

I assent.

(L.S.)

UGO MIFSUD BONNICI
President

2nd July, 1996

ACT No. XV of 1996
AN ACT to amend the General Elections Act, 1991.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the General Elections (Amendment) Act, 1996 and shall be read and construed as one with the General Elections Act, 1991, hereinafter referred to as the “principal Act”.

Short title
and
commencement.
Act No.XXI of 1991.

(2) This Act shall come into force on such date as the Prime Minister may by order in the Gazette establish and different dates may be so established for different provisions and different purposes of this Act.

2. In subsection (1) of section 2 of the principal Act:

Amendment of
section 2
of the
principal Act.

(a) immediately before the definition of “Commission” there shall be inserted the following:

“ “ballot box” means a box wherein voters place their marked ballot papers;”;

(b) immediately after the definition of “identity card” there shall be inserted the following definition:

“ “official mark” means the stamp which the Commission and the political parties direct the Assistant Commissioners to use on the ballot paper prior to giving such ballot paper to the voter and may be of such form as each of them may determine provided that it may not in any way constitute any form of propaganda and the marks of the political parties shall not be necessary for the validity of the ballot paper. Political parties opting to use official marks shall deposit an imprint of the stamp to be so used at least one hour before the start of the poll;”;

(c) immediately after the definition of “polling place” there shall be added the following definition:

“ “voting compartment” means such part of a polling booth wherein voters are to mark their ballot papers, and which is to be furnished with an adequate writing surface and instruments for such purpose;”; and

(d) the definition of “voting document” shall be placed after the definition of “voting compartment”.

Amendment of section 3 of the principal Act.

3. For the words “The Prime Minister may” in section 3 of the principal Act there shall be substituted the words “The Commission may”, and immediately at the end of the same section there shall be added the words “The Prime Minister shall upon the publication of such regulations lay the same upon the Table of the House.”.

Amendment of section 5 of the principal Act.

4. Subsections (2) and (3) of section 5 of the principal Act shall be deleted, and subsection (1) thereof shall be renumbered and constitute the whole section.

Amendment of section 6 of the principal Act.

5. Section 6 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof, immediately after the words “be delivered to the Electoral Office” there shall be inserted the words “or to the Local Council office wherein the voter resides”;

(b) in subsection (2) thereof, the words “Every police officer” shall be substituted by the words “Every Local Council secretary and every police officer”;

(c) immediately at the end of subsection (4) thereof there shall be added the following proviso:

“Provided that any notice or written communication sent by the Commission to any person regarding his rights as a voter shall be sent by registered post.”; and

(d) immediately after subsection (4) thereof, there shall be added the following new subsection:

“(5) It shall be the duty of the Electoral Commission to ensure that an adequate supply of forms is available at all times at Local Council offices and at police stations.”.

6. Immediately after subsection (2) of section 7 of the principal Act there shall be added the following new subsections: Amendment of section 7 of the principal Act.

“(3) The Electoral Commission shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, of suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise of its functions under this Act.

(4) The legal representation of the Commission shall vest in the Chief Electoral Commissioner or in such other member or such other members of the Commission, as the Commission may establish by resolution, which resolution shall not come into force before it is published in the Gazette.”.

7. Section 10 of the principal Act shall be amended as follows: Amendment of section 10 of the principal Act.

(a) in subsection (2) thereof immediately after the words “the right in general to be informed”, there shall be added the words “in writing at least once a month”;

(b) in subsection (6) thereof, the words “or written or printed form that shall not require any device or electronic or magnetic or similar process to be read, and in no other form” shall be substituted by the words “or written, printed or electronic format as the

delegates may require and the Commission is technically able to provide”.

Amendment of
section 11
of the
principal Act.

8. Immediately after subsection (2) of section 11 of the principal Act there shall be inserted the following new subsection:

“(3) The Commission is to ensure that there is full observance of procedures of control and security, especially with regards to access of terminals, the introduction, use and processing of information and in the printing of documents of identification. The Commission is also to ensure that the Electoral Register database includes only the details of those persons eligible to vote. The parties are further to have the right, prior to the carrying out of any electro-magnetic process during the electoral process, to demand the holding of a dummy run in order to ascertain the validity of the said electro-magnetic process.”.

Amendment of
section 13
of the
principal Act.

9. Section 13 of the principal Act shall be amended as follows:

(a) in subsection (2) thereof for the words “in any police station or other place” there shall be substituted the words “in any Court or in any Local Council office”;

(b) in subsection (3) thereof, for the words “or by an advocate or legal procurator or by any person on behalf of and authorised by the applicant or appellant”, there shall be substituted the words “or by any person on behalf of and authorised by the applicant or appellant or by an advocate or legal procurator”;

(c) for subsections (4), (5) and (6) thereof, there shall be substituted the following:

“(4) The Revising Officer shall appoint a day for the hearing of the application or appeal and shall direct that a copy of the application or appeal together with the day fixed for the hearing shall be served on the applicant or appellant, on the Commission and on any other person whom such application or appeal concerns.

(5) Service shall be effected by registered post. Where any of the persons to be served with the application or appeal by registered post is not found, the Revising Officer shall direct that the person shall be served by an officer of the Court. Where the person is not found by such officer of the Court, the Revising Officer shall, on the report of the officer of the Court direct that the application or appeal be posted on the

notice board of the police station and the Local Council office of the locality in which the person concerned resides and to be published twice in all local daily newspapers and where necessary, shall appoint another day for the hearing.

(6) Service on all the persons concerned shall be effected at least three days before the day fixed for the hearing of the application or appeal.”;

(d) subsection (9) thereof shall be renumbered as subsection (11); and

(e) immediately after subsection (8) thereof, there shall be inserted the following new subsections (9) and (10):

“(9) In the case of an application or appeal based on the grounds of mental infirmity the Revising Officer shall, notwithstanding the absence of the applicant or appellant or of an advocate, legal procurator or other person representing him, refer the application or appeal to the Medical Board for determination.

(10) In determining the application the Revising Officer shall state the reasons for his decision and the applicant or appellant, the Commission or the voter concerned shall have the right to appeal to the Court of Appeal on any point of law by means of an application filed within seven days of the delivery of the decision by the Revising Officer.”.

10. Immediately after subsection (2) of section 16 of the principal Act, there shall be added the following subsection (3):

Amendment of
section 16
of the
principal Act.

“(3) Any person who contravenes the provisions of subsection (2) of this section shall be guilty of an offence and shall on conviction be liable to the penalties established for offences against section 112 of this Act.”.

11. Section 19 of the principal Act shall be amended as follows:

Amendment of
section 19
of the
principal Act.

(a) in subsection (1) thereof after the words “or to remain so registered” there shall be added the following words, “or where he is to be registered”; and

(b) for subsection (2) thereof there shall be substituted the following:

“(2) The Electoral Commission shall ensure that adequate staff are deployed for the specific purpose of verifying voter qualifications and registration and shall carry out such verification both with the voter and other persons who may provide the necessary information as well as with any government departments which may have relevant information.”.

Amendment of
section 20
of the
principal Act.

12. Section 20 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof immediately after the words “in the service of the Government of Malta” there shall be inserted the words “and all officers of bodies corporate established by law”;

(b) in subsection (3) thereof:

(i) the words “over eighteen years of age” shall be deleted; and

(ii) immediately after the words “in the preceding month” there shall be added the words “as well as a list containing similar particulars of all persons who have contracted marriage in the preceding month and a list containing similar particulars of all persons who have reached the age of eighteen years in the preceding month”;

(c) in subsection (4) thereof:

(i) immediately after the words “Registrar of the Courts of Gozo” there shall be inserted the words “or other persons having such function”; and

(ii) immediately after the words “by a competent Court” there shall be added the words “as well as a list containing similar particulars of all persons who have been sentenced by any Court in Malta to imprisonment (by whatever name called) for a term exceeding twelve months or to such a sentence of imprisonment the execution of which has been suspended.”; and

(d) immediately after subsection (4) thereof, there shall be added the following subsections:

“(5) Any public officer or other person responsible for any prison in Malta shall within the first five days of each month forward to the Commission a list containing the name, surname, identity card number, if any, and other particulars

of any person who has been released from prison in the preceding month.

(6) The public officer or other person responsible for the office responsible for the grant or withdrawal of citizenship shall within the first five days of each month, forward to the Commission a list containing the name, surname, identity card number, if any, and other particulars of any person who has been granted citizenship or whose citizenship has been withdrawn in the preceding month.

(7) The Commission shall forward to the party delegates a copy of such lists within five days of the receipt thereof.”.

13. Immediately after subsection (3) of section 26 of the principal Act, there shall be added the following subsection:

Amendment of section 26 of the principal Act.

“(4) Where the Commission decides to expunge the name of a voter from the Electoral Register, it shall inform the voter accordingly by means of a letter addressed to him and shall copy such letter to the party delegates.”.

14. In section 28 of the principal Act, immediately after the words “and the reason for effecting any change” there shall be inserted the words “as well as a list showing any change effected to street names and all the particulars of voters effected by any such change”.

Amendment of section 28 of the principal Act.

15. Immediately after the words “in relation to the party delegates.” in section 29 of the principal Act, there shall be inserted the words “This information is to be given with all the necessary details and is to be given forthwith.”.

Amendment of section 29 of the principal Act.

16. For subsection (1) of section 31 of the principal Act there shall be substituted the following:

Amendment of section 31 of the principal Act.

“(1) The Electoral Register shall consist of as many parts as there are localities, one for each locality, and each locality may be subdivided into as many parts as the Commission may deem necessary or convenient. For the purposes of this Part of the Act, the word “locality” shall have the same meaning assigned to it in the Local Councils Act, 1993.”.

17. Section 33 of the principal Act shall be amended as follows:

Amendment of section 33 of the principal Act.

(a) subsections (2) and (3) shall be renumbered as subsections (5) and (6) thereof, respectively; and

(b) immediately after subsection (1) thereof there shall be inserted the following subsections:

“(2) The Electoral Register shall be published in two distinct formats. The first format shall be divided into as many parts as there are localities whilst the second format shall be divided into as many parts as there are divisions.

For all the purposes of this Act the Electoral Register published in the first format shall be considered to be the Electoral Register required by this Act and changes relative to the registration of voters in the said register appearing in the said first format shall also be made and published by the Commission in the register published in the second format.

(3) Each format of the Electoral Register shall indicate the total number of voters registered in each locality or division as the case may be subdivided by street, part of locality or locality as the case may be, as well as the total number of voters for each locality and division, as the case may be, that have been added, deleted, transferred from one locality or division, as the case may be, to another and shall indicate by a distinguishing mark the names of all voters who have been registered for the first time or who have been added to the register after their registration had been previously cancelled by the Commission. Such information shall be given in such format as the Commission may deem makes it most comprehensible to the public.

(4) Where the Commission in exercise of its powers under subsection (1) of section 31 of this Act, subdivides any locality it shall show such information for each part of that locality so subdivided.”; and

(c) immediately after subsection (6) thereof as renumbered, there shall be added the following subsection:

“(7) The Commission shall in addition publish the Electoral Register in electro-magnetic format.”.

18. In section 36 of the principal Act, for the words “fourteen days” there shall be substituted the words “twenty one days”.

- 19.** In section 37 of the principal Act, for the words “fourteen days” there shall be substituted the words “twenty one days”.
Amendment of section 37 of the principal Act.
- 20.** In section 38 of the principal Act, for the words “fourteen days” there shall be substituted the words “twenty one days”.
Amendment of section 38 of the principal Act.
- 21.** In subsection (1) of section 40 of the principal Act, for the words “fourteen days” there shall be substituted the words “twenty one days”.
Amendment of section 40 of the principal Act.
- 22.** In subsection (4) of section 41 of the principal Act for the words “shall be referred to the Revising Officer” there shall be substituted the words “shall be signed by all the members of the Medical Board and its Chairman shall refer it to the Revising Officer”.
Amendment of section 41 of the principal Act.
- 23.** In section 42 of the principal Act, immediately after the words “Revising Officers” there shall be inserted the words “and the Court of Appeal”.
Amendment of section 42 of the principal Act.
- 24.** In section 43 of the principal Act, immediately after the words “shall revise the Electoral Register accordingly.”, there shall be added the words “Copies of such certificates shall be sent by the Commission to the party delegates within five days of their receipt and shall be published in the Gazette as soon as possible.”.
Amendment of section 43 of the principal Act.
- 25.** Section 45 of the principal Act shall be amended as follows:
Amendment of section 45 of the principal Act.
- (a) for the words “eight days” there shall be substituted the words “three days”; and
- (b) in paragraph (a) thereof, the word “working” shall be deleted.
- 26.** Section 46 of the principal Act shall be amended as follows:
Amendment of section 46 of the principal Act.
- (a) in subsection (1) thereof, for the words “fifteen days” there shall be substituted the words “nineteen days” and immediately after the words “and made of such” there shall be inserted the words “security paper and”;
- (b) in paragraph (i) of the proviso to subsection (1) thereof, for the words “seven days” there shall be substituted the words “three days”;
- (c) immediately at the end of subsection (2) thereof, there shall be added the following words:

“The Commission shall also print on the voting document such reasonable security code as requested by the political parties and as the Commission may think fit, provided that the political parties shall deliver such security code to the Commission immediately prior to the start of printing of the voting documents or not later than such time, not being prior to twenty-four hours prior to such printing, that the Commission may establish because of technical necessity; the delegates shall be given the facility to verify the exactness thereof even by means of a dummy run of the process and by means of an audit trail that establishes the validity of the system at any stage of the process and to be given a copy of the audit trail.”;

(d) in subsection (6) thereof immediately after the words “before one of the Commissioners” there shall be inserted the words “or other person appointed by the Commission to act on behalf of the Commissioners”;

(e) in subsection (7) thereof for the word “Commissioner” wherever it appears there shall be substituted the words “Commissioner or other person appointed by the Commission to act on behalf of the Commissioners”; and

(f) immediately after subsection (7) thereof, there shall be added the following subsections:

“(8) The Commission shall publish the place and times when voters may take delivery of their voting documents in terms of subsection (6) of this section. The Commission may designate any place for the collection of undelivered voting documents provided that the Commission shall allow a sufficient period for the collection of documents from each locality and a further period of time for collection from its office.

(9) Notwithstanding anything contained in subsections (6), (7) and (8) of this section, where the Commission is aware that any person whose name appears on the list mentioned in subsection (5) of this section is registered in a retirement home, or is in a hospital, or suffers from a disability or is bed-ridden or is otherwise physically unable to appear at one of the places designated by the Commission in terms of subsection (8) of this section to claim delivery of his voting document, it shall be the duty of the Commission to effect service of such document on the person concerned either through one of the

Commissioners or by any person appointed for the purpose by the Commission in their stead. The Commissioner or person appointed as aforesaid may examine such person on oath for the purpose of establishing his identity and of establishing the claim to receive the document. The document aforesaid shall not be delivered to such person unless he produces his identity card to the Commissioner or person appointed as aforesaid, as the case may be.

(10) If for any reason whatsoever other than any of the reasons mentioned in section 47 of this Act, the Commission decides that it is necessary to reprint any voting document or documents it shall immediately inform the political parties accordingly giving them all relative information thereto. Any documents so reprinted shall bear the mark 'REPRINT' which mark shall not in any way obscure any of the information contained in the document.

(11) The political parties shall be given the faculty to supervise the process mentioned in the preceding subsections."

27. Section 47 of the principal Act shall be amended as follows: Amendment of section 47 of the principal Act.

(a) for the words "6.00 p.m." there shall be substituted the words "9.00 p.m."; and

(b) for the words from "issued specifically for the purpose" to the words "to be struck off such list; and (iii)" there shall be substituted the words "which shall bear the mark "SPECIAL", which mark shall not in any way obscure any of the information contained in the document. The word "SPECIAL" shall also be entered against the name of such voter in the list mentioned in subsection (1) of section 64 of this Act and".

28. In subsection (1) of section 48 of the principal Act, the words "the polling booth where such persons were originally supposed to vote and the polling booth where they are now to cast their vote," shall be deleted. Amendment of section 48 of the principal Act.

29. Section 49 of the principal Act shall be amended as follows: Amendment of section 49 of the principal Act.

(a) in subsection (1) thereof, for the words "Not later than three days prior to" there shall be substituted the words "The Commission shall as near as practically possible to the day of the poll print such number of ballot papers as may be necessary for

the poll in such form and on such material as may be provided for in this Act and not later than two days prior to”; and

(b) in subsection (6) thereof, for the word “may” there shall be substituted the word “shall”.

Amendment of
section 51
of the
principal Act.

30. Section 51 of the principal Act shall be amended as follows:

(a) immediately at the end of subsection (2) thereof, there shall be added the following words “Delivery of the nomination paper to the Commission and acceptance of delivery by the Commission shall not of itself indicate the validity of the nomination and the Commission shall not make any statement thereon other than inform the candidate accordingly and to take delivery of the form and deposit, if any, and give due receipt.”;

(b) in subsection (3) thereof, immediately after the words “on the ground” there shall be inserted the words “the candidate is not registered as a voter in the last published Electoral Register or”;

(c) in subsection (4) thereof, for the words “The Commission itself may lodge an objection”, there shall be substituted the words “The Commission itself shall raise an objection if it believes that any of the grounds mentioned in subsection (3) of this section exist”;

(d) subsection (5) thereof shall be deleted and subsection (6) thereof shall be renumbered as subsection (5) thereof; and

(e) immediately after subsection (5) as renumbered there shall be added the following new subsections:

“(6) On receipt of any objection in terms of subsections (3) and (4) of this section, the Commission shall fix a date for the hearing of the objection, shall immediately inform in writing the candidate objected to, giving him a copy of the objection filed against him, and shall inform both the objector as well as the candidate of the day appointed for the hearing of the objection. Service shall be effected by any means which the Commission deems proper to ensure receipt by the parties concerned of the said notices in the least possible time.

(7) All objections shall be determined by the Commission not later than two days after the expiration of the time allowed for the making of objections by this Act and both the objector as well as the candidate shall have the right to appear before the Commission accompanied by any other person they may think fit to assist them in their representations to the Commission.

(8) The Commission shall at least two days before delivering its decision publicly announce the time and date when its decision shall be delivered. The decision shall be delivered in writing and shall contain the grounds upon which it is based. The Commission shall cause such decision to be posted up in a public place at its office where any person interested may view it.

(9) Where the decision of the Commission does not uphold the objection, it shall be final. Where the decision upholds the objection the candidate may contest the decision by filing an application in contestation with the Commission before the Court of Appeal within twenty four hours of the delivery of the decision by the Commission. The Court of Appeal shall hear such applications with urgency and shall determine the same before the time when in terms of section 49 of this Act the Commission is to start printing the ballot papers.”.

31. In section 53 of the principal Act the word “working” shall be deleted. Amendment of section 53 of the principal Act.

32. In section 55 of the principal Act for the words “during the time prescribed for the nomination, but not later than six hours before the expiration of the said time,” there shall be substituted the words “at any time until the ballot papers for the district he is contesting have started to be printed in terms of section 49 of this Act,”. Amendment of section 55 of the principal Act.

33. Section 57 of the principal Act shall be amended as follows: Amendment of section 57 of the principal Act.

(a) subsections (2), (3) and (4) thereof shall be renumbered respectively as subsections (4), (5) and (3) thereof, and shall be placed in proper numerical order as so renumbered;

(b) in subsection (1) thereof, immediately after the words “polling booths” there shall be inserted the words “that there are in the electoral divisions being contested by it”;

(c) immediately after subsection (1) thereof there shall be inserted the following new subsection:

“(2) In submitting such lists the political parties may distinguish between those persons whom they wish to see appointed to a polling place and those persons whom they wish to be held in reserve and shall moreover have the right

to indicate who of the persons nominated by them should be assigned to polling places in retirement homes and hospitals. The political parties may, if they so prefer, submit such lists in electro-magnetic format. Notwithstanding the nomination by a political party each person so nominated shall still file any application required by the Commission from any other person wishing to serve as Assistant Commissioner.”; and

(d) immediately after subsection (5) thereof as renumbered, there shall be added the following new subsections (6) and (7):

“(6) The Assistant Commissioner nominated by the Commission shall act as Chairperson at the polling booth to which each group of Assistant Commissioners are assigned and during voting only the Chairperson shall, when required, communicate with the voters.

(7) The Commission shall, at least five days prior to the start of the poll, forward to each Assistant Commissioner or to the party on their behalf a tag to be worn by them in the polling place indicating their office as Assistant Commissioners and their names.”.

Amendment of section 58 of the principal Act.

34. Subsection (1) of section 58 of the principal Act shall be amended as follows:

(a) immediately after the words “to any candidate for election,” there shall be inserted the words “or is not registered as a voter in the last published Electoral Register”; and

(b) immediately after the word “unsuitable” there shall be inserted the words “or not sufficiently qualified”.

Amendment of section 59 of the principal Act.

35. In subsection (1) of section 59 of the principal Act, for the words “two days” there shall be substituted the words “four days”.

Amendment of section 60 of the principal Act.

36. In section 60 of the principal Act, for the words “election agent” wherever they occur there shall be substituted the words “candidate’s agent”, and for marginal note to the said section there shall be substituted the following marginal note “Appointment of candidate’s agent.”.

Amendment of section 61 of the principal Act.

37. Section 61 of the principal Act shall be amended as follows:

(a) immediately at the end of subsection (1) thereof, there shall be added the following words:

“A political party may designate as a party agent, a person already nominated by it as Assistant Commissioner in which case such person may act both as Assistant Commissioner and party agent.”; and

(b) in subsection (3) thereof immediately after the words “containing the names” there shall be inserted the words “, addresses and identity card numbers”.

38. Immediately after section 61 of the principal Act there shall be inserted the following new section 61A:

Addition of
new section 61A
to the
principal Act.

“District
agents.

61A. (1) Each political party may nominate a number of persons equal to the number of electoral divisions that are being contested by it to act as district co-ordinators for it and such persons are in this Act referred to as district agents.

(2) The district agents shall represent the party nominating them with the Commission in the district to which they are appointed and for this purpose shall have access to the Commissioners at all times and shall have the right, notwithstanding any other provision of this Act to the contrary, to accompany any Commissioner into any polling place or polling booth for the purpose of determining any matter that may arise during voting:

Provided that a district agent may not so accompany a Commissioner unless a district agent of another party is also present.

(3) Unless exceptionally authorised to do so by any Commissioner, in no case may a district agent interrogate any person lawfully entrusted by the Commission to carry out any duty during the elections or to seek information from them nor may they without such authorisation interrogate any voter.

(4) Political parties exercising the right granted to them by subsection (1) of this section shall forward a list to the Commission containing the names, addresses and identity card numbers of the persons nominated by them as district agents not later than the day appointed for the nomination of Assistant Commissioners in terms of section

57 of this Act.”.

Amendment of
section 62
of the
principal Act.

39. In section 62 of the principal Act, immediately after the words “No person shall be appointed” there shall be inserted the words “district agent,” and immediately after the words “or party agent” there shall be inserted the words “who is not registered as a voter in the last published Electoral Register or”.

Amendment of
section 63
of the
principal Act.

40. Section 63 of the principal Act shall be amended as follows:

(a) for the marginal note thereto there shall be substituted the following marginal note “Identification of agents.”;

(b) in subsection (1) thereof, for the words from “Together with the name, address” to the words “photograph of the agent and the Commissioners” there shall be substituted the words “The Commissioners”; and

(c) for subsection (2) thereof there shall be substituted the following new subsection:

“(2) The Commission shall forward to each political party which asks for them in writing the lists of all agents submitted by all the other political parties as well as all candidates’ agents submitted by the candidates and by whom they have been nominated within two days of the receipt thereof and the political parties may make objections thereto within four days thereof.”.

Amendment of
section 64
of the
principal Act.

41. Subsection (1) of section 64 of the principal Act shall be amended as follows:

(a) in paragraph (b) thereof after the words “to all political parties contesting the election” there shall be added the words “, who ask for such lists in writing,”; and

(b) paragraph (c) thereof shall be renumbered as paragraph (d) thereof and immediately after paragraph (b) thereof there shall be inserted the following new paragraph (c):

“(c) The Commission shall also forward to political parties receiving such lists any alteration, addition or deletion to or from such lists on a daily basis up to the day immediately preceding the poll and such political parties may check the correctness of the information held or received by them with the Commission at any time.”.

42. For sections 68 and 69 of the principal Act there shall be substituted the following sections 68, 68A and 69:

Substitution of sections 68 and 69 of the principal Act.

“Provisions with regard to polling booths and voting compartments.

68. (1) The Commission shall ensure that, as far as possible, there is in each polling booth an adequate distance between the place where the Assistant Commissioners sit and the voting compartments within which voters are to mark their ballot papers. The voting compartments shall be constructed in such a manner as to exclude the possibility that any person may see how the voter is marking his ballot paper.

(2) The Commission shall request the political parties to furnish it with a sufficient number of photographs of its candidates in order that the Commission may affix one photograph of each candidate in each polling booth of the electoral division in which the candidate is contesting. Each photograph shall have the name of the candidate and the name and badge of the party he is representing, if any, and photographs shall be displayed in the order that the candidates' names appear on the ballot paper. The Commission shall give such directions as it may deem appropriate regarding the size and format of such photographs.

(3) The Commission shall ensure that in each voting compartment a copy of the Instructions to Voters set out in Schedule 8B to this Act are affixed in a place clearly visible to the voter and that writing instruments are available for use by voters.

(4) The Commission shall direct the Assistant Commissioners to ensure that they place the ballot boxes as near as possible to where they will be sitting and in such manner as they may clearly see the voter introducing the ballot paper into it.

(5) The Commission shall prepare a room or rooms in each polling place wherein to store until the polling day the ballot boxes, the list of persons entitled to vote, ballot papers and other relevant documents and materials to be used in that polling place on polling day. The room shall have adequate lighting facilities and shall allow the visual checking of the inside through a small opening in the door.

(6) The political parties shall be afforded all

facilities to inspect all polling places well in advance of polling day and to make suggestions to the Commission on the use thereof.

(7) The ballot boxes shall be of such size and shall be manufactured of such material as the Commission shall determine provided that the Commission shall ensure that it is suitable to be sealed during voting and may not be tampered with without detection. The top of the ballot box is to be made of translucent material, in as far as this is technically possible.

Ballot boxes and documents for polling booths.

68A. (1) On any day as near as practicable to the day of the poll but not earlier than three days therefrom, the Commission shall deliver to each polling place the ballot boxes, the list of persons entitled to vote thereat, ballot papers and other relevant documents and materials to be used in that polling place on polling day and shall seal such documents and materials in the room designated for the purpose in accordance with the previous section of this Act. The room shall be lit at all times.

(2) The political parties shall have the right to oversee such transportation, to affix their seals to the room and all the openings thereto and to visually check the room through the door opening at all times.

Transfer of ballot boxes to polling booths.

69. (1) On the day fixed for polling and thirty minutes prior to the start thereof, the room in the polling place where the ballot boxes and other documents and materials have been stored by the Commission shall be opened and the boxes, documents and materials transferred to each polling booth by the relative Assistant Commissioners.

(2) Prior to the start of polling the Assistant Commissioners, in the presence of any candidates or agents as may be present shall open the ballot box consigned to them and ensure that it is empty prior to sealing it and opening the poll. If no candidate or agent is present the Assistant Commissioners shall ask any person present in the polling place to enter the polling booth and witness the sealing of the ballot boxes.

(3) After ascertaining that the ballot box is empty, if necessary by removing any extraneous material therein,

the Chairperson of the Assistant Commissioners shall proceed to seal the ballot box in the manner and with the seal provided to him by the Commission ensuring that he does not seal the opening through which the ballot papers are to be inserted by voters.

(4) One agent or candidate for each of the political parties present at such sealing may affix the party seal to the ballot box.

(5) After the ballot box has been sealed the Chairperson of the Assistant Commissioners shall so attest on the form provided by the Commission and shall ask all the persons present at the sealing to sign as witnesses whereupon all shall leave the room except for the Assistant Commissioners and the poll shall start.

(6) In the event of any disagreement which cannot be resolved between those present the Chairperson of the Assistant Commissioners shall ask a Commissioner to give the necessary direction.”.

43. Section 70 of the principal Act shall be amended as follows: Amendment of section 70 of the principal Act.

(a) at the end of subsection (3) thereof there shall be added the words, “All communications between the Assistant Commissioners and the voter whilst the latter is in the polling booth shall be made through the Chairperson of the Assistant Commissioners.”; and

(b) in subsection (4) thereof, the words from “For the purposes of this Act” to the words “for the validity of the ballot paper” shall be substituted by the words “Only the official mark of the Commission shall be required for the validity of the ballot paper”.

44. Section 71 of the principal Act shall be amended as follows: Amendment of section 71 of the principal Act.

(a) for the word “opposite” in paragraphs (a) and (b) of subsection (2) and paragraphs (b) and (c) of subsection (3), there shall be substituted in each case the word “against”;

(b) in paragraph (f) of subsection (3) thereof for the words “as defined in subsection (4) of section 70” there shall be substituted the words “of the Commission”; and

(c) for subsection (4) thereof, there shall be substituted the following:

“(4) A voter shall record his vote secretly in the voting compartment. After marking the ballot paper the voter shall fold the ballot paper so as to show the official mark while concealing his vote, show the official mark to the Chairperson of the Assistant Commissioners, so that the Assistant Commissioners may verify the same, and shall then put the ballot paper in the ballot box in the presence of the Assistant Commissioners.”.

Amendment of section 72 of the principal Act.

45. Subsection (4) of section 72 of the principal Act shall be amended as follows:

(a) the words “his declaration on oath” are to be substituted by the words “his declaration on oath using the format shown in the Fifteenth Schedule annexed to this Act”; and

(b) for paragraph (d) thereof there shall be substituted the following:

“(d) In order to assist such voter in indicating his preferences, the Assistant Commissioners may refer the voter to the photographs of the candidates displayed in the polling booth in accordance with section 68 of this Act.”.

Substitution of section 77 of the principal Act.

46. For section 77 of the principal Act there shall be substituted the following:

“Mixed polling places. 77. (1) Notwithstanding anything to the contrary contained in this Act, the Commission shall provide mixed polling places for the purposes and in the manner provided for by this section.

(2) A mixed polling place is a polling place which contains a ballot box for each electoral division and where the voters mentioned in paragraphs (a) and (b) of subsection (4) of this section shall vote independently of the electoral division where they may be registered in the last published Electoral Register by casting their vote in the ballot box appertaining to the electoral division where they are registered.

(3) The Commission shall only provide mixed polling places in the following localities:

(a) at the place where the counting of votes is to take place in terms of section 45 of this Act;

(b) at Saint Vincent de Paule.

(4) (a) Notwithstanding any other provision of this Act, every person who shall have been selected to serve as an Assistant Electoral Commissioner, including those selected to serve as reserves, shall cast their vote at the place indicated in paragraph (a) of subsection (3) of this section, and shall do so the day preceding the polling day between 7.00 a.m. and 10.00 p.m.

(b) For all effects and purposes of this section, the persons who shall vote in accordance with paragraph (a) shall be all those whose name is published in the list referred to in subsection (6) of section 59 of this Act, even if any one of such persons shall have resigned his appointment after the publication of that list.

(c) All voters who seven days before polling day shall be resident, but not registered as voters, at Saint Vincent de Paule shall vote at the place indicated in paragraph (b) of subsection (3) of this section, and it shall be the duty of the sub-committee set up under section 81 of this Act, to determine who these voters shall be.

(5) For all effects and purposes of this Act a mixed polling place shall be considered as an ordinary polling place and the rights and duties imposed on the Commission and persons appointed by it, political parties, agents and candidates shall *mutatis mutandis* apply.

(6) A copy of the list of persons entitled to vote in a mixed polling place shall be given by the Electoral Commission to the political parties at least four days prior to polling day.”.

47. Section 78 of the principal Act shall be amended as follows:

Amendment of
section 78
of the
principal Act.

(a) for the words “election agent” wherever they occur, there shall be substituted the words “candidate’s agent”; and

(b) in subparagraph (iii) of paragraph (c) of subsection (6) thereof, immediately after the words “the names” there shall be inserted the words “and, or, the particulars”.

48. Section 83 of the principal Act shall be amended as follows:

(a) in subsection (1) thereof for the words “administrator of the home” there shall be substituted the words “Chairperson of the Sub-Committee” and for the word “administrator” there shall be substituted the word “Chairperson”;

(b) immediately at the end of subsection (2) thereof there shall be added the following words:

“The sub-committee shall ascertain the option chosen by each voter as soon as possible after the delivery of the voting documents to the voters and shall inform in writing the party delegates of the option chosen by each voter.”;

(c) subsections (3), (4), (5) and (6) thereof, shall be renumbered as subsections (4), (5), (6) and (7) respectively;

(d) immediately after subsection (2) thereof there shall be inserted the following new subsection (3):

“(3) A medical consultant having in his care any voter resident at a hospital or retirement home may, by issuing a medical certificate to that effect, draw the attention of the Commission to any dangers inherent to the health of his patient should he be moved for the purposes of being taken to vote. Such certificate will, however, in no way effect the right of that voter, or his next of kin where applicable, to ignore the medical warning and decide to cast his vote.”; and

(e) for subsection (6) thereof as renumbered there shall be substituted the following:

“(6) (a) During the day fixed for the voting no person shall without the authority of the Commission be allowed to enter retirement homes.

(b) The provisions of paragraph (a) of this subsection shall not apply to members of the sub-committee, members of the staff and relatives of patients

who have been previously authorised to accompany voters to vote:

Provided that such relatives shall at all times wear proper identification tags issued to them by the Commission for the purpose.”.

49. In Part XIII of the principal Act for the word “votes” wherever it occurs there shall be substituted the words “ballot papers”.

General amendment to Part XIII of the principal Act.

50. In section 85 of the principal Act for the words from “Counting shall not commence” to the end of the section, there shall be substituted the words “The sorting of ballot papers shall not commence until all the procedures set down in Parts XIII and XIV of this Act have been completed and the Commission declares that it is satisfied that there has been no tampering. The sorting of all ballot papers shall commence at the same time in all electoral districts.”.

Amendment of section 85 of the principal Act.

51. Section 86 of the principal Act shall be amended as follows:

Amendment of section 86 of the principal Act.

(a) immediately at the end of subsection (8) thereof there shall be added the following words: “Ballot boxes shall be transferred from this room to the counting area as soon as practicable for the purpose of undertaking the Ballot Paper Account Reconciliation process mentioned in the following Part of this Act.”; and

(b) in subsection (9) thereof for the words “counting process”, there shall be substituted the words “sorting process”.

52. In subsection (4) of section 87 of the principal Act for the words “election and party agents” there shall be substituted the words “candidates’ agents and party agents”.

Amendment of section 87 of the principal Act.

53. Section 89 of the principal Act shall be amended as follows:

Amendment of section 89 of the principal Act.

(a) in subsection (1) thereof for the words “election agents” there shall be substituted the words “candidates’ agents”; and

(b) in subsection (2) thereof for the words “number of candidates” there shall be substituted the words “ten more than the number of candidates”.

54. Section 90 of the principal Act is to be amended as follows:

Amendment of section 90 of the principal Act.

(a) in the Maltese text of paragraph (c) thereof, immediately after the words “ghadd ta’ kmamar kif jista’” there shall be inserted the word “jkun”, and the words “*bona fide* broadcasting

personnel and newspaper reporters who shall have been previously accredited by the Commission” are to be duly substituted by the words “*bona fide* broadcasting personnel and newspaper reporters who shall have been previously accredited by the Commission; the Commission having the right and the duty to ensure that all the broadcasting personnel and newspaper reporters so accredited by it, carry out only those functions directly related to their profession, failing which such an accreditation is to be cancelled by the Commission. The Commission is further bound to give the political parties, not later than five days prior to the date of the poll, a detailed list of all those persons accredited by it to carry out any functions at the counting hall during the counting process”;

(b) in paragraph (d) thereof immediately following the words “all parts of the counting hall” there shall be added the words “and the party delegates and their sub-delegates shall have the right of free access thereto at all times”;

(c) in the Maltese text of paragraph (f) thereof, for the words “b’dan ġew nominati minn dawk id-delegati” there shall be substituted the words “b’dan li d-delegati tal-partiti u sitt sostituti tagħhom li jkunu ġew nominati minn dawk id-delegati”;

(d) paragraph (h) thereof is to be deleted;

(e) paragraphs (i), (j), (k), (l) and (m) thereof are to be renumbered respectively as (h), (i), (j), (k) and (l) respectively; and

(f) in paragraph (m) thereof immediately after the words “to any part of the building” there shall be inserted the words “including any restricted area”.

55. For section 92 of the principal Act there shall be substituted the following:

“Appointment of persons to ensure proper running of building etc.

92.(1) The Commission shall appoint such persons as it considers appropriate to ensure the proper running and maintenance of the building designated for the storage of ballot boxes and the counting of votes and a list of such persons shall be sent to the political parties at least six days prior to the poll.

Extraordinary circumstances.

(2) In extraordinary circumstances, the Commission shall allow entry to the building designated for the storage of ballot boxes and the counting of votes to such other persons as it considers necessary provided that in no case shall it allow entry to the public generally.

Identification cards.

(3) All persons, except for police officers and members of the Armed Forces of Malta, allowed entry into the building designated for the storage of the ballot boxes and the counting of votes shall be issued by the Commission with identity cards specifying the details required for counting agents and shall wear such identification at all times when they are within the said building or the precincts thereof.”.

56. In section 93 of the principal Act, for the words “election agents” there shall be substituted the words “candidates’ agents”.

Amendment of section 93 of the principal Act.

57. For section 95 of the principal Act there shall be substituted the following:

Substitution of section 95 of the principal Act.

“Reconciliation of ballot paper account.

95. As soon as practical after ballot boxes start being deposited in the room designated by the Commission to hold the ballot boxes in terms of section 45 of this Act, the Commission shall proceed to reconcile the Ballot Paper Account of each box delivered by the Assistant Commissioners with the actual number of votes in that box and for this purpose shall release from the said room (as soon as possible after they are received therein ensuring that no confusion is created on the counting tables) the ballot boxes to the counting tables of each appropriate electoral division for the purpose of effecting such reconciliation.”.

58. In section 97 of the principal Act for the words “One ballot box at a time shall be opened in each electoral division” there shall be substituted the words “The Commission may order any number of ballot boxes to be opened simultaneously in each electoral division provided that adequate precautions are taken to ensure that the ballot papers from different ballot boxes are kept separate”.

Amendment of section 97 of the principal Act.

59. In section 99 of the principal Act for the word “votes” there shall be substituted the words “ballot papers”.

Amendment of section 99 of the principal Act.

60. In section 101 of the principal Act for the word “votes” there shall be substituted the words “ballot papers”.

Amendment of section 101 of the principal Act.

61. In subsection (4) of section 107 of the principal Act for the word “election” there shall be substituted the word “candidates”.

Amendment of section 107 of the principal Act.

62. Subsection (1) of section 112 of the principal Act shall be amended as follows:

Amendment of section 112 of the principal Act.

(a) in paragraph (h) thereof for the words “of the election,” there shall be substituted the words “of the election; or”; and

(b) immediately after paragraph (h) thereof there shall be inserted the following:

“(i) accepts a voting document, whether belonging to him or to any other person, when he is aware that he or such other person to whom the voting document refers has lost his right to vote; or

(j) votes when he knows that he has lost the right to vote.”.

Amendment of section 116 of the principal Act.

63. Immediately after paragraph (b) of subsection (2) of section 116 of the principal Act there shall be inserted the following two paragraphs:

“(c) is displayed on a duly authorised billboard; and

(d) is displayed on a duly authorised streamer.”.

Substitution of Eighth Schedule to the principal Act.

64. For the Eighth Schedule to the principal Act there shall be substituted the Eighth Schedule and Schedule Eight B appearing in the Schedule to this Act.

Amendment of Thirteenth Schedule to the principal Act.

65. The General Elections (Sorting of Ballot Papers, Casual Elections and Co-opting) Regulations, 1991, contained in the Thirteenth Schedule to the principal Act shall be amended as follows:

(a) in paragraph (1) of regulation 5, for the word “section” there shall be substituted the word “regulation”;

(b) immediately after paragraph (2) of regulation 7, there shall be added the following:

“(3) The Electoral Commission may order that in the same electoral division the votes of more than one candidate shall be counted contemporaneously provided that they ensure that the ballot papers belonging to different candidates are kept separate.

(4) At the end of the count in a particular electoral division the Commission shall declare the total number of valid ballot papers in that division and the total number of valid votes credited to each candidate in that electoral division.”; and

(c) in paragraph (7) of regulation 10 for the words “fractional parts” wherever they occur, there shall be substituted the words “decimal parts (to four significant places)”.

66. Immediately after the Fourteenth Schedule to the principal Act there shall be inserted the following Schedule:

Addition of Fifteenth Schedule to the principal Act.

“FIFTEENTH SCHEDULE

(Section 72)

Form of Oath which an Assistant Electoral Commissioner may administer to a voter.

I, (1)having Identity Card No..... of (2) do swear/solemnly affirm that I am requesting the assistance of the Assistant Electoral Commissioners so that I may vote since I cannot mark the ballot paper. (So help me God).

Date Signature or mark of voter

Sworn/Affirmed before me this day of

.....
Signature of Assistant Electoral Commissioner

- (1) Name in full
- (2) Address of voter”.

67. The Local Councils Act, 1993, shall be amended as follows:

Consequential amendments. Act No. XV of 1993.

(a) in section 2 thereof the definition of “Local Councils Electoral Register” shall be deleted;

(b) section 5 thereof shall be deleted;

(c) section 6 thereof shall be renumbered as section 5 and shall be amended as follows:

(i) for the marginal note there shall be substituted the following marginal note: "Persons entitled to vote.";

(ii) in subsection (1) thereof for the words "shall be registered as a voter in the Local Councils Electoral Register" there shall be substituted the words "shall be entitled to vote at elections of Local Councils";

(iii) in subsection (2) thereof for the words "shall be entitled to be registered as voters in the Local Councils Electoral Register" there shall be substituted the words "shall be entitled to vote at elections of Local Councils"; and immediately after paragraph (d) thereof there shall be inserted the following new paragraph (e):

"(e) they are registered as voters in the Special Register mentioned in the following section of this Act";

(d) immediately after section 5 thereof as renumbered there shall be inserted the following new section 6:

"Special Register.

6. The Commission shall, together with the Electoral Register, publish, in the same format as provided for the Electoral Register, a Special Register showing all persons who are not citizens of Malta who are entitled to vote at elections of Local Councils in accordance with the provisions of this Act and any persons who, although registered as voters, have lost their right to vote at elections of Local Councils following a conviction for an offence in connection with the election of members of Local Councils. All the provisions of the Electoral Register shall, *mutatis mutandis*, apply to the Special Register.";

(e) in section 7 thereof for the words "Local Councils' Electoral Register" there shall be substituted the words "Electoral Register or the Special Register";

(f) in section 11 thereof for the words "Local Councils' Electoral Register" there shall be substituted the words "Electoral Register or the Special Register"; and

(g) in paragraph (j) of section 12 thereof for the words "Local Councils' Electoral Register" there shall be substituted the words "Electoral Register or the Special Register".

SCHEDULE

(Section 64)

(Section 49)

"EIGHTH SCHEDULE

Form of Ballot Paper

No. of Members to be elected	Division	
Names of Candidates	Badge of Candidate	Mark order of preference in spaces below
PARTIT TAL-FJURI		
JONES , (John Jones, of 52, Old Bakery Street, Valletta, Merchant)		
MAGRO , (William David Magro, of 10, Tower Road, Sliema, Painter)		
MIFSUD , (Joseph Mifsud, of 16, Victoria Avenue, Sliema, Labourer)		
MUSCAT , (Francesco Muscat of 1, St. Paul's Street, Żabbar, Driver)		
VELLA , (James Vella, of 5, Republic Street, St. Julians, Architect)		
WILLIAMS , (Francis Williams of 85, Genuis Street, Żurrieq, Chemist)		
PARTIT TAL-GHASFUR		
AZZOPARDI , (Spiro Azzopardi, of 13, Marina Street, Żejtun, Printer)		
BORG , (Assuero Borg, of 69, Barbara Street, Mellieħa, Clerk)		
CASSAR , (Lela Cassar, of "Dolores", Main Street, Cospicua, Housewife)		
MIZZI , (Glormu Mizzi, of 70, Two Gates Street, Lija, Lawyer)		
ZARB , (Fortunat Zarb, of 15, Strait Street, Luqa, Clerk)		
PARTIT TAS-SIĠAR		
AZZOPARDI , (Reginald Azzopardi, of 165, St. Domenic Street, Qormi, Clerk)		
ZAMMIT , (Lawrence Zammit, of "Josdor", 188, Bwieraq Street, Hamrun, Chemist)		
KANDIDATI INDIPENDENTI		
BUHAGIAR , (Louis Buhagiar, of 55, Republic Street, Żabbar, Merchant)		
GALEA , (Ninu Galea, of 67, B'Kara Lane, Qrendi, Worker)		

SCHEDULE EIGHT B

(Section 68(3))

**DIRECTIONS FOR THE GUIDANCE OF THE VOTER
IN VOTING**

1. Vote by placing the figure 1 against the name of the candidate you most desire to see elected.
2. You are invited (and it is advisable) to place the figure 2 against the name of your second choice, the figure 3 against the name of your third choice, and so on.
3. It is advisable to go on numbering the candidates in the order of your preference until you are indifferent as to the candidates whom you have not marked.
4. If you do not place the figure 1 on your ballot paper or if you place the figure 1 (indicating a first preference) and some other figure against the same name, or if you place the figure 1 against the name of more than one candidate, your ballot paper will be invalid and will not be counted.
5. Do not vote with an X.
6. If you inadvertently spoil a ballot paper you may return it to the Assistant Commissioner, who will, if satisfied of such inadvertence, give you another ballot paper.”.

Passed by the House of Representatives at Sitting No. 549 of Wednesday, 5th June, 1996.

LAWRENCE GONZI
Speaker

RICHARD J. CAUCHI
Clerk to the House of Representatives