

IN THE SUPREME COURT OF SAMOA

HELD AT MULINUU

ELECTION PETITION NO.

MISC - 2025 - 01234

IN THE MATTER

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

BETWEEN

TAMALETA TAIMANG JENSEN, candidate for the Constituency of **Vaimauga 2**.

PETITIONER

AND

LENATA'I VICTOR FAAFOI TAMAPUA
elected Candidate for the Constituency of Vaimauga 2.

RESPONDENT

To: Registrar
Supreme Court of Samoa

ELECTION PETITION

THE PETITION of **TAMALETA TAIMANG JENSEN** of Vaiala, in Samoa, whose name is subscribed hereto, a candidate for the Vaimauga 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 Member of Parliament for the Territorial Constituency of Vaimauga 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 05th 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 territorial Constituency of Vaimauga 2 shows that the Petitioner and the Respondent polled the following votes:

LENATA'I VICTOR FAAFOI TAMAPUA	1341
TAMALETA TAIMANG JENSEN	886
NIUAFOLAU FAUOLEGOGO PATU TANIELU	87

5. THE Petitioner alleges that the **Respondent** and his representative or agents are guilty of corrupt and/or illegal 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 pursuant to sections 94, 96, 97, 98 and 100 of the Electoral Act 2019 are as follows:

BRIBERY

- 6.1 On **Wednesday 09 July 2025** at an event held at the Respondent's house at Faatoia, the Respondent through his agent or committee gave \$50.00tala cash to one **Tavita Fonoti (roll number 2014)** a voter of Vaimauga 2, in the presence of the Respondent, with the intent of inducing the voter to vote.
- 6.2 On **Wednesday 09 July 2025** at an event held at the Respondent's house at Faatoia, the Respondent through his agent or committee gave \$50.00tala cash to one **Taulauniu Milo Tuiletoa (roll number 802)** a voter of Vaimauga 2, in the presence of the Respondent, with the intent of inducing the voter to vote.
- 6.3 On **Saturday 12 July 2025**, the Respondent at his house gave \$100 to **Taulauniu Milo Tuiletoa (roll number 802)** a voter of Vaimauga 2, with the intent of inducing the said voter to vote.
- 6.4 On **Friday 01 of August 2025** at Vaivase-Tai, the Respondent attended the DB taxi stand and gave \$200tala cash to one **Tavita Fonoti (roll number 2014)**, a voter for the electoral constituency of Vaimauga 2, with the intent of inducing the voter to vote.
- 6.5 On **Tuesday 12 August 2025** at Levili, the Respondent held a campaign meeting at the resident of **Papalii Afatia Toese** and his family, whereby the Respondent gave \$400.00tala to **Papalii Afatia Toese (roll number 929)**, a voter of Vaimauga 2, with the intent of inducing the voter and his family.
- 6.6 On **Saturday 23 August 2025** at Toomatagi, the Respondent through his agents on his behalf named **Aperila Brown** and **Jeremiah Tamapua**, gave a water tank **Jackson Vavatau Tomane (roll number 910)** a voter of Vaimauga 2, with the intent of inducing the said voter to vote.
- 6.7 On **Tuesday 12 August 2025** at Levili, the Respondent gave \$400 to **Papalii Luteru** and his family including **Limoni Onosai** and **Saolele Tauaese (roll number 1273)**, a voter of Vaimauga 2, with the intent of inducing the said voters to vote.
- 6.8 On **Friday 1 August 2025** at Vaivase tai, the Respondent gave \$200 to **Fonoti** in the presence of **Talalelei Fiamatai (roll number 1994)** a voter of Vaimauga 2, to be distributed to their workplace, with the intent of inducing said voter to vote.

TREATING

- 6.9 On **Wednesday 09 July 2025**, at an event held at the Respondent's house at Faatoia, the Respondent through his agent or committee gave food to voters of Vaimauga 2 including **Tavita Fonoti (roll number 2014)**, in the presence of the Respondent, with the intent of inducing the said voter to vote.
- 6.10 On **Wednesday 09 July 2025**, at an event held at the Respondent's house at Faatoia, the Respondent through his agent or committee gave food to voters of Vaimauga 2 including **Taulauniu Milo Tuiletoa (roll number 802)**, in the presence of the Respondent, with the intent of inducing the said voter to vote.

UNDUE INFLUCENCE

6.11 On **Sunday 3 August 2025** at Moataa, the Respondent by his agent named **Nua Palala** on his behalf, threatened to take **Lomitusi Jr Wilson (roll number 766)** before the village council, for indicating his support for the Petitioner, in order to induce Lomitusi to vote against the Petitioner or refrain from voting, in an act of undue influence.

6.12 On or about the **second Sunday of July 2025** at Moataa in church, the Respondent by his agent named **Nua Palala** on his behalf, threatened to fine voters \$2000 each, including **Ruta Tofaeoo (roll number 681)** if they voted for someone other than the Respondent, in order to induce Ruta to vote against the Petitioner or refrain from voting, in an act of undue influence.

6.13 On or about Monday 18 August 2025 at Moataa, the Respondent by his agents named **Vaagi Malo Samoa and Leoo Tusitala** on his behalf, threatened **Ruta Tofaeoo (roll number 681)** with consequences (tuapata tua) if she voted for someone other than the Respondent, in order to induce Ruta to vote against the Petitioner or refrain from voting, in an act of undue influence.

6.14 On or about Monday 18 August 2025 at Moataa, the Respondent by his agent named **Nua Palala** in a village meeting on his behalf, threatened **Ruta Tofaeoo (roll number 681)** with consequences if she voted for someone other than the Respondent, in order to induce Ruta to vote against the Petitioner or refrain from voting, in an act of undue influence.

WHEREFORE the Petitioner prays as follows:

- a) That the Respondent's 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


.....
(Tamaleta Taimang Jensen)
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 – McDonalds Building.

IN THE SUPREME COURT OF SAMOA

HELD AT MULINUU

ELECTION PETITION NO. MISC – _____

IN THE MATTER *of Election Petitions as per Part 14 of the
Electoral Act 2019*

BETWEEN TAMALETA TAIMANG JENSEN, candidate
for the Constituency of Vaimauga 2.

PETITIONER

AND LENATA'I VICTOR FAAFOI TAMAPUA
elected Candidate for the Constituency of
Vaimauga 2.

RESPONDENT

ELECTION PETITION



Lui & Chang
Barristers & Solicitors
Macdonald Building
SAVALALO