</b>
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- [e]     1.     Prohibition;  
         2.     Instruction;  
         3.     Direction;  
         4.     Order; OR  
         5.     Command
- [f]     Referred To In Paragraph (a) Of Section 80 Of The *National Parliament  
(Electoral Provisions) Act*
- [g]     Knowing
- [h]     1.     Prohibition;  
         2.     Instruction;  
         3.     Direction;  
         4.     Order; OR  
         5.     Command
- [i]     Was Likely To Cause An Elector  
         1.     Residing Within The Constituency; OR  
         2.     Who Was Subject To The Customary Authority / Affected By The  
                 Religious Influence
- [j]     Of The Person Namely (insert the full name of this person) Who Issued It
- [k]     1.     Desist; OR  
         2.     Refrain
- [l]     1.     Voting; OR  
         2.     Taking Part
- [m]     In The Election

## DEFINITIONS

### [14] Definitions

Section 2 states (in part):

'In this Act, unless the context otherwise requires –

“candidate” means a person nominated under section 26 whose nomination stands valid under section 28;

“election” means an election held under and in accordance with the Constitution and this Act and includes both the nomination of candidates and the poll;

“elector” means any person entitled to vote at any election”; and

“electoral constituency” means a constituency prescribed for the purposes of section 54 of the *Constitution*’.

## SENTENCING

### [15] Sentencing

Section 76 states:

'Any person who is convicted of a corrupt practice shall, in addition to another punishment, be disqualified during a period of five years from the date of his conviction –

- (a) from being registered as an elector or of voting at any election; and
- (b) from being elected as a member of the National Parliament or, if elected before his conviction, from restraining his seat as such member'.