BILL NO. 37 OF 2026

A BILL

FOR AN ACT TO AMEND THE ELECTORAL ACT 2014

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

1.—(1) This Act may be cited as the Electoral (Amendment) (No. 2) Act 2026.

(2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.

(3) In this Act, the Electoral Act 2014 is referred to as the "Principal Act".

Section 2 amended

2. Section 2 of the Principal Act is amended by—

(a) renumbering section 2 as 2(1);

(b) in subsection (1), inserting the following new definition—

""announcement of the date of the election" means an announcement by the President or the Prime Minister (or any person acting on their behalf) in the media of the proposed date for an election and if, after that announcement—

(a) the election is postponed, the provisions of this Act that activated upon the announcement of the date of the election shall remain activated; or

(b) the election is cancelled, the activation of those provisions shall be void *ab initio*;"; and

(c) after subsection (1), inserting the following new subsection—

"(2) In any electoral or referendum legislation, the term "certified lists" or similar appears for the purpose of the application of this Act, "certified lists" include voter lists for polling stations and pre-poll venues, the Register of Postal Voters and any similar list of Register used for identifying voters eligible to vote by special means.".

Section 53 amended

3. Section 53(9) of the Principal Act is amended by deleting "learning" and substituting "listening".

Sections 67 and 68 amended

4. Sections 67(2) and 68 of the Principal Act is amended by deleting "announcement of the date of election" wherever it appears and substituting "announcement of the date of the election".

Section 89A inserted

5. The Principal Act is amended after section 89 by inserting the following new section—

"*Count centres*

89A. With the approval of the Electoral Commission, the count of the ballot papers may be conducted at one or more count centres rather than a polling station and the Electoral Commission may approve special procedures for the conduct of the count at those count centres.".

Section 115 amended

6. Section 115 of the Principal Act is amended by—

(a) in subsection (1)—

(i) deleting "Following the announcement of the date of the election" and substituting "During the campaign period"; and

(ii) after "assistance from a foreign", inserting "person or organisation,";

(b) after subsection (2B), inserting the following new subsection—

"(2C) The decision of the Electoral Commission under subsection (2B) is final and must not be subject to any further appeal to or review by any court, tribunal or any other adjudicating body."; and

(c) in subsection (3), deleting "and shall be liable upon conviction to a fine not exceeding $50,000 or to a term of imprisonment not exceeding 10 years, or to both" and substituting "which is an illegal electoral practice".

Office of the Attorney-General
Suvavou House
Suva

November 2026

ELECTORAL (AMENDMENT) (NO. 2) BILL 2026

EXPLANATORY NOTE

(This note is not part of the Bill and is intended only to indicate its general effect)

1.0 BACKGROUND

1.1 The Electoral (Amendment) (No. 2) Bill 2026 (**'Bill'**) seeks to amend the Electoral Act 2014 (**'Act'**) to ensure proper terminology is used and categorises electoral offences and restrictions on campaigns for persons or organisations receiving foreign funding are better clarified.

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister by notice in the Gazette.

2.2 Clause 2 of the Bill amends section 2 to provide a definition for the "announcement of the date of the election" to ensure that if an election is postponed the first announcement stands for the purposes of activating the provisions, that activate upon the announcement and only if the event is cancelled in total that the activation is voided. It also clarifies the term "certified lists" used in other legislations such as the National Referendum Act 2026.

2.3 Clause 3 of the Bill amends section 53 of the Act to allow for correct use of terminology in terms of the types of devices allowed inside a polling station.

2.4 Clause 4 of the Bill amends sections 67(2) and 68 of the Act for consistency in the use of terms in the Act.

2.5 Clause 5 of the Bill amends the Act by inserting a new section 89A to allow the Electoral Commission to approve the count of votes to be conducted in one or more count centres rather than at a polling station to align with section 6(2) of the National Referendum Act 2026.

2.6 Clause 6 amends section 115 of the Act to clarify that the restriction on foreign assistance includes assistance from a foreign person or organisation. Furthermore, a new subsection (2C) is inserted to ensure consistency with the remainder of electoral legislation, by making the Electoral Commission's decision under subsection (2B) final, with no further appeal or review by any court or other adjudicating body. Additionally, the amendment removes the existing specific penalty wording and classifies the relevant offence as an illegal electoral practice.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for justice.

S. R. VALENITABUA
Attorney-General

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