

IN THE SUPREME COURT OF SAMOA

HELD AT MULINUU

ELECTION PETITION NO.

MISC - 2025-01235

IN THE MATTER

of Election Petitions as per Part 14 of the Electoral Act 2019

BETWEEN

MAGELE SEKATI FIAUI candidate for the Constituency of Faasaleleaga 2

PETITIONER

AND

VAAELUA SENETENARI SAMAU elected Candidate for the Constituency of Faasaleleaga 2

RESPONDENT

To: Registrar
Supreme Court of Samoa

ELECTION PETITION

THE PETITION of MAGELE SEKATI FIAUI of Iva, in Samoa, whose name is subscribed hereto, a candidate for the Faasaleleaga 2 Constituency in the 2025 General Election, **SHOWETH AS FOLLOWS;**

1 AT the 2025 General Elections for the Legislative Assembly of Samoa an Election for the Member of Parliament for the Electoral Constituency of Faasaleleaga 2 was held, the poll wherefore was appointed for the 29th day of August 2025.

2 AT the said Election the Petitioner and the Respondent were candidates and the Electoral Commissioner on the 5th day of September 2025, declared the Respondent as being duly elected.

3 THE Petitioner was one of the candidates at the said elections and polled sufficient votes to qualify him to file a petition.

4 THE official declaration by the Electoral Commissioner of the result of the poll for the Electoral Constituency of Faasaleleaga 2 shows that the Petitioner and the Respondent polled the following votes:

MAGELE SEKATI FIAUI	610
VAAELUA SENETENARI SAMAU	678

5. THE Petitioner alleges that the **Respondent** and/or his representative or agents are guilty of corrupt practices in that the Respondent directly or alternatively by another person acting on his behalf, committed acts of bribery and treating for the purpose of inducing the said voters to vote for him.

6. THE particulars of such corrupt and/or illegal practices are as follows:

BRIBERY

- 6.1 On **Monday 4th August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$100.00 tala cash to one **Faatafa Gauta Matautia (roll number 180)** a voter of Faasaleleaga 2, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.2 On **Thursday 14th August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$100.00 tala cash to one **Faatafa Gauta Matautia (roll number 180)** a voter of Faasaleleaga 2, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.3 On **Thursday 21st August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$100.00 tala cash to one **Etuale Efalata Faamoe (roll number 1713)** a voter of Faasaleleaga 2, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.4 On **Thursday 21st August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$50.00 tala cash to one **Fetu Magele (roll number 282)** a voter of Faasaleleaga 2, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.5 On **Thursday 21st August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$100.00 tala cash to one **Faleatuse Logoa (roll number 1327)** a voter of Faasaleleaga 2, with the intent of inducing the voter, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.6 On **Friday 21st August 2025** at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$50.00 tala cash to one **Faatafa Gauta Matautia (roll number 180)** a voter of Faasaleleaga 2, with the intent of inducing the voter, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.7 On or between **Monday 25 August 2025 to Wednesday 27 August 2025** at Iva, the Respondent's representative or agent gave \$50.00 tala cash to one **Gauta Sa (roll number 381)** a voter of Faasaleleaga 2 in the presence of **Faatafa Gauta Matautia (roll number 180)**, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.
- 6.8 On **Saturday 7 June 2025** at an event held At Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave \$150.00 tala cash to one **Laurence Tauese Tanumoa (roll number**

1882) a voter of Faasaleleaga 2, with the intent of inducing the voter to vote, such conduct amounting to the corrupt practice of bribery pursuant to section 94 and section 96 (2) (a) (i) of the Electoral Act 2019.

TREATING

- 6.9 On **Thursday 21st August 2025**, at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave food to voters of Faasaleleaga 2 including **Fetu Magele(roll number 282)**, with the intent of inducing the said voter to vote, such conduct amounting to the corrupt practice of treating pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.
- 6.10 On **Thursday 21st August 2025**, at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave food to voters of Faasaleleaga 2 including **Etuale Efalata Faamoe, (roll number 1713)** with the intent of inducing the said voter to vote, such conduct amounting to the corrupt practice of treating pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.
- 6.11 On **Thursday 21st August 2025**, at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave food to voters of Faasaleleaga 2 including **Faleatuse Logoa (roll number 1327)**, with the intent of inducing the said voter to vote, such conduct amounting to the corrupt practice of treating pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.
- 6.12 On **Saturday 7th June 2025**, at an event held at the Savaiian Hotel at Lalomalava, the Respondent and/or his representative or agent gave food to voters of Faasaleleaga 2 **Laurence Tauese Tanumoa(roll number 1882)**, with the intent of inducing the said voter to vote, such conduct amounting to the corrupt practice of treating pursuant to section 94 and section 97 (1)(a)(i) of the Electoral Act 2019.

WHEREFORE the Petitioner prays as follows:

- a) That the Respondent be declared and reported as having committed corrupt and/or illegal practices; and
- b) That the election of the Respondent be declared void; and
- c) That the Respondent be disqualified from contesting in any ensuing by-election; and
- d) Costs.

DATED at Apia this 18th day of September 2025



(Magele Sekati F. a. ii)

PETITIONER

TO: The Registrar of the Supreme Court

AND TO: Fuimaono Sefo J Ainuu of Ainuu Law Firm – Solicitor for the Respondent

THE PETITIONER authorizes MURIEL T. LUI, Barrister and Solicitor, to act as his representative, and his address for service, which is also the address for service for the purpose of *Rule 13 of the Electoral Petition Rules 1964*, is at the Office of LUI & CHANG LAWYERS, Ground Floor – Macdonald Building.

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Constituency of Faasaleleaga 2

PETITIONER

AND

VAAELUA SENETENARI SAMAU elected
Candidate for the Constituency of
Faasaleleaga 2

RESPONDENT

PETITION

Lui & Chang
Barristers & Solicitors
Macdonald Building
SAVALALO

