NATIONAL REFERENDUM BILL 2025

(BILL NO. 46 OF 2025)

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SCHEDULE — BALLOT PAPER FOR REFERENDUM

BILL NO. 46 OF 2025

A BILL

FOR AN ACT TO PROVIDE FOR THE HOLDING OF A NATIONAL REFERENDUM AND FOR RELATED MATTERS

ENACTED by the Parliament of the Republic of Fiji—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) This Act may be cited as the National Referendum Act 2026.

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

Interpretation

2. In this Act, unless the context requires otherwise—

"Constitution" means the Constitution of the Republic of Fiji;

"corrupt electoral practice" has the same meaning as in section 2 of the Electoral Act 2014;

"Electoral Commission" means the Electoral Commission continued under section 75 of the Constitution;

"illegal electoral practice" has the same meaning as in section 2 of the Electoral Act 2014;

"National Register of Voters" has the same meaning in section 2 of the Electoral (Registration of Voters) Act 2012;

"referendum" means the submission of any matter to the public pursuant to section 5 and in accordance with this Act;

"Supervisor" means the Supervisor of Elections appointed under section 76 of the Constitution;

"voter" means a person who applies to vote or votes at a referendum;

Act to bind the State

3. This Act binds the State.

Purpose

4. The purpose of this Act is to allow for the conduct of a national referendum.

PART 2—REFERENDUM

Circumstances in which a referendum may be held

5.—(1) Subject to this Act, a referendum may be held in any of the following circumstances—

(a) where a Bill to amend the Constitution has passed through Parliament in accordance with section 160 of the Constitution; or

(b) where Parliament passes a resolution declaring that a certain issue or matter is of sufficient national importance that it should be submitted to the voters for their view through a referendum.

(2) A referendum conducted pursuant to subsection (1)(b) does not bind the State.

Application of Electoral Act 2014

6.—(1) The following provisions of the Electoral Act 2014 apply mutatis mutandis to a referendum conducted under this Act, with the necessary modifications approved by the Electoral Commission—

(a) section 2—Interpretation;

(b) Part 2—Electoral Administration;

(c) Divisions 3 to 7 of Part 3—Conduct of Elections;

(d) Part 6—Electoral Offences; and

(e) any further provisions approved by the Electoral Commission.

(2) For the purposes of Division 7 of Part 3—

(a) 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

(b) the results of the count of the ballot papers must not be released at a polling station, and must not be released at a count centre without the approval of the Supervisor and any person who does so commits an illegal electoral practice.

Person qualified to vote

7. Any person whose name is registered in the National Register of Voters, including any voter who is outside of Fiji during a referendum, is entitled to vote at a referendum.

Single vote

8.—(1) A person is entitled to vote only once at a referendum.

(2) Any person under subsection (1) who votes more than once commits an offence which is a corrupt electoral practice.

Register of voters to be conclusive evidence of right to vote

9. The National Register of Voters is conclusive evidence for the purpose of determining whether or not a person is entitled to vote at a referendum.

PART 3—CONDUCT OF REFERENDUM

Writ

10.—(1) The President, on being notified by the Speaker of Parliament—

(a) that a Bill to amend the Constitution has passed in accordance with section 160 of the Constitution; or

(b) that Parliament has resolved to conduct a referendum,

must refer the Bill or the resolution of Parliament, as the case may be, and issue a writ within 7 days to the Electoral Commission to conduct a referendum.

(2) A writ issued under this Act must appoint the following—

(a) the day and time for the close of the National Register of Voters for the purpose of conducting a referendum, following consultation with the Electoral Commission;

(b) the day, of polling for a referendum;

(c) the question or questions to be voted on at the referendum; and

(d) the day for the return of the writ.

(3) Where a referendum is for the purposes of amending the Constitution, the President must cause to attach a copy of the Bill or a statement setting out the text of the Bill and the text of the particular provisions, if any, of the Constitution proposed to be textually altered by the proposed law, and the textual alterations proposed to be made therein.

Voting day

11. The day fixed for taking the votes at a referendum must be not less than 30 days and not more than 45 days after the issue of the writ.

Action by Electoral Commission

12. The Electoral Commission must, immediately upon receipt of the writ for a referendum cause to be published in the Gazette, a notice setting out the particulars of the writ.

Action by Supervisor

13. The Supervisor must, immediately upon receipt of advice of the particulars of the writ for a referendum—

(a) cause copies of a statement setting out the text of the Bill and the text of the particular provisions of the Constitution proposed to be altered by the Bill to be made available at offices of the

Electoral Commission and the Fijian Elections Office and at such other places as the Electoral Commission directs; and

(b) cause to be published in at least 2 newspapers circulating in Fiji, a notice setting out the particulars of the writ, a copy of the Bill and the places at which the copies of the statement referred to in paragraph (a) are available.

Distribution to voters of arguments for and against proposed law

14.—(1) Where a Bill to amend the Constitution is passed in accordance with section 160 of the Constitution and referred to the Electoral Commission, the Secretary-General to Parliament must immediately cause to be prepared a summary record of the debate in Parliament on the Bill.

(2) The Secretary-General to Parliament must, not later than 15 days before the voting day for the referendum, cause to be printed in at least 2 newspapers circulating in Fiji the record under subsection (1) together with a statement prepared by the Secretary-General to Parliament showing the textual alterations and additions proposed to be made to the Constitution.

Election and referendum timing

15.—(1) Where the day fixed for voting in a referendum is the same as that fixed for the polling in an election—

(a) a person appointed to be an electoral official for the purpose of the polling at the election is deemed to be an electoral official, for the purposes of the referendum;

(b) the same polling stations and ballot-boxes may be used for the purposes of both the election and the referendum, but if the same ballot boxes are used, the ballot-papers for the referendum must be of a different colour to the ballot-papers for the election;

(c) the same certified lists of voters may be used for the purposes of both the election and the referendum; and

(d) the count for the election and the declaration of results must be completed before commencing the count for the referendum.

(2) Despite anything in this Act or the Electoral Act 2014, including regulations made under those Acts, where the day fixed for voting at a referendum is not the same as the day fixed for polling at an election:

(a) the Electoral Commission may determine that all campaigning (including all regulated campaign-related activities such as the conduct of opinion polls, public forums and meetings, interviews, panel discussions, debates, and the publishing of information) pertaining to the later of those 2 events is suspended during all or part of the campaign period for the earlier event;

(b) any person who contravenes the suspension under subsection (2)(a) commits an illegal electoral practice; and

(c) this subsection does not apply to the Electoral Commission or the Supervisor.

Manner of voting

16. The voting at a referendum must be by a ballot and each voter must indicate his or her vote—

(a) if he or she approves the proposed law or is in favour of a certain position, by ticking, crossing or circling "Yes" in the ballot-paper; or

(b) if he or she does not approve the proposed law or is against a certain position, by ticking, crossing or circling "No" in the ballot-paper.

Forms of ballot-paper

17. Subject to this section, the ballot-papers to be used for the purposes of a referendum must be substantially in accordance with the form provided in the Schedule.

Appointment of observers

18. The Minister may appoint any observers in accordance with section 119 of the Electoral Act 2014.

Polling day at referendum to be public holiday

19. The day fixed for the conduct of a referendum ("polling day") must be declared as a public holiday.

Referendum results

20.—(1) The Supervisor must tabulate the national result showing the total number of votes cast, number of valid and invalid votes, the number of votes in favour of the referendum question and opposed to the referendum question, and provide those results to the Electoral Commission.

(2) The Electoral Commission must notify the President of those results, endorse them on the Writ and return the Writ to the President, and publish the results.

(3) Upon being notified by the Electoral Commission under subsection (2), the President must declare whether the outcome meets the majority required for the relevant referendum.

PART 4—MISCELLANEOUS

Regulations and Rules

21.—(1) The Minister may, in consultation with the Electoral Commission, make regulations prescribing anything that is to be prescribed under the provisions of this Act and generally for the purposes of giving effect to this Act including—

(a) voter education;

(b) the conduct of public meetings, debates, opinion polls and other similar activities related to a referendum;

(c) campaign and finance; and

(d) petitions to the Court of Disputed Returns.

(2) The Electoral Commission may make rules relating to any matters set out in this Act or the regulations, and any provisions of the Electoral Act 2014 applied mutatis mutandis to a referendum.

Use of school as polling station

22. The Supervisor may use, free of charge, as a polling station, any Government or committee-run school or portion thereof, for the purposes of any referendum.

Destruction of records

23. The Supervisor must destroy or cause to be destroyed physical records in relation to a referendum 6 months after the referendum unless a court orders otherwise.

Expenses

24. All expenses incurred in carrying this Act into effect are to be paid out of the Consolidated Fund.

SCHEDULE

(Section 17)

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BALLOT PAPER

DIRECTIONS TO VOTER

Tick, cross or circle “YES” or “NO” inside the box.

1. [Here set out the title of the Bill or subject matter voted on]

Question 1

Example DO YOU APPROVE THIS PROPOSED [ALTERATION]?	☐ Yes ☐ No

[Insert the number of questions as necessary]