

## **Nru. 160**

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9. 7. 2002

### **MALTA**

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**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Austin Gatt, M.P., Ministru tal-Gustizzja u Gvern Lokali, u moqri għall-Ewwel darba fis-Seduta tal-5 ta' Lulju, 2002.

A BILL introduced by the Honourable Austin Gatt, M.P., Minister of Justice and Local Government, and read the First time at the Sitting of the 5th July, 2002.

**ATT biex jemenda l-Elezzjonijiet Generali, Kap. 354.**

**AN ACT to amend the General Elections Act, Cap. 354.**

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*Clerk of the House of Representatives*

**ABBOZZ TA' LIĠI**  
**msejjaħ**

*ATT biex jemenda l-Att dwar l-Elezzjonijiet Ġenerali.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2002 biex jemenda l-Att dwar l-Elezzjonijiet Ġenerali.

Titolu fil-qosor  
u bidu fis-seħħ.  
Kap. 354.

(2) Dan l-Att għandu jinqara u jiftiehem haġa waħda ma' l-Att dwar l-Elezzjonijiet Ġenerali, u għandu jibda jseħħ f'dik id-data li l-Prim Ministru jista' jistabbilixxi b'ordni fil-Gazzetta, u dati differenti jistgħu jiġu hekk stabbiliti għal disposizzjonijiet differenti u għal għanijiet differenti ta' l-Att.

2. Is-subartikolu (1) ta' l-artikolu 2 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta'  
l-artikolu 2 ta'  
l-Att prinċipali.

(a) fit-tifsira "kaxxa tal-voti" minflok il-kliem "l-eletturi jitfgħu" għandhom jidhru il-kliem "l-eletturi huma obbligati jitfgħu";

(b) fit-tifsira "post ta' votazzjoni" minflok il-kliem "u tinkludi l-art appartenenti" għandhom jidhru l-kliem "u tinkludi, salvi d-disposizzjonijiet ta' l-artikolu 66, l-art appartenenti"; u

6. Fil-provisio li hemm mas-subartikolu (1) ta' l-artikolu 26 ta' l-Att prinċipali, minflok il-kliem "perijodu ta' sebat ijiem min-notifika ta' dak l-avviż l-iehor", ghandhom jidhlu il-kliem "perijodu ta' ghaxart ijiem min-notifika ta' dak l-avviż l-iehor. Kopji ta' avviżi maghmulin konformi ma' dan l-artikolu ghandhom ukoll jiġu kkunsinnati lid-delegati tal-partiti."

Emenda ta' l-artikolu 26 ta' l-Att prinċipali.

7. L-artikolu 38 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 38 ta' l-Att prinċipali.

(a) id-disposizzjoni preżenti ghandha tiġi enumerata mill-ġdid bħala s-subartikolu (1) tiegħu,

(b) fis-subartikolu (1) tiegħu, kif enumerat mill-ġdid, il-kliem "mhux aktar tard minn wiehed u ghoxrin jum mill-jum meta jkun ġie uffċjalment mgharraf bid-deċiżjoni tal-Kummissjoni" ghandhom jithassru; u

(c) minnufih wara s-subartikolu (1) tiegħu kif enumerat mill-ġdid, ghandu jiżdied is-subartikolu li ġej:

"(2) Dak l-appell jista' jiġi pprezentat f'kull żmien sa hmistax-il ġurnata qabel il-ġurnata stabbilita għall-elezzjoni, u jithalla jsir appell bhal dak jekk l-applikant ikollu, fil-ġurnata meta jkun ippreżenta l-appell, il-kwalifiki kollha li jiġi registrat bħala votant."

8. L-artikolu 49 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 49 ta' l-Att prinċipali.

(a) fis-subartikolu (2) tiegħu, il-kliem "kemm ikun prattikament possibbli" ghandu jithassar; u

(b) fis-subartikolu (6) tiegħu, minflok il-kliem "fuq il-polza quddiem l-isem", ghandhom jidhlu l-kliem " fuq il-polza minnufih wara l-isem".

9. Fis-subartikolu (1) ta' l-artikolu 51 ta' l-Att prinċipali, minflok il-kliem "mir-rappreżentant legittimu tiegħu, fiż-żmien" ghandhom jidhlu l-kliem " mir-rappreżentant legittimu tiegħu, awtorizzat bil-miktub, fiż-żmien ".

Emenda ta' l-artikolu 51 ta' l-Att prinċipali.

10. L-artikolu 57 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 57 ta' l-Att prinċipali.

(a) minflok il-kliem "li jkun daqs wiehed u nofs in-numru" fis-subartikolu (1) tiegħu, ghandhom jidhlu il-kliem "li jkun daqs wiehed u terz l-ghadd"; u

(b) fis-subartikolu (2) tieghu:

(i) minflok il-kliem “jintbaghtu f’post ta’ votazzjoni” għandhom jidhlu l-kliem “ jintbaghtu f’post ta’ votazzjoni jew kamra tal-votazzjoni partikolari”; u

(ii) minflok il-kliem “li tkun tixtieq taqdi d-dmirijiet ta’ Assistent Kummissjonarju.”, għandhom jidhlu l-kliem “li tkun tixtieq taqdi d-dmirijiet ta’ Assistent Kummissjonarju; iżda l-preżentata attwali ta’ dik l-applikazzjoni tista’ ssir mill-partit politiku f’isem dik il-persuna.”.

Emenda ta’  
l-artikolu 58 ta’ l-  
Att prinċipali.

**11.** Fis-subartikolu (2) ta’ l-artikolu 58 ta’ l-Att prinċipali, minflok il-kliem “indirizzi u professjoni jew sengħa tagħhom” għandhom jidhlu l-kliem “l-indirizzi u l-professjoni jew is-sengħa tagħhom u l-partit politiku li jkun qed jinnomina lil kull persuna”.

Emenda ta’ l-  
artikolu  
59 ta’ l-Att  
prinċipali.

**12.** Minnufih fi tmiem is-subartikolu (2) ta’ l-artikolu 59 ta’ l-Att prinċipali, għandhom jiżdiedu l-kliem “Kull delegat ta’ partit jista’ jinnomina rappreżentant biex jattendi għal dik il-laqgħa minflok.”.

Emenda ta’  
l-artikolu 61 ta’ l-  
Att prinċipali.

**13.** L-artikolu 61 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (3) tieghu minflok il-kliem “l-indirizzi u n-numri tal-karta ta’ l-identità għandhom jidhlu l-kliem “u n-numri tal-karta ta’ l-identità; u

(b) minnufih wara s-subartikolu (3) tieghu, għandu jiżdied is-subartikolu li ġej:

“(4) Partit politiku li jkun eżerċita d-dritt li jkollu li jinnomina aġenti, jista’ sal-Ħamis qabel il-votazzjoni, jissostitwixxi mhux iżjed minn għaxra fil-mija minn dawk l-aġenti u l-proċeduri għan-nomina, l-ogġezzjoni u d-deċiżjoni dwar Assistenti Kummissjonarji nominati minn partiti politiċi għandha tkun *mutatis mutandis* tapplika għal aġenti sostituti.”.

Emenda ta’ l-  
artikolu 61A  
ta’ l-Att prinċipali.

**14.** Fis-subartikolu (4) ta’ l-artikolu 61A ta’ l-Att prinċipali, minflok il-kliem “l-ismijiet, l-indirizzi u n-numri tal-karta ta’ l-identità” għandhom jidhlu l-kliem “ l-ismijiet u n-numri tal-karta ta’ l-identità”.

Emenda ta’ l-  
artikolu 62 ta’ l-  
Att prinċipali.

**15.** Fl-artikolu 62 ta’ l-Att prinċipali, minflok il-kliem “aġent elettorali jew aġent ta’ partit” għandhom jidhlu l-kliem “ aġent tat-trasport jew aġent ta’ partit”.

**16.** Fis-subartikolu (1) ta' l-artikolu 63 ta' l-Att prinċipali, minflok il-kliem "l-aġenti elettorali u ta' partit" għandhom jidhlu l-kliem "l-aġenti elettorali, tat-trasport u ta' partit".

Emenda ta' l-artikolu 63 ta' l-Att prinċipali.

**17.** Is-subartikolu (1) ta' l-artikolu 64 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 64 ta' l-Att prinċipali.

(a) fil-paragrafu (a) tiegħu, minflok il-kliem "u minn delegat ta' partit ta' kull partit politiku" għandhom jidhlu l-kliem "u minn delegat ta' partit ta' kull partit politiku jew minn dik il-persuna ohra li tkun mahtura minn kull partit politiku bil-miktub għal dak l-għan.";

(b) fil-paragrafu (b) tiegħu il-kliem "li jitolbu bil-miktub li jkollhom daww il-listi" għandhom jithassru; u

(c) minnufih wara paragrafu (d) tiegħu għandu jizded dan il-paragrafu ġdid li ġej:

"(e) il-lista, mogħtija lil Assistent Kummissarju, tal-persuni li jkollhom jedd jivvotaw, għandha tkun stampata fuq karta b'element ta' sigurtà."

**18.** L-artikolu 68 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 68 ta' l-Att prinċipali.

(a) minnufih wara l-kliem "għadd biżżejjed ta' ritratti" fis-subartikolu (2) tiegħu, għandhom jidhlu l-kliem " ,kull wiehed ta' mhux iżjed minn sbatax-il ċentimetru bi tlieta u għoxrin ċentimetru,";

(b) fis-subartikolu (4) tiegħu minflok il-kliem "li jkun qieghed jitfa' l-polza tal-votazzjoni tiegħu ġewwa fiha." għandhom jidhlu l-kliem " li jkun qieghed jitfa' l-polza tal-votazzjoni tiegħu ġewwa fiha u jiżguraw li l-votant jitni l-polza tal-votazzjoni b'tali mod li jhalli t-timbru ufficjali jidher."

**19.** L-artikolu 78 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 78 ta' l-Att prinċipali.

(a) il-kliem "aġenti ta' kandidat" u "aġent ta' kandidat" fis-subartikolu (5) u fil-paragrafi (b), (c) u (d) tas-subartikolu (6) tiegħu, għandhom f'kull każ jithassru; u

(b) fis-subparagrafu (iii) tal-paragrafu (c) tas-subartikolu (6) tiegħu, minflok il-kliem "l-ismijiet" għandhom jidhlu l-kliem "l-ismijiet, in-numri tal-karti ta' l-identità".

Emenda ta' l-artikolu 86 ta' l-Att prinċipali.

20. L-artikolu 86 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu l-kliem “u l-aġenti tagħhom” għandhom jithassru; u

(b) fis-subartikolu (8) tiegħu minflok il-kliem “kemm jista' jkun prattikament malajr” għandhom jidhlu l-kliem “malli tasal l-ewwel kaxxa tal-votazzjoni”.

Emenda ta' l-artikolu 87 ta' l-Att prinċipali.

21. Il-kliem “ ta' kandidati u” fis-subartikolu (4) ta' l-artikolu 87 ta' l-Att prinċipali għandhom jithassru.

Emenda ta' l-artikolu 89 ta' l-Att prinċipali.

22. L-artikolu 89 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (2) tiegħu:

(i) minflok il-kliem “għaxra iktar mill-għadd” għandhom jidhlu l-kliem “għaxra iktar mid-doppju ta' l-għadd”;

(ii) il-kliem “u għaladarba nominati u aċċettati mill-Kummissjoni, dawk l-aġenti ma jistgħux, għal ebda raġuni, jinbidlu mill-partit politiku li jkun għamel in-nomina tagħhom”, għandhom jithassru; u

(iii) minnufih fi tmiemu għandu jiżdied dan li ġej:

“Il-partiti politiċi li jkunu qegħdin jinnominaw lil dawk l-aġenti jistgħu sal-Hamis qabel il-votazzjoni jissostitwixxu mhux iktar minn għaxra fil-mija mill-għadd ta' aġenti mahturin minn xi wiehed minnhom u l-proċedura stabbilita f' dan l-artikolu għandha tkun tapplika għan-nomina, l-oġġezzjoni u l-aċċettazzjoni ta' l-aġenti sostituti.”; u

(b) fis-subartikolu (3) tiegħu:

(i) il-kliem “, aġenti elettorali” għandhom jithassru; u

(ii) minnufih fi tmiemu għandu jiżdied dan li ġej:

“Id-dokumenti ta' identità għandhom jiġu stampati fuq karta b'element ta' sigurtà u għandhom ikunu jiddistingwu ċar bejn kull grupp ta' delegati u aġenti kif ukoll bejn delegati u aġenti nominati minn xi partit politiku u dawk nominati minn partiti politiċi oħra.”.

23. Fil-paragrafu (ċ) ta' l-artikolu 90 ta' l-Att prinċipali, minflok il-kliem "taghti lista dettaljata" ghandhom jidhlu l-kliem "taghti lid-delegati tal-partiti politiċi lista dettaljata". Emenda ta' l-artikolu 90 ta' l-Att prinċipali.
24. Fl-artikolu 93 ta' l-Att prinċipali minflok il-kliem "l- aġenti tal-kandidati u l-aġenti għall-għadd" ghandhom jidhlu l-kliem "u l-aġenti għall-għadd", u minflok il-kliem "il-kandidat jew il-partit minnhom rappreżentat" ghandhom jidhlu l-kliem "il-partit rappreżentat minnhom". Emenda ta' l-artikolu 93 ta' l-Att prinċipali.
25. L-artikolu 95 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 95 ta' l-Att prinċipali.
- (a) minflok il-kliem "Kem jista' jkun prattikament malajr wara li l-kaxex tal-voti" ghandhom jidhlu l-kliem "Minnufih wara li l-kaxex tal-voti";
- (b) minflok il-kliem "il- Kummissjoni għandha tghaddi biex tirrikonċilja" ghandhom jidhlu l-kliem "l-Kummissjoni għandha minnufih tghaddi biex tirrikonċilja"; u
- (ċ) minflok il-kliem "(kem jista' jkun malajr wara" ghandhom jidhlu l-kliem "(minnufih wara".
26. L-artikolu 103 ta' l-Att prinċipali għandu jithassar. Thassir ta' l-artikolu 103 ta' l-Att prinċipali.
27. Fis-subartikolu (4) ta' l-artikolu 107 ta' l-Att prinċipali, il-kliem "aġenti ta' kandidati" ghandhom jithassru. Emenda ta' l-artikolu 107 ta' l-Att prinċipali.
28. Fl-artikolu 110 ta' l-Att prinċipali, minflok il-kliem "hamsin lira" ghandhom jidhlu l-kliem "mitt lira". Emenda ta' l-artikolu 110 ta' l-Att prinċipali.
29. Fl-artikolu 111 ta' l-Att prinċipali, minflok il-kliem "hamsin lira" ghandhom jidhlu l-kliem "mitt lira". Emenda ta' l-artikolu 111 ta' l-Att prinċipali.
30. L-artikolu 112 ta' l-Att prinċipali għandu jiġi emendat kif ġej: Emenda ta' l-artikolu 112 ta' l-Att prinċipali.
- (a) fis-subartikolu (1) tiegħu:
- (i) minflok il-kliem "jivvota mentri jkun jaf li tilef" fil-paragrafu (j) tiegħu, ghandhom jidhlu l-kliem "jivvota meta jkun tilef"; u
- (ii) minflok il-kliem "hames mitt lira" ghandhom jidhlu l-kliem "elf lira" u minflok il-kliem "sitt xhur" ghandhom jidhlu l-kliem "sena"; u

(b) minnufih wara s-subartikolu (1) tiegħu għandu jidhol dan is-subartikolu (1A) ġdid li ġej:

“(1A) Fi prosekuzzjoni għal reat taht paragrafu (j) tas-subartikolu (1) ta’ dan l-artikolu tista’ tingieb prova favur l-akkużat li huwa ma kienx jaf jew li ma setax raġonevolment ikun jaf li kien tilef il-jedd tiegħu li jivvota u f’kull każ bħal dak il-prova li tingieb b’difiża għandha tkun tinkombi fuq l-akkużat.”.

Emenda ta’  
l-artikolu 113 ta’ l-  
Att prinċipali.

**31.** Minflok il-kliem “mitt lira” fl-artikolu 113 ta’ l-Att prinċipali, għandhom jidhlu l-kliem “mitejn lira”.

Żjieda tas-Sittax-il  
Skeda ġdida ma’  
l-Att prinċipali.

**32.** Minnufih wara l-Hmistax-il Skeda li tinsab ma’ l-Att prinċipali għandha tizzied din is-Sittax-il Skeda ġdida li ġejja:



### **Għanijiet u Raġunijiet**

L-għan ewlieni ta' l-Abbozz hu sabiex jagħmel provvedimenti għar-reġistrazzjoni ta' votanti eżentati mill-htigijiet ta' residenza li hemm fl-artikolu 57 tal-Kostituzzjoni. L-Abbozz jagħmel ukoll emendi oħra fl-Att prinċipali li saru meħtieġa bl-esperjenza.

**A BILL  
entitled**

*AN ACT to amend the General Elections Act, Cap 354.*

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) The short title of this Act is the General Elections (Amendment) Act, 2002.

Short title and commencement.  
Cap 354.

(2) This Act shall be read and construed as one with the General Elections Act, and 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 thereof.

2. Subarticle (1) of article 2 of the principal Act shall be amended as follows:

Amendment of article 2 of the principal Act.

(a) in the definition "ballot box" for the words "voters place" there shall be substituted the words "voters are obliged to place";

(b) in the definition "official mark" for the words "which the Commission and the political parties direct the Assistant Commissioners to use" there shall be substituted the words "which

the Commission and the political parties direct the Assistant Commissioner as respectively nominated by each of them, to use"; and

(c) in the definition "polling place" for the words "and shall include the grounds" there shall be substituted the words "and shall, saving the provisions of article 66, include the grounds".

Amendment of article 7 of the principal Act.

3. In subarticle (1) of article 7 of the principal Act, immediately after the words "for the day to day running of the Electoral Office" there shall be added the words "and for the implementation of the decisions of the Commission".

Amendment of article 10 of the principal Act.

4. Article 10 of the principal Act shall be amended as follows:

(a) immediately after the words "to all records kept therein" in subarticle (3) thereof there shall be inserted the words", to be given copies thereof in written or electro-magnetic format,"; and

(b) in subarticle (6) thereof, immediately after the words "to adoption records of voters" there shall be inserted the words" or to photographs of persons holding an identity card".

Amendment of article 21 of the principal Act.

5. Immediately after subarticle (2) of article 21 of the principal Act, there shall be added the following subarticles:

"(3) Any person who qualifies to be or to remain registered as a voter in accordance with the provisions of subarticles (2) and (3) of article 57 of the Constitution shall apply to the Commission on the form set out in the Sixteenth Schedule to this Act attaching thereto all the required documentation.

(4) The decision of the Commission allowing an application made in terms of subarticle (3) of this article shall be final and shall not be subject to an appeal.

(5) Where the Commission refuses an application made in terms of subarticle (3) it shall notify the applicant in writing of its decision and such decision shall be subject to an appeal to a Revising Officer by the applicant to be filed within one month of such notification.

(6) The Commission shall keep a register of voters who have been registered as voters or whose registration as voters has been retained pursuant to an application made in terms of subarticle (3) of this article."

6. In the proviso to subarticle (1) of article 26 of the principal Act, for the words “a period of seven days from the service of such further notice”, there shall be substituted the words “a period of ten days from such further notice. Copies of notices made pursuant to this article shall also be delivered to the party delegates.”.

Amendment of article 26 of the principal Act.

7. Article 38 of the principal Act shall be amended as follows:

Amendment of article 38 of the principal Act.

(a) the present provision shall be renumbered as subarticle (1) thereof,

(b) in subarticle (1) thereof as renumbered the words “not later than twenty-one days from the day he was officially informed of the decision of the Commission” shall be deleted; and

(c) immediately after subarticle (1) thereof as renumbered, there shall be added the following subarticle:

“(2) Such appeal may be filed at any time up to fifteen days before the date fixed for the election, and any such appeal shall be allowed if the applicant had, on the day in which he filed the appeal, all the qualifications to be registered as a voter”.

8. Article 49 of the principal Act shall be amended as follows:

Amendment of article 49 of the principal Act.

(a) in subarticle (2) thereof, the words “as far as is practically possible” shall be deleted; and

(b) in subarticle (6) thereof, for the words “on the ballot paper opposite the name”, there shall be substituted the words “on the ballot paper immediately after the name”.

9. In subarticle (1) of article 51 of the principal Act, for the words “by his lawful representative within the period” there shall be substituted the words “by his lawful representative, authorised in writing, with the period”.

Amendment of article 51 of the principal Act.

10. Article 57 of the principal Act shall be amended as follows:

Amendment of article 57 of the principal Act.

(a) for the words “equal to one and one half times the number” in subarticle (1) thereof, there shall be substituted the words “equal to one and one-third the number”; and

(b) in subarticle (2) thereof:

(i) for the words “appointed to a polling place” there shall be substituted the words “appointed to a polling place or a particular polling booth”; and

(ii) for the words “wishing to serve as Assistant Commissioner.”, there shall be substituted the words “wishing to serve as Assistant Commissioner; provided that the actual filing of such application may be made by the political party on behalf of such person.”.

Amendment of article 58 of the principal Act.

**11.** In subarticle (2) of article 58 of the principal Act, for the words “addresses and occupation” there shall be substituted the words “addresses, occupation and the political party nominating each person”.

Amendment of article 59 of the principal Act.

**12.** Immediately at the end of subarticle (2) of article 59 of the principal Act, there shall be added the words “Each party delegate may nominate a representative to attend at such meeting in his stead.”.

Amendment of article 61 of the principal Act.

**13.** Article 61 of the principal Act shall be amended as follows:

(a) in subarticle (3) thereof for the words “addresses and identity card numbers” there shall be substituted the words “and identity card numbers”; and

(b) immediately after subarticle (3) thereof, there shall be added the following subarticle:

“(4) Any political party which has exercised its right to nominate agents, may up to the Thursday before the poll, substitute not more than ten per centum thereof and the procedures for nomination, objection and decision regarding Assistant Commissioners nominated by political parties shall *mutatis mutandis* apply to substitute agents.”.

Amendment of article 61A of the principal Act.

**14.** In subarticle (4) of article 61A of the principal Act, for the words “the names, addresses and identity card” there shall be substituted the words “the names and identity card”.

Amendment of article 62 of the principal Act.

**15.** In article 62 of the principal Act, for the words “election agent or party agent” there shall be substituted the words “transport agent or party agent”.

Amendment of article 63 of the principal Act.

**16.** In subarticle (1) of article 63 of the principal Act, for the words “elections and party agents” there shall be substituted the words “election, transport and party agents”.

17. Subarticle (1) of article 64 of the principal Act shall be amended as follows:

Amendment of  
article 64 of the  
principal Act.

(a) in paragraph (a) thereof, for the words “and a party delegate of each political party” there shall be substituted the words “and a party delegate of each political party or by such other person appointed by each political party in writing for the purpose.”;

(b) in paragraph (b) thereof the words “, who ask for such lists in writing,” shall be deleted; and

(c) immediately after paragraph (d) thereof there shall be added the following new paragraph:

“(e) the list, given to Assistant Commissioner, of persons entitled to vote, shall be printed on security paper.”.

18. Article 68 of the principal Act shall be amended as follows:

Amendment of  
article 68 of the  
principal Act.

(a) immediately after the words “a sufficient number of photographs” in subarticle (2) thereof, there shall be inserted the words “, each not exceeding seventeen centimeters by twenty three centimeters,”;

(b) in subarticle (4) thereof for the words “introducing the ballot paper into it.” there shall be substituted the words “introducing the ballot paper into it and to ensure that the voter folds the ballot paper in such manner as to leave the official mark visible.”.

19. Article 78 of the principal Act shall be amended as follows:

Amendment of  
article 78 of the  
principal Act.

(a) the words “, candidate’s agent” in subarticle (5) and in paragraphs (b), (c) and (d) of subarticle (6) thereof, shall in each case be deleted; and

(b) in subparagraph (iii) of paragraph (c) of subarticle (6) thereof, for the words “the names” there shall be substituted the words “the names, identity card numbers”.

20. Article 86 of the principal Act shall be amended as follows:

Amendment of  
article 86 of the  
principal Act.

(a) in subarticle (2) thereof the words “and their agents” shall be deleted; and

(b) in subarticle (8) thereof for the words “as soon as practicable” there shall be substituted the words “as soon as the first ballot box arrives”.

Amendment of article 87 of the principal Act.

21. The words “candidates’ agents and” in subarticle (4) of article 87 of the principal Act shall be deleted.

Amendment of article 89 of the principal Act.

22. Article 89 of the principal Act shall be amended as follows:

(a) in subarticle (2) thereof:

(i) for the words “ten more than the number” there shall be substituted the words “ten more than double the number”;

(ii) the words “and once nominated and accepted by the Commission, may not, for any reason, be changed by the political party nominating them”, shall be deleted; and

(iii) immediately at the end thereof there shall be added the following:

“The political parties nominating such agents may up to the Thursday before the poll substitute not more than ten per centum of the number of agents appointed by it and the procedure established in this article shall apply to the nomination, objection and acceptance of the substitute agents.”; and

(b) in subarticle (3) thereof:

(i) the words “, election agents” shall be deleted; and

(ii) immediately at the end thereof there shall be added the following:

“Identity documents shall be printed on security paper and shall clearly distinguish between each group of delegates and agents as well as between delegates and agents nominated by one political party and those nominated by other political parties.”.

Amendment of article 90 of the principal Act.

23. In paragraph (c) of article 90 of the principal Act, for the words “is further bound to give the political parties” there shall be substituted the words “is further bound to give the delegates of the political parties”.

24. In article 93 of the principal Act for the words “, candidates’ agents and the counting agents” there shall be substituted the words “and the counting agents”, and for the words “the candidate or party represented by them” there shall be substituted the words “the party represented by them”. Amendment of article 93 of the principal Act.
25. Article 95 of the principal Act shall be amended as follows: Amendment of article 95 of the principal Act.
- (a) for the words “As soon as possible after ballot boxes” there shall be substituted the words “Immediately after ballot boxes”;
- (b) for the words “the Commission shall proceed to reconcile” there shall be substituted the words “the Commission shall immediately proceed to reconcile”; and
- (c) for the words “(as soon as possible after” there shall be substituted the words “(immediately after”.
26. Article 103 of the principal Act shall be deleted. Repeal of article 103 of the principal Act.
27. In subarticle (4) of article 107 of the principal Act, the words “, candidates agents” shall be deleted. Amendment of article 107 of the principal Act.
28. In article 110 of the principal Act, for the words “fifty liri” there shall be substituted the words “one hundred liri”. Amendment of article 110 of the principal Act.
29. In article 111 of the principal Act, for the words “fifty liri” there shall be substituted the words “one hundred liri”. Amendment of article 111 of the principal Act.
30. Article 112 of the principal Act shall be amended as follows: Amendment of article 112 of the principal Act.
- (a) in subarticle (1) thereof:
- (i) for the words “votes when he knows that he has lost” in paragraph (j) thereof, there shall be substituted the words “votes when he has lost”; and
- (ii) for the words “five hundred liri” there shall be substituted the words “one thousand liri” and for the words “six months” there shall be substituted the words “one year”; and
- (b) immediately after subarticle (1) thereof there shall be inserted the following new subarticle (1A):

“(1A) In a prosecution for an offence under paragraph (j) of subarticle (1) of this article it shall be a defence to prove that the accused did not know or could not reasonably have known that he had lost the right to vote and in every such case the proof of such defence shall be on the defendant.”.

Amendment of  
article 113 of the  
principal Act.

**31.** For the words “one hundred liri” in article 113 of the principal Act, there shall be substituted the words “two hundred liri”.

Addition of new  
Sixteenth Schedule  
to the principal Act.

**32.** Immediately after the Fifteenth Schedule to the principal Act there shall be added the following new Sixteenth Schedule:

## "SIXTEENTH SCHEDULE

(Art. 21)

**Form of Application for registration of voters not resident in Malta in accordance with the provisions of article 57(2) and (3) of the Constitution.**

To the Electoral Commission, Valletta, Malta.

Surname ..... ID Card No. ....  
 or  
 Name ..... Passport No. ....  
 Place of birth .....  
 Date of birth .....  
 Place of ordinary residence .....  
 Name of town or village .....  
 Street and number of premises .....  
 .....  
 Address outside Malta .....

Name and surname of applicant's father .....  
 His place of birth ..... His Nationality\* .....  
 \*(if applicant's father is dead, give his nationality at time of his death)  
 Name and maiden surname of applicant's mother .....  
 Her place of birth ..... Her nationality \*\* .....  
 \*\* (if applicant's mother is dead, give her nationality at the time of her death).

I hereby apply to be registered as a voter to whom article 57(2) or (3) of the Constitution applies.

I declare that \*I am, \*my spouse is, \*my father / \*mother is, a person to whom paragraph \*\* ..... of subarticle 7(2) of article 57 of the Constitution applies.

- \* (delete where inapplicable)  
 \*\* (insert number of applicable paragraph)

I also declare that I am living with such a person \*\*\*.

\*\*\* (to be deleted where the applicant is himself the person to whom subarticle (2) of article 57 of the Constitution applies).

Date .....

.....  
 Signature or mark of applicant.".

### **Objects and Reasons**

The main object of the Bill is to make provision for the registration of voters exempted from the residence requirements in article 57 of the Constitution. The Bill also makes other amendments to the principal Act which have proved necessary by experience.

