

Nru. 256

13. 01. 2022

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Michael Falzon, M.P., Ministru għas-Solidarjetà u l-Ġustizzja Soċjali, il-Familja u d-Drittijiet tat-Tfal f'isem il-Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tal-11 ta' Jannar 2022.

A BILL introduced by the Honourable Michael Falzon, M.P., Minister for Social Justice and Solidarity, the Family and Children's Rights on behalf of the Prime Minister, and read the First time at the Sitting of the 11th January 2022.

ATT sabiex jemenda l-Att dwar l-Elezzjonijiet Ġenerali, Kap. 354.

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

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjah

ATT sabiex jemenda l-Att dwar l-Elezzjonijiet Ġenerali, Kap. 354.

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

1. It-titolu fil-qosor ta' dan l-Att hu l-Att tal-2022 li jemenda l-Att dwar l-Elezzjonijiet Ġenerali u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Elezzjonijiet Ġenerali, hawn iżjed 'il quddiem imsejjaħ "l-Att prinċipali".

Titolu fil-qosor.

Kap. 354.

2. Minnufih wara s-subartikolu (3) tal-artikolu 56 tal-Att prinċipali għandu jiżdied is-subartikolu ġdid li ġej:

Emenda tal-artikolu 56 tal-Att prinċipali.

"(4) Jekk jinqalgħu ċ-ċirkostanzi straordinarji msemmija fis-subartikolu (3)(g) tal-artikolu 77, il-Kummissjoni tista' wara konsultazzjoni mas-Suprintendent tas-Saħħa Pubblika, tahtar dawk l-uffiċjali sabiex jassistu lill-Assistenti Kummissjonarji Elettorali, mingħajr ma jassumu bl-ebda mod xi dmirijiet ta' Assistent Kummissjonarju Elettorali, f'postijiet tal-votazzjoni mħallta skont l-imsemmi subartikolu (3)(g), soġġett għal dawk it-termini u kondizzjonijiet li l-Kummissjoni tista' tqis xierqa, u dawk l-uffiċjali għandhom ikunu soġġetti għall-istess obbligi ta' Assistent Kummissjonarju Elettorali fir-rigward tal-votazzjoni ta' persuna li huma jkunu għenu biex tivvota:

C 6768

Iżda persuna tista' tinhatar bħala uffiċjal biex jassisti lill-Assistenti Kummissjonarji Elettorali anki jekk mhijiex reġistrata bħala elettur fir-Registru Elettorali l-aħħar pubblikat, iżda persuna ma tistax tinhatar:

(a) jekk tkun kandidata għall-elezzjoni fil-Kamra; jew

(b) jekk tkun qarib bil-konsangwinità jew biż-żwieġ sat-tieni grad ta' xi kandidat għall-elezzjoni fil-Kamra; jew

(c) biex tassisti fil-votazzjoni fid-distrett elettorali li fih tkun toqgħod; jew

(d) biex tassisti fil-votazzjoni fid-distrett elettorali li fih tkun soltu teżerċita l-professjoni jew ix-xogħol tagħha; jew

(e) jekk fil-fehma tal-Kummissjoni, wara li tikkonsulta lid-delegati tal-partit, tkun bid-deher mhux idonea jew mhux biżżejjed kwalifikata biex twettaq il-funzjonijiet ta' uffiċjal biex jassisti lill-Assistent Kummissjonarju Elettorali."

Emenda tal-artikolu 77 tal-Att prinċipali.

3. L-artikolu 77 tal-Att prinċipali għandu jigi emendat kif ġej:

(a) fil-paragrafu (e) tas-subartikolu (3) tiegħu, il-kliem "fl-istess Faċilità." għandhom jiġu sostitwiti bil-kliem "fl-istess Faċilità;" u minnufih wara għandhom jiżdiedu l-paragrafi ġodda li ġejjin:

"(f) l-eletturi kollha li sa erbatax (14)-il jum qabel il-jum tal-votazzjoni jkunu qed iservu bħala uffiċjali tal-Pulizija fil-Korp tal-Pulizija, għandhom jivvutaw biss fil-post indikat f'dan is-subartikolu u għandu jkun id-dmir tal-Kummissarju tal-Pulizija jew id-delegat tiegħu li sa erbatax (14)-il jum qabel il-jum tal-votazzjoni jissottometti lill-Kummissjoni lista bid-dettalji tal-isem, kunjom, numru tal-karta tal-identità u data tat-twelid ta' tali eletturi:

Iżda li, dik l-informazzjoni għandha tintuża strettament biss għas-skopijiet ta' dan is-subartikolu u għandha tiġi mhassra minnufih wara l-pubblikazzjoni tar-riżultat uffiċjali;

(g) f'dawk il-postijiet indikati għal votanti reġistrati li jkunu qegħdin ibatu minn marda notifikabbli kif jista' jiġi speċifikat mis-Suprintendent tas-Saħħa Pubblika permezz ta' avviż fil-Gazzetta għal dawk l-għanijiet jew li jkunu fi kwarantina mandatorja relatata ma' dik il-marda notifikabbli, kif il-Kummissjoni tista', permezz ta' avviż fil-Gazzetta, tistabbilixxi wara konsultazzjoni mas-Suprintendent tas-Saħħa Pubblika:

Izda s-Suprintendent tas-Saħħa Pubblika għandu joħroġ dak l-avviż, mhux aktar tard minn ġurnata (1) wara l-pubblikazzjoni tal-ordni, li jispeċifika l-imsemmi mard/a u barra minn hekk għandu jiddikjara li l-imsemmi mard/a notifikabbli jeħtieġ l-introduzzjoni ta' arrangamenti ta' votazzjoni oħra ad hoc għal votanti li jbatu mill-istess u, li qegħdin fi kwarantina mandatorja bħala riżultat ta' tali mard/a notifikabbli.";

(b) fil-paragrafu (a) tas-subartikolu (3A) tiegħu, il-kliem "il-jum tal-votazzjoni." għandhom jiġu sostitwiti bil-kliem "il-jum tal-votazzjoni:" u minnufih wara għandhom jiżdiedu l-provisos godda li ġejjin:

"Izda kull votant inkluż fil-lista miġbura mis-Suprintendent tas-Saħħa Pubblika skont is-subartikolu (4)(f) għandu jkollu l-jedd li jivvota fil-post indikat skont is-subartikolu (3)(g) bejn is-7.00am u l-10.00pm sebat (7) ijiem qabel il-jum tal-votazzjoni, jekk jiddikjara l-intenzjoni tiegħu lill-Kummissjoni li se jagħmel użu minn din il-possibbiltà sa nofsinhar fil-jum tal-Ġimgħa ta' qabel il-jum tal-votazzjoni:

Izda wkoll kull votant li qiegħed ibati minn marda notifikabbli kif tista' tiġi speċifikata skont is-subartikolu (3)(g), jew li qiegħed fi kwarantina mandatorja relatata ma' tali marda notifikabbli fil-jum tal-Ħamis qabel il-jum tal-votazzjoni, izda li ma jibqax f'tali sitwazzjoni sal-jum tal-votazzjoni u ma jkunx qiegħed Malta jew ikun qiegħed rikoverat l-isptar fil-jum tal-elezzjoni, għandu jkollu l-jedd li jivvota fil-post indikat skont is-subartikolu (3)(a) bejn is-7.00am u l-10.00pm sebat (7) ijiem qabel il-jum tal-votazzjoni, jekk jiddikjara l-intenzjoni tiegħu lill-Kummissjoni li se jagħmel użu minn din il-possibbiltà sa nofsinhar fil-jum tal-Ġimgħa ta' qabel il-jum tal-votazzjoni:

C 6770

Iżda wkoll id-dikjarazzjoni msemmija fil-provisos ta' hawn qabel tista' ssir lill-Kummissjoni b'dak il-mod li l-Kummissjoni tista' tiddetermina.";

(ċ) fis-subartikolu (3B) tiegħu, il-kliem "jivvutaw fil-post" għandhom jiġu sostitwiti bil-kliem "jivvutaw biss fil-post";
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(d) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (a) tiegħu, il-kliem "iservi bhala Assistent" għandhom jiġu sostitwiti bil-kliem "iservi bhala Uffiċjal tal-Post tal-Votazzjoni, Chairperson jew Assistent" u l-kliem "riżerva, għandu" għandhom jiġu sostitwiti bil-kliem "riżerva u kull Uffiċjal tal-Pulizija fil-Korp tal-Pulizija, għandu";

(ii) fil-proviso għall-paragrafu (a) tiegħu, il-kliem "bejn is-7.00 a.m. u l-10.00 p.m." għandhom jiġu sostitwiti bil-kliem "bejn is-7.00 a.m. u l-10.00 p.m.:" u minnufih wara għandu jizjed il-proviso ġdid li ġej:

"Iżda wkoll kull Assistent Kummissjonarju Elettorali, inkluż dawk magħzula bhala riżervi, li isimhom huwa nkluż fil-lista miġbura mis-Suprintendent tas-Saħħa Pubblika skont il-paragrafu (f) għandhom jivvutaw biss fil-post indikat skont is-subartikolu (3)(g) u skont id-dispożizzjonijiet tas-subartikolu (3A)(a).";

(iii) fil-paragrafu (b) tiegħu, il-kliem "msemmija fl-artikolu 59(6)" għandhom jiġu sostitwiti bil-kliem "msemmija fl-artikolu 59(6) u dawk li isimhom huwa inkluż fil-lista msemmija fil-paragrafu (f) tas-subartikolu (3)" u l-kliem "l-pubblikazzjoni ta' dik il-lista." għandhom jiġu sostitwiti bil-kliem "l-pubblikazzjoni tal-lista msemmija fis-subartikolu (6) tal-artikolu 59 jew għandha tkun irriżenjat mill-Korp tal-Pulizija wara s-sottomissjoni tal-lista msemmija fil-paragrafu (f) tas-subartikolu (3). F'każ ta' xi membru ġdid li jingħaqad mal-Korp tal-Pulizija wara s-sottomissjoni tal-imsemmija lista, għandu jkollu l-jedd li jivvota biss fil-jum tal-votazzjoni.";

(iv) fil-paragrafu (d) tiegħu, il-kliem "fl-Isptar Ġenerali Għawdex, għandhom jivvutaw" għandhom jiġu sostitwiti bil-kliem "fl-Isptar Ġenerali Għawdex, għandhom jivvutaw biss" u l-kliem "ikunu dawn l-elettori."

għandhom jiġu sostitwiti bil-kliem "ikunu dawn l-eletturi:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda kull elettur inkluż fil-lista miġbura mis-Suprintendent tas-Saħħa Pubblika skont il-paragrafu (f), iżda li ma jkunx aktar registrat bħala pazjent f'wieħed mill-isptarijiet imsemmija hawn fuq fil-jum tal-votazzjoni, għandu jivvota biss fil-post indikat skont is-subartikolu (3)(g) bejn is-7.00am u l-10.00pm, u biss fil-jum tal-Ħamis qabel il-jum tal-votazzjoni.";

(v) fis-subparagrafu (i) tal-paragrafu (e) tiegħu, il-kliem "għandhom jivvutaw fil-jum tal-Ħamis" għandhom jiġu sostitwiti bil-kliem "għandhom jivvutaw biss fil-jum tal-Ħamis";

(vi) fis-subparagrafu (ii) tal-paragrafu (e) tiegħu, il-kliem "għandhom jivvotaw fil-jum tas-Sibt" għandhom jiġu sostitwiti bil-kliem "għandhom jivvotaw biss fil-jum tas-Sibt"; u

(vii) minnufih wara l-paragrafu (e) tiegħu għandu jiżdied il-paragrafu ġdid li ġej:

"(f) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att, votanti registrati li jkunu qegħdin ibatu minn marda notifikabbli kif jista' jiġi speċifikat mis-Suprintendent tas-Saħħa Pubblika permezz ta' avviż fil-Gazzetta għal dawk l-għanijiet jew li jkunu fi kwarantina mandatorja relatata ma' dik il-marda notifikabbli fil-jum tal-votazzjoni għandhom jivvutaw biss f'post indikat skont is-subartikolu (3)(g) f'dak il-jum u f'dak il-ħin fil-jum tal-votazzjoni jew qabel, kif jista' jiġi stabbilit mill-Kummissjoni wara konsultazzjoni mas-Suprintendent tas-Saħħa Pubblika u tiġi komunikata lil dawk l-individwi:

C 6772

Iżda għal dawk l-għanijiet għandu jkun id-dmir tas-Suprintendent tas-Saħħa Pubblika jew l-uffiċjal awtorizzat tiegħu biex jissottometti lill-Kummissjoni, malajr kemm jista' jkun raġonevolment prattikabbli u, sa mhux aktar tard, mid-9.00pm tal-jum tal-Ġimgħa qabel il-jum tal-votazzjoni, lista bl-isem, kunjom, numru tal-karta tal-identità, data tat-twelid u dettalji ta' kuntatt ta' persuni li fil-jum tal-votazzjoni jkunu qegħdin ibatu minn marda notifikabbli kif speċifikata skont is-subartikolu (3)(g) jew li jkunu qegħdin fi kwarantina mandatorja relatata mal-istess marda notifikabbli, u dik l-informazzjoni għandha tintuża strettament biss għall-finijiet ta' dan is-subartikolu u soġġett għall-istess kondizzjonijiet bħal fl-artikoli 107 u 108:

Iżda wkoll li l-lista sottomessa mis-Suprintendent tas-Saħħa Pubblika għandha tiġi mħassra wara l-pubblikazzjoni tar-riżultat uffiċjali:

Iżda wkoll il-Kummissjoni tista' tipprova dik l-għajnuna u servizzi kif hija tista' tqis meħtieġa, wara konsultazzjoni mas-Suprintendent tas-Saħħa Pubblika, biex dawk il-persuni jkunu jistgħu jaċċessaw u joħorġu mill-post tal-votazzjoni b'mod sigur."

Għanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jirregola l-votazzjoni mill-membri tal-Korp tal-Pulizija fl-Elezzjonijiet f'Malta, il-ġranet tal-votazzjoni oħra li jaqgħu qabel il-jum tal-votazzjoni attwali u biex jirregola l-votazzjoni ta' persuni li jbatu minn marda notifikabbli jew li jkunu fi kwarantina mandatorja.

**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.** The short title of this Act is General Elections (Amendment) Act, 2022 and this Act shall be read and construed as one with the General Elections Act, hereinafter referred to as "the principal Act".
- 2.** Immediately after sub-article (3) of article 56 of the principal Act, there shall be added the following new sub-article:

Short title.

Cap. 354.

Amendment of article 56 of the principal Act.

"(4) Should the extraordinary circumstances referred to in sub-article (3)(g) of article 77 arise, the Commission may, after consultation with the Superintendent of Public Health, appoint such officers to assist the Assistant Electoral Commissioners, without assuming in any way any of the duties of an Assistant Electoral Commissioner, at mixed polling places designated in terms of the said sub-article (3)(g), subject to such terms and conditions as the Commission may deem fit, and such officers shall be subject to the same obligations as Assistant Electoral Commissioners with regard to the voting of persons whom they have assisted to vote:

Provided that a person may be appointed as an officer to assist the Assistant Electoral Commissioners even if he is not registered as a voter in the last published Electoral Register, but a person may not be so appointed:

- (a) if he is a candidate for election to the House; or

C 6774

(b) if he is a relative by consanguinity or affinity up to the second degree of any candidate for election to the House; or

(c) to assist with the poll in the electoral division in which he resides; or

(d) to assist with the poll in the electoral division where he habitually exercises his profession or calling; or

(e) if he is manifestly, in the opinion of the Commission after consulting the party delegates, unsuitable or not sufficiently qualified to perform the functions of an officer to assist the Assistant Electoral Commissioners."

Amendment of article 77 of the principal Act.

3. Article 77 of the principal Act, shall be amended as follows:

(a) in paragraph (e) of sub-article (3) thereof, the words "same Facility." shall be substituted by the words "same Facility;" and immediately thereafter there shall be added the following new paragraphs:

"(f) all the voters serving as Police officers in the Police Force up to fourteen (14) days before polling day shall only vote in the place indicated in this sub-article and it shall be the duty of the Commissioner of Police or his delegate to submit to the Commission, up to fourteen (14) days prior to the polling day, a list with the details of the name, surname, identity card number and the date of birth of such voters:

Provided that, such information shall only be strictly used for the purposes of this sub-article and shall be deleted immediately following the publication of the official result;

(g) at such places which are designated for registered voters who are suffering from a notifiable disease as may be specified by the Superintendent of Public Health by notice in the Gazette for such purposes or who are in mandatory quarantine related to such notifiable disease, as the Commission may, by notice in the Gazette, establish after consultation with the Superintendent of Public Health:

Provided that the Superintendent of Public Health shall issue such notice, not later than one (1) day after the publication of the Writ, specifying the said notifiable disease(s) and shall furthermore declare that the said notifiable disease(s) requires the introduction of other ad hoc voting arrangements for voters suffering from the same and, or who are in mandatory quarantine as a result of such notifiable disease(s).";

(b) in paragraph (a) of sub-article (3A) thereof, the words "before polling day." shall be substituted by the words "before polling day:" and immediately thereafter there shall be added the following new provisos:

"Provided that any voter included in the list compiled by the Superintendent of Public Health pursuant to sub-article (4)(f) shall be entitled to cast his vote at the place designated pursuant to sub-article (3)(g) between 7.00am and 10.00pm seven (7) days before polling day, if he declares his intention to the Commission to avail himself of this possibility by noon of the Friday before polling day:

Provided further that any voter who is suffering from a notifiable disease as may be specified pursuant to sub-article (3)(g), or who is in mandatory quarantine related to such notifiable disease, on Thursday before polling day, but who would cease to be in such a situation by polling day and will not be in Malta or will be hospitalised in a hospital on the day of the election, shall be entitled to cast his vote at the place indicated pursuant to sub-article (3)(a) between 7.00am and 10.00pm seven (7) days before polling day, if he declares his intention to the Commission to avail himself of this possibility by noon of the Friday before polling day;

Provided further that the declaration referred to in the preceding provisos may be made to the Commission in such manner as may be determined by the Commission.";

(c) in sub-article (3B) thereof, the words "vote at the place" shall be substituted by the words "vote only at the place"; and

(d) sub-article (4) thereof shall be amended as follows:

(i) in paragraph (a) thereof, the words "serve as an

C 6776

Assistant" shall be substituted by the words "serve as a Polling Place Officer, a Chairperson or an Assistant", and the words "reserves, shall" shall be substituted by the words "reserves and all Police Officers in the Police Force, shall";

(ii) in the proviso to paragraph (a) thereof, the words "between 7.00 a.m. and 10.00 p.m." shall be substituted by the words "between 7.00 a.m. and 10.00 p.m.:" and immediately thereafter there shall be added the following new proviso:

"Provided further that any Assistant Electoral Commissioner, including those selected to serve as reserves, whose name is included in the list compiled by the Superintendent of Public Health pursuant to paragraph (f) shall only vote at the place indicated pursuant to sub-article (3)(g) and in accordance with the provisions of sub-article (3A)(a).";

(iii) in paragraph (b) thereof, the words "referred to in article 59(6)" shall be substituted by the words "referred to in article 59(6) and whose name is included in the list mentioned in paragraph (f) of sub-article (3)" and the words "the publication of that list." shall be substituted by the words "the publication of the list mentioned in sub-article (6) of article 59 or shall have resigned from the Police Force after the submission of the list mentioned in paragraph (f) of sub-article (3). In the case of any new member joining the Police Force after the submission of the said list, shall have the right to vote only on polling day.";

(iv) in paragraph (d) thereof, the words "Gozo General Hospital, shall vote" shall be substituted by the words "Gozo General Hospital, shall only vote" and the words "these voters shall be." shall be substituted by the words "these voters shall be:" and immediately thereafter there shall be added the following new proviso:

"Provided that any voter included in the list compiled by the Superintendent of Public Health pursuant to paragraph (f), but who would no longer be registered as a patient at one of the above mentioned hospitals on polling day, shall only vote at the place designated pursuant to sub-article (3)(g) between

7.00am and 10.00pm, and only on Thursday before polling day.";

(v) in sub-paragraph (i) of paragraph (e) thereof, the words "shall vote on the Thursday" shall be substituted by the words "shall vote only on the Thursday"; and

(vi) in sub-paragraph (ii) of paragraph (e) of sub-article (4) thereof, the words "shall vote on the Saturday" shall be substituted by the words "shall vote only on the Saturday"; and

(vii) immediately after paragraph (e) thereof there shall be added the following new paragraph:

"(f) Notwithstanding any other provision of this Act, registered voters who are suffering from a notifiable disease as may be specified by the Superintendent of Public Health by notice in the Gazette or who shall be in mandatory quarantine related to such notifiable disease on polling day shall only vote in a place designated in accordance with sub-article 77(3)(g) on such day and at such time on or before polling day, as may be established by the Commission after consultation with the Superintendent for Public Health and communicated to such individuals:

Provided that for such purposes it shall be the duty of the Superintendent of Public Health or his authorised officer to submit to the Commission, as soon as reasonably practicable and, at the latest, up to 9:00pm on Friday before polling day, a list with the name, surname, identity card number, date of birth and contact details of persons who on polling day shall be suffering from a notifiable disease as specified pursuant to sub-article 77(3)(g) or who shall be in mandatory quarantine related to the same notifiable disease, and such information shall only be strictly used for the purposes of this sub-article and subject to the same conditions as in articles 107 and 108:

Provided further that the list submitted by the Superintendent of Public Health shall be deleted following the publication of the official result:

C 6778

Provided further that the Commission may provide such assistance and services as it may deem necessary, following consultation with the Superintendent of Public Health, to enable such persons to securely access and leave the polling place."

Objects and Reasons

The objects and reasons of this Bill are to regulate voting by members of the Police Force during Elections in Malta, the other polling days which fall prior to the actual polling day and to also regulate voting for persons suffering from a notifiable disease or in mandatory quarantine.

