

## MALTA

### **ATT Nru. XXI ta' l-1991**

ATT mahruġ b'ligi mill-Parlament ta' Malta.

**ATT biex jipprovdi dwar il-kwalifika ta' eletturi, il-qsim tad-Distretti Elettorali, il-metodu ta' registrazzjoni ta' eletturi u l-Elezzjoni u l-Elezzjoni bil-għażla ta' Membri tal-Parlament.**

### **ACT No. XXI of 1991**

AN ACT enacted by the Parliament of Malta.

**AN ACT to make provision for the qualification of voters, the constitution of Electoral Divisions, the method of registration of voters and the Election and Co-option of Members of Parliament.**

## ATT TA' L-1991 DWAR L-ELEZZJONIJIET ĠENERALI

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Formula ta' Ġurament ta' Kariga li jieħdu  
l-Kummissjonarji Elettorali.

**IT-TIENI SKEDA:**

Formula ta' Applikazzjoni għal Reġistrazzjoni bħala Elettur

**IT-TIELET SKEDA:**

Formula dwar Tibdiliet jew Trasferiment ta' fejn wieħed joqgħod

**IR-RABA' SKEDA:**

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**IS-SITT SKEDA:**

Formula ta' *Writ* maħruġ mill-President ta' Malta  
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**IS-SEBA' SKEDA:**

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**IT-TLETTAX-IL SKEDA:**

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**L-ERBATA-X-IL SKEDA:**

Artikoli 41 sa 62 ta' l-Ordinanza Elettorali  
dwar il-Votazzjoni (Kap 102)

Naghti l-kunsens tiegħi.

(L.S.)

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President

27 ta' Settembru, 1991

**ATT Nru. XXI ta' l-1991**

*ATT biex jipprovdi dwar il-kwalifika ta' eletturi, il-qsim tad-Distretti Elettorali, il-metodu ta' reġistrazzjoni ta' eletturi u l-Elezzjoni u l-Elezzjoni bil-għażla ta' Membri tal-Parlament.*

**TAQSIMA I**  
*Dispożizzjonijiet Ġenerali*

**1.** Dan l-Att jista' jissejjaħ l-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali. Titolu fil-qosor

**2.** (1) F'dan l-Att u f'kull regolamenti magħmula bis-saħħa tiegħu, kemm-il darba r-rabta tal-kliem ma tfissirx xort'oħra: Tifsir

“dokument għall-votazzjoni” tfisser id-dokument għall-votazzjoni li għandu jintbagħat lill-eletturi taħt l-artikolu 46 ta' dan l-Att;

“Kamra” tfisser il-Kamra tad-Deputati mwaqqfa bil-Kostituzzjoni;

“kamra tal-votazzjoni” tfisser il-kamra li ġewwa fiha jattendu l-eletturi f'jum il-votazzjoni sabiex jirċievu polza tal-votazzjoni, jiktbu fuqha u jitfgħuha fil-kaxxa tal-voti;

“karta ta' l-identità” tfisser dokument li hu karta ta' l-identità għall-finijiet ta' l-Att dwar il-Karti ta' l-Identità;

Kap. 258

“Kummissjoni” għandha tfisser “il-Kummissjoni Elettorali” mwaqqfa bl-artikolu 60 tal-Kostituzzjoni;

“partit politiku” għandha, għall-finijiet biss ta’ l-artikoli 10 u 14 ta’ dan l-Att, tfisser kull persuna jew grupp ta’ persuni li wara li jkunu ikkontestaw l-elezzjoni ġenerali taħt isem wieħed ikunu rappreżentati fil-Kamra b’ mill-inqas membru wieħed jew kienu hekk rappreżentati meta l-Kamra tkun ġiet l-aħħar xolta, u fil-każi l-oħra kollha “partit politiku” għandha tfisser kull persuna jew grupp ta’ persuni li jikkontestaw l-elezzjoni bħala grupp wieħed li jkun iġib l-istess isem;

“post ta’ votazzjoni” tfisser l-iskola, bini jew kumpless jew struttura oħra fejn ikunu jinsabu kamra jew kmamar tal-votazzjoni u tinkludi l-art appartenenti, jekk ikun hemm, għal dak il-kumpless jew struttura.

(2) Kull meta b’ dan l-Att hija stabbilita piena għal xi att li jsir “qabel, matul jew wara” elezzjoni, ma għandux jittiehed kont ta’ xi haġa li tkun saret qabel –

(a) fil-każ ta’ xi elezzjoni miżmuma minħabba xoljiment tal-Parlament skond is-subartikolu (1) ta’ l-artikolu 76 tal-Kostituzzjoni, il-ħruġ ta’ Proklama li xxolji l-Kamra;

(b) fil-każ ta’ xi elezzjoni miżmuma minħabba xoljiment tal-Parlament skond is-subartikolu (2) ta’ l-artikolu 76 tal-Kostituzzjoni, tliet xhur qabel id-data ta’ dak ix-xoljiment.

Setgħa ta’ għemil ta’ regolamenti.

3. Il-Prim Ministru jista’ jagħmel regolamenti li ma jkunux inkonsistenti mad- dispożizzjonijiet ta’ dan l-Att, jew li jkunu jmorru kontribom, sabiex jistabbilixxi l-formuli jew il-proċeduri li għalihom ma hemmx proċedura espressa f’ dan l-Att, biex jemenda l-formuli li hemm fl-iskeda li hawn ma’ dan l-Att, u, in ġenerali, dwar l-esekuzzjoni tad-dispożizzjonijiet ta’ dan l-Att.

Approprijazzjoni ta’ flejjes meħtieġa għall-iskopijiet ta’ dan l-Att.

4. (1) Il-Ministru responsabbli għall-finanzi għandu, minn żmien għal ieħor, b’ *Warrant* taħt il-firma tiegħu mibgħut lill-*Accountant General*, jawtorizza u jordna illi l-flejjes kollha li jkunu b’ mod raġonevoli meħtieġa għall-ispejjeż legittimi li jsiru fl-esekuzzjoni tad-dispożizzjonijiet ta’ dan l-Att jithallsu mill-Fond Konsolidat mingħajr il-bżonn ta’ ebda approprijazzjoni oħra flief dan l-Att.

(2) Rendikont ta’ l-ispejjeż hekk imħallsa għandu, mill-izjed fis li jista’ jkun, jitqiegħed fuq il-Mejda tal-Kamra.

Estensjoni taż-żmien.

5. (1) Meta ż-żmien stabbilit fid-dispożizzjonijiet ta’ dan l-Att għat-twettiq fis-seħħ ta’ xi proċedura jkun fil-fehma tal-President mhux

bizżejjed għal dak l-iskop, il-President jista', b'avviż maħruġ fil-Gazzetta, itawwal dak iż-żmien kif jidhiru li jkun jinhtieg.

(2) Meta l-ewwel gurnata taż-żmien stabbilit għal xi proċedura taħbat il-Hadd jew festa pubblika oħra, dak iż-żmien jibda jgħodd mill-ewwel gurnata tax-xogħol li tiġi wara dak il-Hadd jew festa pubblika oħra.

(3) Meta l-aħħar gurnata taż-żmien stabbilit għal xi proċedura taħbat il-Hadd jew festa pubblika oħra, dak iż-żmien jagħlaq fl-ewwel gurnata tax-xogħol li tiġi wara dak il-Hadd jew festa pubblika, u d-data tal-bidu ta' kull żmien sussegwenti, li għandu jibda miexi minn għeluq dak iż-żmien, għandha tiġi differita bl-istess mod.

6. (1) L-applikazzjonijiet kollha li jistgħu jsiru lill-Kummissjoni taħt dan l-Att dwar ir-registrazzjoni, it-tħassir, il-korrezzjoni jew it-trasferiment ta' elettur jistgħu jiġu ikkunsinnati fl-Uffiċċju Elettorali jew lil uffiċjal tal-Pulizija fi stazzjon tal-Pulizija f'Malta jew Ghawdex, inkella jistgħu jiġu mibgħuta bil-posta lill-Kummissjoni mingħajr hlas ta' pustaġġ.

Kunsinna ta' applikazzjonijiet jew komunikazzjonijiet lill-Kummissjoni dwar ir-registrazzjoni jew it-trasferiment ta' eletturi.

(2) Kull uffiċjal tal-Pulizija li lilu tkun giet ikkunsinnata applikazzjoni bħal dik imsemmija fis-subartikolu (1) ta' dan l-artikolu għandu jagħti irċevuta lil min ikun wassallu l-applikazzjoni, jikteb fuq l-applikazzjoni d-data li fiha jkun irċeviha u għandu jibgħatha minnufih lill-Kummissjoni.

(3) Il-Kummissjoni għandha tagħti jew tibgħat lil kull applikant irċevuta għal kull applikazzjoni li tirċievi.

(4) Kull avviż jew kumnikazzjoni oħra bil-miktub mill-Kummissjoni taħt dan l-Att jistgħu jintbagħtu bil-posta u jitqiesu li waslu għand il-persuna li lilha jkunu ndirizzati fil-jum li fih ittra li tkun giet regolarment impustata, tiġi kunsinnata fil-kors normali tal-posta.

## TAQSIMA II

### *Il-Kummissjoni u l-Uffiċċju Elettorali*

7. (1) Ir-registrazzjoni, it-trasferiment, il-korrezzjoni u t-tħassir ta' eletturi, il-formazzjoni tar-Registru Elettorali, l-elezzjoni tal-Membri tal-Kamra tad-Deputati u t-tmexxija ta' l-Uffiċċju Elettorali għandhom ikunu r-responsabbiltà waħdanija tal-Kummissjoni mwaqqfa bl-artikolu 60 tal-Kostituzzjoni. Il-Kummissjonarju Elettorali Prinċipali jkun responsabbli għat-tmexxija ġenerali ta' kuljum ta' l-Uffiċċju Elettorali.

Il-Kummissjoni Elettorali.

(2) Il-Kummissjoni għandha tkun magħmula mill-Kummissjonarju Elettorali Prinċipali bħala *chairman* u tmien membri li jkunu Kummissjonarji Elettorali.

Ġuramenti li għandhom  
jittiehdu mill-  
Kummissjonarji

**8.** Il-Kummissjonarji għandhom, mal-hatra tagħhom, jiehdu quddiem l-Avukat Ġenerali l-ġurament ta' lealtà muri fil-Kostituzzjoni u l-ġurament tal-kariga muri fl-Ewwel Skeda li tinsab ma' dan l-Att.

Setgħat tal-  
Kummissjonarji

**9.** (1) Fl-esekuzzjoni tad-dmirijiet tagħhom taht dan l-Att, il-Kummissjonarji, fin-nuqqas ta' dispożizzjoni espressa f'dan l-Att, għandhom jagħmlu dak kollu li jidhrilhom li hu meħtieġ għat-tweġtiq ta' dmirijiethom.

(2) Fl-esekuzzjoni tad-dmirijiet tagħhom taht dan l-Att, il-Kummissjonarji għandhom is-setgħat mogħtija mill-liġi lill-Qrati tal-Maġistrati sabiex iżommu l-ordni fis-seduti tagħhom u jassiguraw il-qima li tistħoqq lilhom.

Delegati tal-Partit

**10.** (1) Kull partit politiku jkollu l-jedd li jinnomina żewġ delegati (hawnhekk iżjed 'il quddiem imsejha "delegati tal-partit") biex jirrapprezentaw il-partiti mal-Kummissjoni.

(2) Id-delegati tal-partit għandhom jirrapprezentaw lil dak il-partit politiku li jkun għamel in-nomina tagħhom mal-Kummissjoni u jkollhom il-jedd b'mod ġenerali li jiġu avżati bis-seduti kollha u bid-deċiżjonijiet kollha meħudin fihom.

(3) Id-delegati tal-partit, minkejja d-dispożizzjonijiet ta' kull liġi oħra, għandu jkollhom kull dritt u ħelsien li jidhlu fl-Uffiċċju Elettorali, li jaraw kull dokumentazzjoni miżmuma f'dak il-lok u li jqabblu, jivverifikaw u jiksbu kull tagħrif dwar ix-xogħol ta' l-Uffiċċju Elettorali; iżda l-Kummissjoni jkollha d-dritt li tinnomina uffiċjal tal-Kummissjoni sabiex jakkumpanja lil dawk id-delegati f'kull hin.

(4) Id-delegati tal-partit għandhom jibqgħu f'dik il-kariga sakemm huma jitneħħew mill-partit politiku li jkun għamel in-nomina tagħhom.

(5) Id-delegati tal-partiti għandhom id-dritt li jfittxu u jiksbu mingħand il-Kummissjonarji kif ukoll mingħand kull uffiċjal ieħor li għandu x'jaqsam mat-tmexxija, sorveljar jew sigurtà fl-elezzjonijiet jew ma' xi aspett tagħhom, informazzjoni li tkun tixhed dwar jekk dawk il-persuni ikunux qegħdin jiehdu jew ma jieħdux miżuri biżżejjed sabiex jikkonformaw ruħhom mad-dispożizzjonijiet tal-liġi fl-elezzjonijiet li jkunu sejrini jew qegħdin isiru, u l-Kummissjonarji jew dawk il-persuni oħra ikunu, minkejja kull liġi oħra jew regolament ieħor marbutin li jagħtu dik l-informazzjoni minnufih.

(6) Minkejja kull dispożizzjoni f'dan l-Att li tagħti lid-delegati tal-partit il-jedd li jistharrġu u jiksbu tagħrif jew il-jedd tagħhom li jingħataw kopji ta' dokumenti u listi mill-Kummissjoni jew minn

dipartimenti tal-Gvern, dak il-jedd ma jinkludix il-jedd ta' viżjoni ta' dokumenti mediċi jew ta' dokumenti dwar l-adozzjoni ta' eletturi w il-jedd ta' għarfien qabel il-jum tal-votazzjoni ta' aspetti ta' sigurtà li għandhom x'jaqsmu ma' poloz tal-votazzjoni, dokumenti għall-votazzjoni u t-timbru uffiċjali użat mill-Kummissjoni fuq il-poloż. It-tagħrif, dokumenti jew listi għandhom jingħataw lid-delegati tal-partiti oralment jew f'għamla miktuba jew stampata li ma jkunx meħtieġ ebda strument jew process elettroniku, manjetiku jew xi process ieħor simili biex jinqara, u f'ebda għamla oħra. Fejn it-tagħrif dokumenti jew listi ikunu ta' natura konfidenzjali id-delegati tal-partiti jkunu marbutin bl-istess obbligu ta' segretezza bħal persuna li minn għandha jinkiseb it-tagħrif, dokumenti jew listi.

**11.** (1) Għandu jitwaqqaf Uffiċċju Elettorali bil-għan illi jhaddem ir-reġistrazzjoni, it-trasferiment u t-tħassir ta' eletturi, l-organizzazzjoni meħtieġa għat-tmexxija ta' elezzjonijiet u dak ix-xogħol amministrattiv kollu li jista' jkun meħtieġ li jitwettaq mill-Kummissjoni Elettorali.

Twaqqif ta' Uffiċċju Elettorali

(2) L-Uffiċċju Elettorali għandu jithaddem minn persuni fis-servizz pubbliku u filwaqt li dawn il-persuni jkunu qegħdin jagħtu s-servizz tagħhom fl-Uffiċċju Elettorali, huma għandhom ikunu biss responsabbli lejn il-Kummissjoni fi hwejjeġ dwar it-tħejjija u l-organizzazzjoni ta' elezzjonijiet ġenerali.

**12.** (1) Il-personell ta' l-Uffiċċju Elettorali għandhom, hekk kif jinhatru, jieħdu ġurament quddiem il-Kummissjonarju Elettorali Prinċipali li jagħmlu fedelment id-dmirijiet tal-kariga tagħhom skond il-liġi.

Ġurament li jieħdu l-personell ta' l-Uffiċċju Elettorali u setgħa li jagħtu ġurament

(2) Kull wieħed mill-Kummissjonarji u kull uffiċjal ieħor awtorizzat mill-Kummissjoni f'isimhom, jistgħu jagħtu ġurament lil kull persuna meta jidhrilhom li dak il-ġurament ikun meħtieġ sabiex jinkiseb tagħrif skond dan l-Att.

**13.** (1) Bis-saħħa ta' dan l-Att il-Maġistrati kollha li jservu fil-Qorti tal-Maġistrati (Malta) u l-Qorti tal-Maġistrati (Għawdex) għandhom jitqiesu li huma Uffiċjali Revizuri.

Hatra ta' Uffiċjali Revizuri

(2) L-Uffiċjali Revizuri jistgħu jagħmlu seduti fi stazzjon tal-Pulizija jew f'post ieħor biex jiddeċiedu dwar applikazzjonijiet jew appelli dwar ir-reġistrazzjoni, it-trasferiment, il-korrezzjoni, jew it-tħassir ta' xi elettur.

(3) Dawk l-appelli jew applikazzjonijiet kollha lil Uffiċjal Revizur għandhom ikunu iffirmati mill-applikant jew minn avukat jew minn prokuratur legali jew minn persuna oħra f'isem l-applikant, jew l-appellant u debitament awtorizzat minnhom, u dawn għandhom jiġu pprezentati fir-Reġistru tal-Qorti tal-Maġistrati (Malta) jew tal-Qorti tal-Maġistrati (Għawdex), skond il-każ.

(4) L-Uffiċjal Revizur għandu jordna li dik l-applikazzjoni jew appell jiġu notifikati lill-persuna jew persuni li lilhom tinteressa u għandu jiffissa għurnata għas-smiġh ta' l-applikazzjoni jew appell.

(5) In-notifika ta' l-avviż li jiffissa l-jum għas-smiġh ta' dik l-applikazzjoni jew appell għandha ssir lill-applikant jew appellant u lil kull persuna li dik l-applikazzjoni jew dak l-appell ikunu jikkonċernaw skond is-subartikolu (4) ta' dan l-artikolu, mhux anqas minn jumejn qabel il-jum stabbilit għas-smiġh ta' l-applikazzjoni jew appell, bil-mod stipulat fil-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, b'dan li notifika tista' ssir minn uffiċjal tal-Pulizija.

(6) Jekk persuna li lilha għandhom jiġu innotifikati dawk li l-applikazzjoni, appell jew ordni ieħor ta' Uffiċjal Revizur, ma tinstabx mill-uffiċjal li għandu jagħmel in-notifika, l-Uffiċjal Revizur għandu, fuq ir-riferta ta' dak l-uffiċjal, jordna li l-applikazzjoni, appell jew ordni ieħor jitwaħħlu fuq it-tabella ta' l-avviżi ta' l-istazzjon tal-Pulizija tal-post li fih il-persuna interessata tkun toqgħod u għandu, jekk jinħtieġ, jistabilixxi jum ieħor għas-smiġh.

(7) Jekk l-applikant jew l-appellant jonqos li jidher fil-għurnata stabbilita għas-smiġh u ma jidhirx għalih avukat jew prokuratur legali jew xi hadd ieħor, l-applikazzjoni jew l-appell għandhom jitqiesu bħala mitluqa.

(8) Fil-każ ta' applikazzjoni għat-tneħħija ta' isem ta' persuna mir-Registru Elettorali, jekk din il-persuna tonqos li tidher fil-jum stabbilit għas-smiġh u ma jidhirx għaliha avukat jew prokuratur legali jew xi hadd ieħor, l-applikazzjoni tista' tiġi maqtugħa fil-kontumaċja.

(9) Ebda dritt ma jiġi intaxxat mir-Registru dwar ebda applikazzjoni jew appell, għan-notifika tagħhom, għal kull proċediment ieħor li jsir b'konsegwenza tagħhom jew għal kull deċiżjoni dwarhom.

#### Hatra ta' Bord Mediku

**14.** (1) Għandu jitwaqqaf Bord Mediku li lilu jiġu riferiti kwistjonijiet dwar jekk persuna li tkun applikat biex tiġi registrata bħala elettur jew li tkun diġà hekk registrata, tkunx skwalifikata milli tiġi hekk registrata skond il-paragrafu (a) ta' l-artikolu 58 tal-Kostituzzjoni.

(2) Il-Bord Mediku għandu jkun magħmul minn tabib maħtur mill-Kummissjoni, li għandu jippresjedi, u tabib maħtur minn kull wieħed mill-partiti politiċi. Il-Bord Mediku għandu jitqies bħala li jkun twaqqaf validament għaladarba jkun inħatar it-tabib li jippresjedi jew xi wieħed mill-membri.

### TAQSIMA III

#### *Eletturi*

15. Bla ħsara għad-dispożizzjonijiet ta' l-artikolu li jaħbat minnufih wara dan, persuna jkollha dritt li tkun reġistrata bħala elettur għall-elezzjoni tal-Membri tal-Kamra jekk ikollha, u ma jkollhiex dritt li tkun hekk reġistrata jekk ma jkollhiex, il-kwalifiki meħtieġa bl-artikolu 57 tal-Kostituzzjoni u sakemm ma tiġix hekk skwalifikata bis-saħħa ta' l-artikolu 58 tal-Kostituzzjoni jew skond id-dispożizzjonijiet ta' dan l-Att.

Kwalifika għal eletturi

16. (1) Bla ħsara għad-dispożizzjonijiet li ġejjin ta' dan l-Att, kull min ikun reġistrat bħala elettur f' distrett elettorali għandu, sakemm jibqa' hekk reġistrat, ikollu dritt li jivvota fl-elezzjoni ta' Membri tal-Kamra għal dak id-distrett.

Dritt ta' votazzjoni fl-elezzjonijiet

(2) Hadd ma jista' jivvota fl-elezzjoni ta' Membri tal-Kamra f'xi distrett ieħor li ma jkunx id-distrett li fih ikun reġistrat bħala elettur.

### TAQSIMA IV

#### *Distrett Elettorali u Metodu ta' l-Elezzjoni*

17. (1) Għall-finijiet ta' l-elezzjoni tal-Membri tal-Kamra, Malta tkun maqsuma fi tleTTax-il distrett elettorali.

Distretti elettorali u numru ta' Membri tal-Parlament

(2) Bla ħsara għad-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 52 tal-Kostituzzjoni, il-Kamra tkun magħmula minn ħamsa u sittin membru, u kull distrett elettorali jtella' ħames membri.

(3) Il-konfini tad-distrett elettorali msemmija fis-subartikolu (1) ta' dan l-artikolu jkunu dawk stabbiliti skond l-artikolu 61 tal-Kostituzzjoni.

(4) Kull tibdil fin-numru tad-distretti elettorali jew fil-konfini tagħhom, jew fin-numru tal-Membri tal-Kamra, għandu jkollu effett kif provdut fis-subartikoli (2) u (3) ta' l-artikolu 61, u fis-subartikolu (6) ta' l-artikolu 66 tal-Kostituzzjoni:

Izda, meta tibdil fil-konfini tad-distretti elettorali jkun ġie pubblikat skond il-paragrafu (d) tas-subartikolu (3) ta' l-artikolu 61 tal-Kostituzzjoni, ebda ħaġa f'dan is-subartikolu ma għandha tiftiehem li timpedixxi l-pubblikazzjoni ta' xi reġistru elettorali rivedut jew li timpedixxi xi ħtieġa oħra taħt dan l-Att li għandha x'taqsam mar-reġistrazzjoni ta' l-eletturi milli tiġi esegwita skond dak it-tibdil qabel ix-xoljiment tal-Parlament li minnu jibda jseħħ it-tibdil.

Metodu ta' l-elezzjoni

18. L-elezzjoni tal-Membri tal-Kamra għandha ssir fuq il-prinċipju tar-rappreżentanza proporzjonali, u kull elettur għandu vot wieħed trasferibbli.

## TAQSIMA V

### *Reġistrazzjoni ta' Eletturi*

Investigazzjonijiet mill-Kummissjoni

19. (1) Il-Kummissjoni għandha tagħmel dawk l-investigazzjonijiet, u teħtiegħ mingħand kull persuna dak it-tagħrif, li jidhrilha meħtiegħ sabiex issib jekk persuna għandhiex il-jedd li tiġi reġistrata bħala elettur jew li tibqa' hekk reġistrata.

(2) Il-Kummissjoni għandu jkollha l-istess dmirijiet u setgħat kif imsemmija fis-subartikolu (1) ta' dan l-artikolu sabiex issib jekk u fejn persuna jkollha l-jedd li, jew tista', tivvota f'elezzjoni.

Dmir ta' l-Impjegati tal-Gvern li jagħtu informazzjonijiet

20. (1) L-uffiċjali pubbliċi kollha fis-servizz tal-Gvern ta' Malta huma, minkejja d-dispożizzjonijiet ta' kull liġi oħra, b'din il-liġi awtorizzati u fid-dmir li jagħtu lill-Kummissjoni l-informazzjonijiet kollha li hija titlob sabiex hija tkun tista' ssib jekk persuna għandhiex il-jedd li tiġi reġistrata bħala elettur jew li tibqa' hekk reġistrata.

(2) Il-Kummissarju tal-Pulizija għandu jassisti lill-Kummissjoni billi jordna li jsiru investigazzjonijiet, li jittiehdu informazzjonijiet u li jiġu verifikati talbiet, u b'kull mod ieħor li jkun meħtiegħ.

(3) L-uffiċjal pubbliku jew l-uffiċjali pubbliċi responsabbli għal kull Reġistru Pubbliku f'Malta u f'Għawdex għandhom, fl-ewwel hamest ijiem ta' kull xahar, jibagħtu lill-Kummissjoni lista bl-isem, kunjom, numru tal-karta ta' l-identità, jekk ikun hemm, u partikolaritajiet oħra ta' kull persuna li għalqet tmintax-il sena li l-mewt tagħha tkun giet reġistrata fix-xahar ta' qabel.

(4) Ir-Reġistratur tal-Qrati Superjuri f'Malta u r-Reġistratur tal-Qrati ta' Għawdex għandhom, kull wieħed għal dik il-Qorti li qiegħed fiha, fl-ewwel hamest ijiem ta' kull xahar jibagħtu lill-Kummissjonarju lista bl-isem, kunjom, numru tal-karta ta' l-identità, jekk ikun hemm, u partikolaritajiet oħra ta' kull min ikun gie interdett minhabba f'inabilità tal-moħħ minn Qorti kompetenti.

Applikazzjoni għar-reġistrazzjoni

21. (1) Kull min ikollu l-kwalifiki meħtiegħa biex jivvota f'elezzjonijiet ta' Membri tal-Kamra jagħmel applikazzjoni għar-reġistrazzjoni lill-Kummissjoni fil-formula li tinsab fit-Tieni Skeda li hawn ma' dan l-Att; iżda l-Kummissjoni għandha tirreġistra bħala elettur lil kull min ikollu jedd li jiġi hekk reġistrat sew jekk tkun saret dik l-applikazzjoni sew jekk le.

(2) Il-Kummissjoni għandha tirrifjuta applikazzjoni minn persuna biex tiġi registrata bħala elettur u l-Kummissjoni ma għandhiex, b'inizjattiva tagħha skond is-subartikolu (1) ta' dan l-artikolu, tirreġistra persuna bħala elettur biss jekk dik il-persuna:

(a) tkun tilfet xi kwalifika meħtieġa sabiex tiġi registrata bħala elettur skond l-artikolu 57 tal-Kostituzzjoni; jew

(b) tkun ġiet skwalifikata milli tiġi hekk registrata minhabba f'xi waħda mir-raġunijiet imsemmija fl-artikolu 58 tal-Kostituzzjoni.

**22.** Min ikollu l-jedd li jiġi registrat għall-vot għandu jiġi biss registrat fid-distrett u bl-indirizz li fih huwa soltu jgħammar:

Metodu ta' registrazzjoni

Izda jekk jiġi ppruvat għas-sodisfazzjon tal-Kummissjoni li persuna ma tkunx registrata fid-distrett u skond l-indirizz li fih huwa soltu jgħammar, il-Kummissjoni ma jkollhiex dritt tħassar ir-registrazzjoni ta' dik il-persuna izda hija għandha tapplika d-dispożizzjonijiet ta' l-artikolu 23 ta' dan l-Att.

**23.** Kull min ismu jidher bħala elettur u li jkun jeħtieġ li ssir korrezzjoni fl-isem jew indirizz tiegħu jew f'partikolaritajiet oħra jew li jkollu ismu trasferit f'indirizz jew f'distrett elettorali ieħor jista' japplika lill-Kummissjoni Elettorali fil-formula li tinsab fit-Tielet, Raba' jew Hames Skeda li tinsab ma' dan l-Att, skond il-każ:

Trasferiment u korrezzjonijiet

Izda dik il-korrezzjoni jew trasferiment jistgħu jsiru mill-Kummissjoni sew jekk tkun saret dik l-applikazzjoni sew jekk le, sew b'inizjattiva tal-Kummissjoni nnifisha jew wara l-applikazzjoni minn kull elettur registrat ieħor, hawnhekk iżjed 'il quddiem imsejjaħ l-applikant, jekk il-Kummissjoni tkun sodisfatta li dik il-korrezzjoni jew dak it-trasferiment ikun ġustifikat u sakemm hija l-ewwel tavża bid-deċiżjoni tagħha bil-miktub lill-persuna konċernata u lill-applikant, jekk ikun hemm, u kull wieħed minnhom ikollu d-dritt ta' appell lill-Uffiċjal Revizur.

**24.** Meta l-Kummissjoni tkun sodisfatta wara li ssirilha applikazzjoni minn kull elettur registrat ieħor, hawnhekk iżjed 'il quddiem imsejjaħ l-applikant, jew fuq inizjattiva tagħha stess, li xi persuna registrata bħala elettur u li isimha jkun jidher fuq ir-Registru Elettorali ma jkollhiex il-kwalifiki li tkun registrata bħala elettur, il-Kummissjoni għandha, bla ħsara tad-dispożizzjonijiet ta' l-artikolu 26 ta' dan l-Att, tħassar ir-registrazzjoni ta' dak l-elettur u taqta' ismu barra mir-Registru Elettorali.

Thassir ta' registrazzjoni

**25.** (1) Il-Kummissjoni għandha tavża lill-appellant u lill-elettur konċernat bid-deċiżjoni tagħha dwar kull applikazzjoni għal

Deċiżjoni mill-Kummissjoni dwar applikazzjoni għar-registrazzjoni, trasferiment, korrezzjoni jew thassir

reġistrazzjoni bħala elettur jew biex tikkoreġi, tittrasferixxi jew tħassar ir-reġistrazzjoni ta' elettur u b'kull reġistrazzjoni, korrezzjoni, trasferiment jew tħassar li tagħmel b'inizjattiva tagħha stess.

(2) Il-Kummissjoni għandha tagħmel dawk it-tibdiliet meħtieġa fir-reġistru skond id-deċiżjoni tagħha u għandha tavża lill-elettur konċernat u lill-applikant bid-dritt tiegħu li jappella quddiem Uffiċjali Revizuri.

Talba ta' tagħrif mill-Kummissjoni

26. (1) Qabel ma l-Kummissjoni tgħaddi biex tħassar ir-reġistrazzjoni ta' elettur skond l-artikolu 24 ta' dan l-Att, hija għandha b'avviż bil-miktub titlob lil dik il-persuna biex tagħti dak it-tagħrif jew dik il-prova jew xiehda li jista' jidhrilha meħtieġa biex jiġi stabbilit id-dritt ta' dik il-persuna biex tibqa' reġistrata bħala elettur, u jekk dik il-persuna tonqos, għeluq għaxart ijiem mill-impustar ta' dak l-avviż mill-Kummissjoni, milli tippovdi bil-miktub dak it-tagħrif, prova jew xiehda għas-sodisfazzjon tal-Kummissjoni, il-Kummissjoni tista' tħassar ir-reġistrazzjoni ta' dik il-persuna jew taqta' 'l barra isimha mir-Registru Elettorali:

Izda fil-każ ta' nuqqas totali ta' persuna milli twieġeb l-avviż fuq imsemmi għeluq il-perijodu ta' żmien fuq imsemmi, il-Kummissjoni ma għandhiex tipproċedi bit-tħassar tar-reġistrazzjoni ta' dik il-persuna jew bil-qtugħ 'il barra ta' isimha mir-Registru Elettorali qabel ma tkun innotifikat lil dik il-persuna avviż ieħor bil-miktub biex tagħti dak it-tagħrif, prova jew xiehda għas-sodisfazzjon tal-Kummissjoni għeluq perijodu ta' sebat ijiem min-notifika ta' dak l-avviż l-ieħor.

(2) Kull komunika bil-miktub li l-Kummissjoni teħtieġ li ssirilha taħt dan l-artikolu tista' jew tiġi konsenjata fl-Uffiċċju Elettorali jew mibgħuta lill-Kummissjoni mingħajr hłas ta' pustaġġ.

(3) L-avviż l-ieħor imsemmi fil-proviso tas-subartikolu (1) ta' dan l-artikolu għandu jiġi notifikat minn uffiċjal tal-Pulizija jew minn xi persuna oħra maħtura għal hekk mill-Kummissjoni, u dan l-avviż għandu jitqies li jkun ġie notifikat bil-konsenja ta' l-avviż lill-persuna li lilha jkun ġie indirizzat, jew lil persuna li tkun jew li raġonevolment tkun tidher mhux taħt l-età ta' erbatax-il sena u li tkun jew membru tal-familja jew tad-dar tagħha jew tkun impjegata magħha, fl-indirizz ta' l-elettur kif muri fir-Registru Elettorali.

Rifjut jew tħassar minhabba f'inabilità tal-moħħ

27. (1) Il-Kummissjoni ma tistax tirrifjuta applikazzjoni minn persuna sabiex tiġi reġistrata bħala elettur, jew tħassar ir-reġistrazzjoni ta' elettur, jew taqta' ismu 'l barra mir-Registru Elettorali skond il-paragrafu (a) ta' l-artikolu 58 tal-Kostituzzjoni qabel ma l-Kummissjoni tikseb id-deċiżjoni tal-Bord Mediku mwaqqaf bis-saħħa ta' l-artikolu

14 ta' dan l-Att jew hief jekk dik il-persuna tkun giet interdetta minhabba f'inabilita' tal-mohh minn qorti kompetenti.

(2) Id-decizjoni tal-Bord Mediku tkun finali u torbot kemm lill-Kummissjoni u lill-elettur u ma jista' jsir ebda appell dwarha.

(3) Id-decizjonijiet tal-Bord Mediku li elettur ikollu inabilita' tal-mohh ghandhom jittiehdu b'vot unanimu u ghandhom jitwasslu bil-miktub lill-Kummissjoni li wara tgħarraf lill-elettur bihom.

(4) Kull ufficjal pubbliku ghandu jipprovdi lill-Bord b'kull tagħrif li jista' jehieg dwar is-sahha ta' persuna li l-jedd tagħha li tigi registrata jew li tkompli tigi registrata bhala elettur ikun qiegħed jigi ikkunsidrat mill-Bord.

(5) Il-Bord Mediku ghandu jirregola l-proceduri tieghu stess.

**28.** Il-Kummissjoni ghandha, mill-inqas, kull xahar kalendarju tagħti lil kull delegat ta' partit lista li jkun fiha ir-registrazzjonijiet godda, korrezzjonijiet, trasferimenti u thassir li jkun sar minnha bis-sahha tad-dispozizzjonijiet ta' qabel ta' dan l-Att li jkunu jindikaw l-isem u l-partikolaritajiet kollha tal-persuna koncernata u r-raguni ghaliex tkun qiegħda ssir xi bidla.

Tagħrif dwar  
registrazzjonijiet  
godda, eċċ

**29.** Id-delegati tal-partit ghandu jkollhom l-istess setghat mogħtija lill-Kummissjoni bis-sahha ta' l-artikolu 19 ta' dan l-Att sabiex jiksbu tagħrif, permezz tal-Kummissjoni, minghand ufficjali pubblici dwar il-jedd ta' persuna li tkun registrata bhala elettur u d-dmir ta' dawk l-ufficjali pubblici li jagħtu dak it-tagħrif ghandu jkun japplika wkoll fir-rigward tad-delegati tal-partit. Il-Kummissjoni ghandha tagħti kopja ta' kull talba għal tagħrif u ta' kull risposta ukoll lid-delegati tal-partiti l-oħra.

Id-delegati tal-partit  
ghandhom jedd jiksbu  
tagħrif

## TAQSIMA VI

### *Pubblikazzjoni ta' Regjistru Elettorali*

**30.** (1) Il-listi tal-persuni kollha li jkollhom jedd ikunu registrati bhala elettori għall-elezzjoni ta' Membri tal-Kamra skond id-dispozizzjonijiet ta' dan l-Att, ghandhom jiffurmaw ir-Regjistru Elettorali.

Regjistru Elettorali

(2) Ir-Regjistru Elettorali ghandu jintgħamel skond id-dispozizzjonijiet ta' dan l-Att.

(3) Ir-Regjistru Elettorali ghandu jintgħamel b'dak il-mod li l-pubbliku jsir jaf min huma dawk il-persuni li jkunu registrati elettori, u b'dak il-mod li bih ikun jista' jintgħaraf kull elettur u sabiex kull elettur ikollu l-opportunita' li joggezzjona għad-dhul fil-lista ta' kull elettur iehor skond id-dispozizzjonijiet ta' dan l-Att.

Kif jintgħamel ir-  
Registru Elettorali

**31.** (1) Ir-Registru Elettorali għandu jintgħamel minn daqstant taqsimiet daqskemm ikun hemm distretti, taqsima għal kull distrett, u kull distrett għandu jerga' jinqasam f'daqstant taqsimiet daqskemm il-Kummissjoni tqis li jkun meħtieġ jew konvenjenti.

(2) Kull taqsima tar-Registru Elettorali għandha tintgħamel f'ordni alfabetiku skond l-isem ta' kull triq, u l-eletturi għandhom jidhru skond l-ordni alfabetiku ta' kunjomhom taħt isem it-triq fejn ikunu registrati, u għandhom jidhru maġenb isem kull elettur dak il-post fejn ikun soltu joqgħod u numru tad-dokument ta' identità tiegħu.

(3) Ir-Registru Elettorali jista' jinkludi wkoll maġenb isem kull elettur kull partikolarità oħra li tista' titqies meħtieġa sabiex kull elettur ikun jista' jiġi identifikat sew.

(4) Kull żball ta' l-istampar f'xi partikolarità li tidher ma għandhiex minnha nnifisha toqgot il-jedd ta' persuna li tivvota.

Kontenut tar-Registru  
Elettorali

**32.** (1) Ir-Registru Elettorali għandu jinkludi lil dawk il-persuni kollha li għandhom jedd li jiġu registrati bħala eletturi skond id-dispożizzjonijiet ta' qabel ta' dan l-Att, fil-jum imsemmi fl-artikolu li jiġi wara dan.

(2) Ir-Registru Elettorali ma għandux jinkludi lil xi persuna li ma jkollhiex jedd li tiġi registrata bħala elettur skond id-dispożizzjonijiet ta' qabel ta' dan l-Att, fil-jum imsemmi fl-artikolu li jiġi wara dan.

Pubblikazzjoni tar-  
Registru Elettorali

**33.** (1) Il-Kummissjoni għandha tiegħu hsieb li jinħareġ Regjistru Elettorali rivedut fil-Gazzetta darbtejn fis-sena, jiġifieri fix-xahar ta' April u fix-xahar ta' Ottubru. Dan ir-regjistru għandu jkun fih il-korrezzjonijiet, iż-żidiet, it-trasferimenti u t-taħsiriet kollha li jkun hemm fil-wieħed u tletin ta' Marzu u fit-tletin ta' Settembru li jaħbat sew sew qabel il-ħruġ ta' dak ir-Regjistru.

(2) Id-dispożizzjonijiet ta' dan l-artikolu ma jibqgħux isehħu mid-data tax-xoljiment tal-Kamra sa tmiem l-elezzjoni ġenerali li ssir wara.

(3) Minkejja d-dispożizzjonijiet ta' l-aħħar subartikolu qabel dan, meta, qabel xi xoljiment tal-Kamra tad-Deputati –

(a) xi tibdil fil-konfini tad-distretti elettorali jkun ġie approvat mill-Kamra bis-saħħa tad-dispożizzjonijiet ta' l-artikolu 61 tal-Kostituzzjoni; u

(b) dak it-tibdil ma jkunx intwera f'Regjistru Elettorali rivedut skond is-subartikolu (1) ta' dan l-artikolu,

il-Kummissjoni għandha tara li jiġi pubblikat fil-Gazzetta, kemm jista' jkun malajr wara dak ix-xoljiment u f'kull każ mhux aktar tard minn tlett ijiem tax-xogħol wara l-pubblikazzjoni tar-*Writ* ta' l-elezzjoni fil-Gazzetta, Regjistru Elettorali rivedut, li r-reviżjoni tiegħu tikkonsisti f'illi l-ismijiet inklużi fir-Regjistru Elettorali pubblikat l-aħħar jintwerew skond dak it-tibdil.

34. Kull żieda, taħsira, jew korrezzjoni li tiġi ordnata li ssir fir-Regjistru Elettorali minn Uffiċjal Revizur skond id-dispożizzjonijiet ta' dan l-Att għandhom jiġu pubblikati mill-Kummissjoni fil-Gazzetta u jagħmlu parti mir-Regjistru Elettorali.

Zidiet, taħsir u korrezzjonijiet magħmulin mill-Uffiċjal Revizur

35. Kull meta għandha ssir elezzjoni, l-eletturi jkunu l-persuni li isimhom ikun jidher fir-Regjistru Elettorali rivedut li jkun hareġ l-aħħar, suġġett għal dawk iż-żidiet, tifsiriet jew korrezzjonijiet li jiġu ordnati mill-Uffiċjal Revizur, u l-Kummissjoni ma jkollhiex jedd li ma tagħtix xi dokument ta' votazzjoni lil elettur li jkun hekk registrat sakemm dak l-elettur ma jkunx miet:

L-eletturi f'elezzjoni huma dawk miġjuba fl-aħħar Regjistru Elettorali

Iżda xejn milli jinsab f'dan l-artikolu ma għandu jagħti jedd lil xi persuna li tivvota meta din ma jkunx għad għandha l-kwalifikazzjonijiet meħtieġa biex tivvota, jew jehles lil dik il-persuna minn xi pieni li jistgħu jisthoqqulha jekk tivvota hekk. Lanqas ma għandha ebda haġa f'dan l-artikolu tagħti l-jedd lil xi persuna li tivvota jekk ma tkunx tissodisfa l-htigijiet ta' dan l-Att.

## TAQSIMA VII

### *Appelli lill-Uffiċjal Revizur*

36. Kull min ikollu ismu jew xi partikolarità oħra fir-Regjistru Elettorali korretti, jew ismu trasferit għal xi indirizz jew distrett ieħor bis-saħħa tas-setgħa mogħtija lill-Kummissjoni bil-proviso li jinsab ma' l-artikolu 23 ta' dan l-Att jista' jappella lill-Uffiċjal Revizur mhux aktar tard minn erbatax-il jum mill-jum meta jiġi uffiċjalment mgharraf bid-deċiżjoni tal-Kummissjoni.

Appelli fil-każ ta' korrezzjoni jew trasferiment li jsiru bis-saħħa tal-liġi

37. Kull min ikollu l-applikazzjoni tiegħu sabiex jiġi registrat bħala elettur jew għall-korrezzjoni ta' ismu jew partikolaritajiet oħra li jidhru fir-Regjistru jew għat-trasferiment ta' ismu f'indirizz jew distrett ieħor, miċħuda mill-Kummissjoni, ikollu dritt ta' appell lill-Uffiċjal Revizur mhux aktar tard minn erbatax-il jum mill-jum meta jiġi uffiċjalment mgharraf bid-deċiżjoni tal-Kummissjoni.

Appelli fil-każ ta' rifjut ta' applikazzjoni

38. Kull min ikollu r-registrazzjoni tiegħu bħala elettur imħassra mir-Regjistru Elettorali bis-saħħa tas-setgħa mogħtija lill-Kummissjoni skond l-artikolu 24 ta' dan l-Att ikollu l-jedd li jappella

Appelli fil-każ ta' taħsir ta' registrazzjoni

lill-Uffiċjal Revizur mhux aktar tard minn erbatax-il jum mill-jum meta jkun gie uffiċjalment mgħarraf bid-deċiżjoni tal-Kummissjoni.

Appelli wara l-pubblikazzjoni tar-Registru Elettorali

**39.** (1) Kull min ismu ma jkunx iddaħħal fir-Registru Elettorali u li jgħid li jkollu l-kwalifiki meħtieġa sabiex jivvota, u, kull elettur li jgħid li ismu, l-indirizz jew partikolaritajiet oħra tiegħu ma jkunux intwerew b'mod korrett fir-Registru Elettorali, jista' jappella lill-Uffiċjal Revizur sabiex ismu jiddaħħal fir-Registru Elettorali jew sabiex ikollu ismu, indirizz jew partikolaritajiet oħra korretti skond il-każ, mhux aktar tard minn wieħed u għoxrin jum wara l-pubblikazzjoni tar-Registru Elettorali.

(2) Uffiċjal Revizur jista' jordna d-dhul ta' isem persuna fir-Registru Elettorali jew il-korrezzjoni ta' ismu, l-indirizz jew partikolaritajiet oħra tiegħu skond is-subartikolu (1) ta' dan l-artikolu minkejja li ma tkun saret ebda applikazzjoni qabel lill-Kummissjoni għal dak il-għan.

Appelli minn terzi wara l-pubblikazzjoni tar-Registru Elettorali

**40.** (1) Kull elettur registrat li jgħid li xi persuna oħra li isimha jidher fir-Registru Elettorali jew ma għandhiex jedd li tkun registrata bħala elettur, jew, li l-isem, l-indirizz jew partikolaritajiet oħra relattivi tagħha ma humiex muriġa b'mod korrett fir-Registru Elettorali skond id-dispożizzjonijiet ta' dan l-Att, ikollu dritt ta' appell lill-Uffiċjal Revizur mhux aktar tard minn erbatax-il jum wara l-pubblikazzjoni tar-Registru Elettorali jew sabiex jinqata' barra isem dak l-elettur mir-Registru Elettorali jew sabiex ismu, l-indirizz jew partikolaritajiet oħra tiegħu jidhru b'mod korrett.

(2) Uffiċjal Revizur jista' jordna t-thassir tar-registrazzjoni ta' dak l-elettur jew il-korrezzjoni ta' ismu, l-indirizz jew partikolaritajiet oħra tiegħu skond is-subartikolu (1) ta' dan l-artikolu minkejja li ma tkun saret ebda applikazzjoni qabel lill-Kummissjoni għal dak il-għan.

Smigh ta' appelli

**41.** (1) Uffiċjal Revizur għandu qabel ma jaqta' xi appell jisma' lill-appellant, lill-Kummissjoni u lill-persuna, jekk ikun hemm, li kontriha jsir l-appell, jekk ikun hemm, u jippermetti dik ix-xhieda oħra u jisma' kull xhieda oħra li jista' jqis meħtieġa.

(2) Meta l-applikazzjoni tkun għat-thassir tar-registrazzjoni ta' elettur minhabba f'inabilità tal-moħħ, l-Uffiċjal Revizur għandu minnufih jirreferi dik l-applikazzjoni lill-Bord Mediku msemmi fl-artikolu 27 ta' dan l-Att.

(3) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu għandhom *mutatis mutandis* japplikaw għal proċedimenti quddiem il-Bord Mediku hekk kif japplikaw għal proċedimenti quddiem Uffiċjal Revizur.

(4) Id-deċiżjoni tal-Bord Mediku għandha tiġi riferita lill-Uffiċjal Revizur li għandu jaqta' l-appell skond dik id-deċiżjoni.

42. L-Uffiċjali Revizuri għandhom jiddiferixxu *sine die* trattazzjoni ta' l-applikazzjonijiet kollha preżentati taht id-dispożizzjonijiet ta' dan l-Att u li jkunu għadhom pendenti erbatax-il jum qabel id-data appuntata għall-elezzjoni.

Differiment ta' appelli pendenti

43. Ir-Reġistratur ta' kull waħda mill-Qrati tal-Maġistrati għandu mingħajr dewmien, jibgħat lill-Kummissjoni ċertifikat iffirmat mir-Reġistratur personalment, bl-ismijiet, indirizzi u partikolaritajiet tal-persuni kollha illi, b'ordni ta' l-Uffiċjal Revizur għandhom jiżdedu jew jinqatgħu 'l barra mir-Reġistru Elettorali jew li isimhom, l-indirizz jew partikolarità oħra tagħhom għandhom jiġu korretti u l-Kummissjoni għandha tirrevedi r-Reġistru Elettorali skond dak iċ-ċertifikat.

Ċertifikat li għandu jinbagħat lill-Kummissjoni

### TAQSIMA VIII

#### *Avviżi, Dokumenti għall-Votazzjoni u Poloz tal-Votazzjoni*

44. (1) Kull meta jmissha ssir elezzjoni, il-President għandu jagħti avviż tagħha lill-Kummissjonarji b' *Writ* taht il-firma tiegħu, hawnhekk iżjed 'il quddiem imsejjaħ "ir- *Writ*", fil-formula miġjuba fis-Sitt Skeda li tinsab ma' dan l-Att.

Ir-*Writ* ta' l-elezzjoni

(2) Il-Kummissjonarji għandhom jieħdu l-ħsieb biex ir- *Writ* jinħareġ fil-Gazzetta.

45. Fi żmien tmint ijiem mill-pubblikazzjoni tar- *Writ* il-Kummissjonarji għandhom jieħdu l-ħsieb li jinħarġu avviż jew avviżi fil-Gazzetta illi jkun fihom:

Avviż li għandu jinħareġ mill-Kummissjonarji

(a) il-lok, u d-data u l-ħin li fihom il-Kummissjonarji joqogħdu biex jirċievu n-nomini ta' kandidati għall-elezzjoni bħala Membri tal-Kamra, u kull oppożizzjoni għal dawk in-nomini, u dan il-post huwa hawnhekk iżjed 'il quddiem f'dan l-Att imsejjaħ bħala l-Uffiċċju Elettorali. Iż-żmien li fih nomini ta' kandidati għall-elezzjoni jistgħu jsiru, ma jistax ikun anqas minn tliet ijiem u ma jibdiex iġġod qabel sitt ijiem mid-data tal-pubblikazzjoni ta' l-avviż imsemmi f'dan l-artikolu u ż-żmien li matulu jistgħu jsiru l-oppożizzjonijiet ma għandux jestendi għal aktar minn jumejn tax-xogħol mit-temm taż-żmien stabbilit biex jiġu riċevuti n-nomini;

(b) il-postijiet u l-ġurnata u l-ħinijiet li fihom għandha ssir il-votazzjoni. Il-votazzjoni ma tistax issir qabel ma jgħaddu tliet ijiem mid-data tal-pubblikazzjoni ta' l-avviż imsemmi fis-subartikolu (3) ta' l-artikolu 54 ta' dan l-Att;

(c) il-post fejn il-kaxex tal-voti għandhom jittieħdu mill-Assistenti Kummissjonarji wara li ssir il-votazzjoni, li jkun ukoll il-post fejn daww il-kaxex għandhom jinżammu sa ma jingħaddu l-voti;

(d) il-post, u d-data u l-ħin li fihom għandhom jinfetħu l-kaxex tal-voti u għandu jsir il-għadd tal-voti.

Dokument għall-votazzjoni

46. (1) Il-Kummissjoni għandha fi żmien mhux aktar tard mill-ħmistax-il jum wara l-pubblikazzjoni tar-*writ*, tibgħat lil kull elettur li ismu jkun jidher fl-aħħar Regjistru Elettorali rivedut, dokument f'dan l-Att imsejjaħ "dokument għall-votazzjoni" skond il-forma msemmija fis-Seba' Skeda li tinsab ma' dan l-Att, u li jkun magħmul minn dak il-materjal u b'dik l-għamla li fil-fehma tal-Kummissjoni jipprovdri ħarsien biżżejjed kontra falsifikazzjoni. Id-dokumenti għall-votazzjoni għandhom jiġu enumerati b'mod konsekuttiv, b'dan li kull dokument ikollu numru distint stampat fuq quddiem:

Iżda kull meta l-Kummissjoni tkun sodisfatta li persuna li ismha jkun jidher fir-Regjistru Elettorali tkun mejta, id-dokument għall-votazzjoni relattiv ma għandux hekk jingħadda, u meta dak id-dokument għall-votazzjoni jkun hekk ingħadda, il-Kummissjoni għandha tirtirah:

Iżda wkoll meta l-Kummissjoni ma tibgħatx dokument għall-votazzjoni lil xi elettur li l-Kummissjoni ma jkollhiex ritratt fotografiku tiegħu, u dwar daww l-eletturi il-Kummissjoni għandha timxi skond din il-proċedura:

(i) fi żmien sebat ijiem mill-pubblikazzjoni tar-*Writ*, il-Kummissjoni għandha tippubblika fil-Gazzetta lista ta' l-eletturi msemmija li tkun turi l-isem, kunjom, residenza u numru tal-karta ta' l-identità tagħhom;

(ii) l-ismijiet ta' daww l-eletturi ma għandhomx jiġu publikati fil-lista msemmija fis-subartikolu (5) ta' dan l-artikolu;

(iii) id-dokument għall-votazzjoni ta' daww l-eletturi għandu biss jinħareġ jekk l-elettur ikun jissodisfa l-ħtiġijiet ta' l-artikolu 47 ta' dan l-Att u għandu jkun skond id-dispożizzjonijiet ta' dak l-artikolu.

(2) Il-partiti politiċi għandhom jingħataw kull faċilità raġonevoli li josservaw l-istampar tad-dokumenti għall-votazzjoni kollha, li jivverifikaw l-eżattezza tagħhom u b'mod ġenerali li jassiguraw li jiġu stampati biss id-dokumenti għall-votazzjoni ta' eletturi li jkollhom jedd għalihom.

(3) Id-dokumenti għall-votazzjoni stampati skond is-subartikolu ta' qabel ta' dan l-artikolu għandhom, sakemm dawn jinghataw lill-eletturi, jinżammu f'kaxex sigillati bis-sigill tal-Kummissjoni. Id-delegati tal-partiti jkollhom il-jedd jagħmlu s-sigilli tagħhom fuq daww il-kaxex u li jkun preżenti kull meta daww is-sigilli jinkisru. Dan l-artikolu għandu japplika wkoll *mutatis mutandis* għal daww id-dokumenti għall-votazzjoni li jibqgħu ma jitqassmux, skond is-subartikolu (4) ta' dan l-artikolu, meta jinħarġu d-dokumenti għall-votazzjoni skond is-subartikolu (6) ta' dan l-artikolu, u għal daww id-dokumenti għall-votazzjoni li jibqgħu ma jitqassmux.

(4) Id-dokument għall-votazzjoni għandu jiġi nnotifikat lil kull elettur minn uffiċjal tal-Pulizija jew minn persuna oħra maħtura għaldaqshekk mill-Kummissjoni, u dan id-dokument jitqies li ġie innotifikat bil-kunsinna tiegħu lill-elettur li għalih ikun indirizzat, jew lil persuna ta' l-età, li jew tkun toqgħod fl-istess indirizz jew li tkun fl-impieg tiegħu, fl-indirizz ta' l-elettur kif miġjub fir-Registru Elettorali. Il-partiti politiċi jkollhom il-jedd li kull wieħed jinnomina rappreżentant sabiex jakkumpanja lil kull uffiċjal tal-Pulizija jew persuna oħra li jkun qegħdin jagħmlu n-notifiki kif imsemmi qabel.

(5) Meta l-Kummissjonarji ma jkunux jistgħu jseggwixxu n-notifika tad-dokument hawn fuq imsemmi huma għandhom, mill-aktar fis li jista' jkun, joħroġu fil-Gazzetta lista bl-ismijiet, numru tal-karta ta' l-identità u indirizzi tal-persuni li ma jkunux ġew innotifikati bid-dokument għall-votazzjoni, u għandhom jagħtu r-raġuni li għaliha ma tkunx saret in-notifika.

(6) Kull min ma jkunx ġie innotifikat bid-dokument għall-votazzjoni u li ismu jkun miġjub fuq il-lista maħruġa skond is-subartikolu ta' qabel dan, jista' sal-Ħamis sew sew qabel il-ġurnata ta' l-elezzjoni, jidher quddiem wieħed mill-Kummissjonarji u jitlob il-kunsinna tad-dokument.

(7) Il-Kummissjonarju jista' jeżamina bil-ġurament kull persuna li hekk tidher sabiex jiżgura ruħu mill-identità tagħha u jara jekk għandhiex jedd li tirċievi d-dokument:

Iżda l-imsemmi dokument ma għandux jinghatalha kemm-il darba ma tipproduċix il-karta ta' l-identità tagħha lill-Kummissjonarji.

47. Meta persuna li isimha jkun jidher fl-aħħar Registru Elettorali rivedut, iżda li ma jkunx jidher fil-lista pubblikata skond is-subartikolu (5) ta' l-artikolu 46 ta' dan l-Att, ma tkunx irċeviet id-dokument għall-votazzjoni jew, wara li tkun irċeviet dak id-dokument, tkun tilfitu jew iddistruġġietu, dik il-persuna tista' mhux iktar tard mis-

Dokument għall-votazzjoni speċjali

6.00 p.m. ta' l-Erbgħa li jiġi minnufih qabel ma tibda l-votazzjoni, tidher quddiem wiehed mill-Kummissjonarji, u jekk –

(a) tipprova l-identità tagħha billi tipproduci l-karta ta' l-identità tagħha; u

(b) tagħmel dikjarazzjoni bil-ġurament quddiem dak il-Kummissjonarju li ma tkunx irċeviet id-dokument għall-votazzjoni jew li, wara li tkun irċeviet dak id-dokument, tkun tilfitu jew iddistruġġietu, u dawk id-dikjarazzjonijiet l-oħra bil-ġurament li l-Kummissjonarju jista' jehtieg,

din għandha tingħata dokument għall-votazzjoni maħruġ speċjali għal hekk li jispeċifika bħala l-kamra tal-votazzjoni fejn dik il-persuna għandha tagħti l-vot tagħha, kamra tal-votazzjoni msemmija għal hekk mill-Kummissjonarji; u f'kull kaz bħal dak:

(i) dik il-persuna għandha tivvota biss fil-kamra tal-votazzjoni speċifikata fid-dokument għall-votazzjoni; u

(ii) jekk isem dik il-persuna jkun jidher fuq xi lista msemmija fis-subartikolu (1) ta' l-artikolu 64 ta' dan l-Att, li ma tkunx ta' l-imsemmija kamra tal-votazzjoni, il-Kummissjonarji għandhom jieħdu ħsieb li isem dik il-persuna jithassar minn fuq dik il-lista; u

(iii) lista tal-persuni kollha li lilhom ikun inħareġ dokument għall-votazzjoni skond dan is-subartikolu għandha tinzamm fl-Uffiċċju Elettorali u tkun miftuħa għal spezzjoni minn kull kandidat, aġent elettorali, aġent tal-partit jew delegat tal-partit f'kull ħin xieraq sakemm tagħlaq il-votazzjoni.

Numru ta' Dokumenti  
għall-Votazzjoni

48. (1) Mhux iktar tard mill-Ġimgħa qabel ma tibda l-votazzjoni, il-Kummissjonarji għandhom jieħdu ħsieb li jippubblikaw fil-Gazzetta lista li tkun turi n-numru ta' dokumenti għall-votazzjoni li ġew stampati, in-numru imqassam skond is-subartikolu (1) ta' l-artikolu 46, l-ismijiet u l-indirizzi tal-persuni li sa dak il-ħin ikunu talbu l-kunsinna tad-dokumenti skond is-subartikolu (6) ta' l-artikolu 46, in-numru ta' dokumenti għall-votazzjoni maħruġin skond l-artikolu 47 u l-isem, l-indirizz u n-numru tal-karta ta' l-identità tal-persuni li lilhom dawk id-dokumenti jkunu ġew kunsinnati, il-kamra tal-votazzjoni fejn dawn il-persuni kienu oriġinarjament maħsubin li jivvotaw, u l-kamra tal-votazzjoni fejn issa għandhom jivvotaw, in-numru ta' dokumenti għall-votazzjoni li nżammu milli jingħataw u r-raġunijiet għal dan u l-ismijiet l-indirizzi u n-numri tal-karta ta' l-identità ta' l-eletturi konċernati u n-numru ta' dokumenti għall-votazzjoni li jkunu baqgħu ma ngabrux u l-ismijiet, l-indirizzi u n-numri tal-karta ta' l-identità ta' l-eletturi konċernati.

(2) Kull partit politiku jkollu d-dritt jinnomina rappreżentanti tiegħu sabiex ikunu preżenti waqt il-hruġ tad-dokumenti għall-votazzjoni skond is-subartikolu (6) ta' l-artikolu 46 u l-artikolu 47 ta' dan l-Att u għal dan il-għan il-partiti msemmin għandhom jiġu provduti mill-Kummissjoni b'dak it-tagħrif kollu li jista' jinħtieġ minnhom u li huma jistgħu jqisu bħala li hu meħtieġ għall-aħjar qadi ta' dmiriethom.

49. (1) Mhux iktar tard minn tlett ijiem qabel il-bidu tal-votazzjoni, il-Kummissjoni għandha tiegħu hsieb li tippubblika fil-Gazzetta tal-Gvern in-numru ta' poloz tal-votazzjoni stampati għal kull distrett elettorali u n-numru li jkun se jitqassam f'kull kamra tal-votazzjoni individwali.

Poloz tal-votozzjoni

(2) Il-Kummissjoni għandha tiżgura kemm ikun prattikament possibbli li l-poloz tal-votazzjoni jintgħamli minn dik it-tip ta' karta li ttiprovdi sigurtà u li jkollhom dawk is-sinjali li jkunu jiżguraw li ma jistgħux jiġu duplikati.

(3) Il-polza ta' kull elettur għandha tkun magħmula minn karta bħal fil-formula li tidher fit-Tmien Skeda li tinsab ma' dan l-Att, li jkun fiha lista tal-kandidati deskritti bl-isem (inkluż kull laqam), l-indirizz u l-professjoni jew ix-xogħol kif mogħtija fil-polza tan-nomina ta' kull wieħed minnhom u kif approvat mill-Kummissjonarji Elettorali.

(4) Il-kandidati għandhom jitqassmu skond il-partit politiku u, f'kull grupp ta' kull partit alfabetikament skond kunjomhom. Jekk ikun hemm żewġ kandidati jew iktar ta' partit wieħed bl-istess kunjom, dawn jitqassmu fl-ordni ta' l-isem jew l-ismijiet l-oħra tagħhom.

(5) Kull partit politiku li jikkontesta l-elezzjoni għandu jagħti lill-Kummissjoni l-isem tal-kandidati li jkunu qegħdin jikkontestaw l-elezzjoni fl-interess tiegħu. Dik il-lista għandha tkun prova konklussiva dwar jekk kandidat partikolari jkunx jappartjeni għal dak il-partit politiku.

(6) Jekk mogħti mill-partit li miegħu jkun jagħmel, jista' jiġi stampat fuq il-polza quddiem l-isem ta' kull kandidat li jkun jagħmel ma' dak il-partit kull *badge* jew distintiv, approvat mill-Kummissjoni, li juri l-partit politiku, jekk ikun hemm, li miegħu l-kandidat jagħmel, jew li b'xi mod ieħor jitqies li jgħin sabiex bih l-elettur jista' jagħraf lill-kandidat.

(7) Il-poloz għandhom juru kuluri differenti għall-partiti li jikkontestaw it-taqsimiet elettorali kollha u li jkollhom mhux inqas minn erba' kandidati f'kull taqsima. Dawk il-kuluri għandhom jingħataw mill-Kummissjoni:

Iżda kull partit jista' jirrifjuta l-kulur mogħti lilu, u f'kull każ bħal dan il-polza ma turi ebda kulur speċjali għal dak il-partit.

(8) Il-partiti jitnizzlu fuq il-polza fl-ordni alfabetiku.

## Tqassim tal-Poloz

50. (1) F'jum jew jiem kemm jista' jkun qrib il-jum ta' votazzjoni, il-Kummissjoni għandha tipprepara f'pakketti differenti l-poloz u d-dokumenti oħra kollha u materjal li jkunu se jiġu kunsinnati lill-Assistenti Kummissjonarji fil-jum ta' votazzjoni.

(2) Il-Kummissjoni Elettorali għandha tibqa' żżomm il-pakketti kollha sal-jum tal-votazzjoni meta mbagħad tikkunsinnahom lill-Assistenti Kummissjonarji qabel ma tibda l-votazzjoni.

(3) Ir-rappreżentati tal-partiti politiċi għandhom jingħataw kull faċilità raġonevoli sabiex jissorveljaw l-istampar u l-verifika tal-poloz kollha, l-ippakkjar ta' dawk il-poloz u t-tqassim tagħhom lill-Assistenti Kummissjonarji, u li jagħmlu s-sigilli tagħhom fuq il-pakketti kollha preparati mill-Kummissjoni Elettorali għall-kunsinna lill-Assistenti Kummissjonarji.

## TAQSIMA IX

*Nomina ta' Kandidati*

## Nomina ta' kandidati

51. (1) Il-kandidat għal elezzjoni għandu jiġi nominat bil-miktub. Il-formula tan-nomina, li għandha tkun skond kif hemm fid-Disa' Skeda li tinsab ma' dan l-Att, għandha tkun iffirmata mill-kandidat innifsu (jew, jekk ikun nieqes minn dawn il-Gzejjer, minn rappreżentant tiegħu maħtur għaldaqshekk), u mill-anqas minn erba' eletturi irregistrati fid-distrett elettorali li għalih il-kandidat ikun nominat. Il-formula tan-nomina għandha tiġi ikkunsinnata lil wieħed mill-Kummissjonarji fl-Uffiċċju Elettorali mill-kandidat innifsu, jew, jekk ma jkunx jista' minhabba mard jew għax ikun nieqes minn dawn il-Gzejjer, mir-rappreżentant legittimu tiegħu, fiż-żmien miġjub fl-avviż imsemmi fl-artikolu 45.

(2) Minnufih wara li l-formula tan-nomina tiġi kkunsinnata lill-Kummissjoni, l-isem tal-kandidat għandu jiġi mwaħħal fid-dahla tal-Uffiċċju Elettorali b'indikazzjoni tad-distrett li għalih il-kandidat ikun ġie nominat.

(3) Tista' ssir oppożizzjoni għal nomina minhabba li fiha d-deskrizzjoni tal-kandidat ma tkunx biżżejjed sabiex jiġi identifikat, minhabba li l-formula tan-nomina ma tkunx magħmula jew ma tkunx ġiet ikkunsinnata skond id-dispożizzjonijiet ta' dan l-Att jew minhabba li l-kandidat ikun ġa ġie nominat għal żewġ distretti elettorali:

Izda ma tista' ssir ebda oppożizzjoni wara t-temm taż-żmien stabbilit biex issir dik l-oppożizzjoni fl-avviż imsemmi fl-artikolu 45.

(4) Kull oppożizzjoni għandha tkun bil-miktub, iffirmata mill-persuna li tagħmilha u għandu jkun fiha r-raġuni li għaliha qiegħda ssir. Il-Kummissjoni nnifisha tista' tagħmel oppożizzjoni.

(5) Il-Kummissjonarji għandhom, mill-aktar fis li jista' jkun u f'kull każ mhux aktar tard minn tnax-il jum tax-xogħol qabel il-ġurnata ffixsata għall-votazzjoni, jiddeċiedu dwar il-validità ta' kull oppożizzjoni li għarrfu lill-kandidati li għan-nomina tiegħu tirreferixxi l-oppożizzjoni jew lir-rappreżentant legittimu tiegħu dwar id-deċiżjoni tagħhom u, jekk l-oppożizzjoni tiġi milqugħa, bir-raġuni tad-deċiżjoni tagħhom. Id-deċiżjoni tal-Kummissjonarji, meta l-oppożizzjoni ma tiġix milqugħa, hija finali, iżda meta l-oppożizzjoni tiġi milqugħa, jista' jsir appell minnha lill-Qorti ta' l-Appell b'ċitazzjoni preżentata b'kontestazzjoni mal-Kummissjonarji mhux aktar tard minn għaxart ijiem tax-xogħol qabel il-ġurnata ffixsata għall-votazzjoni.

(6) Għall-finijiet ta' dan l-artikolu, kull elettur jista' jitlob lill-Kummissjonarji li jara u jeżamina kull formula ta' nomina aċċettata minnhom.

**52.** (1) Kull kandidat f'kull elezzjoni għandu jiddepożita, jew jiehu l-ħsieb li tiġi iddepożitata għalih, għand il-Kummissjoni, qabel ma n-nomina tiegħu tista' tiġi aċċettata, is-somma ta' erbgħin lira għal kull nomina, u jekk ma jagħmilx dan in-nomina li għaliha ma jkunx hekk sar id-depożitu ma tiġix aċċettata mill-Kummissjonarji.

Depożitu minn  
kandidati fl-  
elezzjonijiet

(2) Jekk wara li jsir id-depożitu l-kandidatura tiġi irtirata skond id-dispożizzjonijiet ta' dan l-Att, id-depożitu jiġi mogħti lura lill-persuna li tkun għamlitu; u jekk il-kandidat imut wara li jsir id-depożitu u qabel ma tibda l-votazzjoni, id-depożitu, jekk ikun sar minnu, jiġi mogħti lura lill-werrieta tiegħu u jekk ma jkunx sar minnu, jingħata lura lill-persuna li tkun għamlitu.

(3) Jekk kandidat li jkun għamel id-depożitu meħtieġ ma jiġix elett, u n-numru ta' voti li jgħib ma jkunx jiskorri minn għaxra waħda tan-numru ta' voti ivvutati diviż bin-numru tal-membri li għandhom ikunu eletti għal dak id-distrett, l-ammont iddepożitat jiġi ikkonfiskat u mħallas mill-Kummissjonarji fil-Fond konsolidat iżda f'kull każ l-ammont għandu jiġi mogħti lura lill-kandidat, fil-każ li jkun gie elett, hekk kif huwa jiehu l-ġurament bħala membru, u fil-każ li ma jkunx gie elett, mill-aktar fis li jista' jkun wara li jiġi iddikjarat ir-riżultat ta' l-elezzjoni.

(4) Meta kandidat ikun nominat f'elezzjoni f'żewġ distretti, ma għandux jiehu lura id-depożitu tiegħu iktar minn darba kemm-il darba ma jiġix elett fiż-żewġ distretti, u jekk dan il-kandidat ma jgħibx, f'wieħed jew l-ieħor mid-distretti, il-minimu tan-numru ta' voti meħtieġ skond is-subartikolu (3) ta' dan l-artikolu huwa jitlef iż-żewġ depożiti.

(5) Għall-finijiet ta' dan l-artikolu n-numru ta' voti miġjubin minn kandidat ikun l-aqwa numru ta' voti li jiġi akkreditat lill-kull żmien matul il-għadd tal-voti.

Rapport mill-Kummissjonarji jekk ebda kandidat ma jkun nominat

**53.** Jekk meta jagħlaq iż-żmien iffissat għan-nomina ta' kandidati, ebda kandidat ma jkun ġie nominat għal distrett elettoral, il-Kummissjonarji għandhom joħroġu rapport fuq daqshekk fil-Gazetta fl-ewwel ġurnata tax-xogħol li taħbat wara, u f'dan il-każ il-President jista' joħroġ *Writ* ġdid għall-elezzjoni għal dak id-distrett.

Elezzjoni ikkuntesta u mhux ikkuntestata

**54.** (1) Jekk meta jagħlaq iż-żmien li fih għandhom jiġu preżentati n-nomini, in-numru ta' kandidati innominati għal distrett elettoral jkun daqs jew inqas minn dak in-numru ta' kandidati li l-eletturi f'dak id-distrett huma intitolati li jtellgħu, il-Kummissjonarji għandhom jirrapportaw lill-President l-ismijiet tal-kandidati nominati bħala l-membri eletti għall-Kamra biex jirrapprezentaw dak id-distrett u dak ir-rapport għandu jiġi maħruġ fil-Gazzetta.

(2) Jekk in-numru ta' kandidati nominati għal distrett elettoral jkun anqas minn dak li l-eletturi f'dak id-distrett huma intitolati li jtellgħu, il-President fuq ir-rapport magħmul lill-skond is-subartikolu (1) ta' dan l-artikolu, għandu joħroġ *Writ* ġdid għall-elezzjoni ta' membri biex jimtlew il-postijiet battala li jkun fadal f'dak id-distrett elettoral, u jekk meta jsir dan ma jkun nominati ebda kandidat, jew jekk in-numru ta' kandidati nominati jkun inqas min-numru ta' postijiet battala, il-postijiet li wara dan jibqgħu battala jistgħu jimtlew bil-għażla ta' membru jew membri mill-Kamra u l-President ma għandux joħroġ *Writ* ġdid għalihom.

(3) Jekk għal distrett elettoral jiġu nominati kandidati iżjed min-numru hawn fuq imsemmi, il-Kummissjonarji għandhom joħroġu avviż taħt il-firma tagħhom fil-Gazzetta, u fih jagħtu l-ismijiet tal-kandidati u d-distrett li għalih ġew nominati. Ebda persuna li l-isem tagħha ma jkunx ġie ippubblikat f'dak l-avviż ma tista' tiġi eletta bħala Membru tal-Kamra.

Il-kandidatura tista' tiġi ritirata

**55.** Kandidat jista', fiż-żmien stabbilit għan-nomina, iżda mhux iżjed tard minn sitt siegħat qabel ma jagħlaq iż-żmien hawn fuq imsemmi, jirtira l-kandidatura tiegħu billi jagħti lill-Kummissjoni avviż għaldaqshekk. Dan l-avviż għandu jkun iffirmit mill-kandidat jew jekk ikun nieqes minn dawn il-Gżejjer, mir-rappreżentant tiegħu maħtur għaldaqshekk.

TAQSIMA X  
Assistenti Kummissjonarji

56. (1) Bla ħsara għad-dispożizzjonijiet ta' l-artikoli li ġejjin ta' dan l-Att il-Kummissjoni taħtar tant Assistenti Kummissjonarji Elettorali hawnhekk iżjed 'il quddiem imsejhin "Assistenti Kummissjonarji" daqs kemm ikunu meħtieġa, sabiex jissorveljaw l-elezzjoni bil-mod stabbilit f'dan l-Att. Ebda Assistent Kummissjonarju ma jista' jiġi maħtur biex jissorvelja l-votazzjoni fid-distrett elettorali li fih ikun joqgħod jew li fih ikun soltu jeżerċita l-professjoni jew ix-xogħol tiegħu.

Matra ta' Assistenti  
Kummissjonarji

(2) L-Assistenti Kummissjonarji għandhom jieħdu l-gurament tal-kariga kif miġjub fl-Għaxar Skeda li tinsab ma' dan l-Att, quddiem wieħed mill-Kummissjonarji u għandhom jimxu fl-esekuzzjoni tad-dmirijiet tagħhom skon l-istruzzjonijiet li tagħtihom il-Kummissjoni Elettorali.

57. (1) Kull partit politiku jkollu jedd, fi żmien għaxart ijiem mill-pubblikazzjoni tar-*Writ*, li jinnomina numru ta' persuni, li jkun daqs wieħed u nofs in-numru ta' kmamar tal-votazzjoni, sabiex jagħmluha ta' Assistenti Kummissjonarji, u sakemm dawk il-persuni jkunu kapaċi biżżejjed li jwettqu l-funzjonijiet ta' Assistent Kummissjonarju u ma jkunux skwalifikati milli jagħmluha ta' hekk bid-dispożizzjonijiet ta' dan l-Att, il-Kummissjoni għandha taħtar Assistenti Kummissjonarji minn fost dawk il-persuni.

Nomina ta' Assistenti  
Kummissjonarji

(2) Il-Kummissjoni għandha hi nnifisha iktar minn hekk tinnomina bħala Assistenti Kummissjonarji dak in-numru ta' persuni li jkun meħtieġ sabiex f'kull kamra tal-votazzjoni jkun hemm jattendu f'kull żmien mill-inqas persuna waħda nominata mill-Kummissjoni biex tagħmilha ta' Assistent Kummissjonarju.

(3) F'ebda każ ma għandu jkun hemm inqas minn tliet Assistenti Kummissjonarji nominati biex jissorveljaw il-votazzjoni f'kull kamra tal-votazzjoni u jekk jiġri li l-partiti politiċi kollha jew xi wieħed minnhom jonqsu li jinnominaw l-Assistenti Kummissjonarji kollha jew xi wieħed minnhom skond is-subartikolu (1) ta' dan l-artikolu u fiż-żmien stabbilit fih, il-Kummissjoni nnifisha għandha tinnomina Assistenti Kummissjonarji oħrajn sabiex jiġi assigurat illi, mill-inqas, ikun hemm jattendu tliet Assistenti Kummissjonarji f'kull kamra tal-votazzjoni.

(4) Għall-fini taż-żmien stabbilit fis-subartikolu (1) ta' dan l-artikolu, il-Kummissjoni għandha, mhux iktar tard minn jumejn wara l-pubblikazzjoni tar-*Writ*, tinforma lill-partiti bin-numru ta' Assistenti Kummissjonarji li kull partit ikun meħtieġ jinnomina.

Skwalifiki u  
pubblikazzjoni ta' l-  
ismijiet tal-Assistenti  
Kummissjonarji

**58.** (1) Hadd ma jista' jkollu l-kariga ta' Assistent Kummissjonarju jekk ikun kandidat għall-elezzjoni fil-kamra, jew jekk ikun qarib bil-konsangwinità jew biż-żwieġ sat-tieni grad ta' xi kandidat għall-elezzjoni, jew jekk fil-fehma tal-Kummissjoni, wara li tikkonsulta lid-delegati tal-partit, ikun bid-deher mhux idoneju biex iwettaq il-funzjonijiet ta' Assistent Kummissjonarju.

(2) Fi żmien jumejn wara l-ġurnata msemmija fis-subartikolu (1) ta' l-artikolu 57 il-Kummissjoni għandha tagħti lill-partiti politiċi lista tal-persuni kollha nominati biex jagħmluha ta' Assistenti Kummissjonarji li fiha jiġu indikati l-ismijiet, numri tal-karta ta' l-identità, indirizzi u professjoni jew sengħa tagħhom flimkien mal-kamra tal-votazzjoni fejn kull wieħed minnhom ikun se jattendi.

Ogġezzjonijiet dwar l-  
Assistenti  
Kummissjonarji

**59.** (1) Il-partiti politiċi jkollhom il-jedd li, mhux iżjed tard minn jumejn wara l-ġurnata msemmija fis-subartikolu (2) ta' l-artikolu 58, joġġezzjonaw lill-Kummissjoni bil-miktub dwar in-nomina ta' persuni bħala Assistenti Kummissjonarji fuq xi waħda mir-raġunijiet imsemmija fis-subartikolu (1) ta' l-artikolu 58.

(2) Meta l-Kummissjoni tirċievi xi ogġezzjoni skond is-subartikolu ta' qabel ta' dan l-artikolu, il-Kummissjoni għandha mhux iżjed tard mill-jum li jiġi minnufih wara, tlaqqa' d-delegati tal-partit sabiex jiddiskutu dwar dawk l-ogġezzjonijiet.

(3) Kull ogġezzjoni li ssir skond is-subartikoli ta' qabel dan għandha tinqata' mill-Kummissjoni. Il-mod kif il-Kummissjoni taqta' dwar l-ogġezzjoni jkun wieħed konklussiv u li jorbot lil kull min ikollu x'jaqsam mal-kwestjoni. Meta wara li tkun semgħet dawk l-ogġezzjonijiet il-Kummissjoni taqta' li persuna nominata minn partit politiku sabiex tinħatar bħala Assistent Kummissjonarju ma għandhiex hekk tinħatar, il-partit politiku li jkun innomina lil dik il-persuna jkollu jedd jinnomina persuna oħra minflokha.

(4) In-nomini godda msemmija fis-subartikolu ta' qabel ta' dan l-artikolu għandhom isiru minnufih wara li jinqatgħu l-ogġezzjonijiet kollha. Iż-żmien imsemmija fis-subartikoli (1) u (2) ta' dan l-artikolu għandhom japplikaw għall-ogġezzjonijiet li jsiru għal persuni nominati bħala Assistenti Kummissjonarji skond is-subartikolu (3) ta' dan l-artikolu, u jekk il-Kummissjoni taslilha u tilqa' xi ogġezzjoni, il-Kummissjoni nnifisha għandha tinnomina persuna oħra sabiex, tkun Assistent Kummissjonarju minflokha u dik in-nomina tkun konklussiva, u ma tista' ssir ebda ogġezzjoni dwarha.

(5) Meta l-Kummissjoni tkun qatgħet dwar l-ogġezzjonijiet kollha, hija għandha tqassam l-Assistenti Kummissjonarji fost id-diversi kmamar tal-votazzjoni; dak it-tqassim għandu jsir b'dak il-mod

li jkun jassigura li f'kull kamra tal-votazzjoni jkun hemm, mill- inqas, Assistent Kummissjonarju wiehed nominat mill-Kummissjoni u, Assistent Kummissjonarju wiehed nominat minn kull partit li jkun qiegħed jikkontesta l-elezzjoni f'dak id-distrett:

Izda meta partit politiku ma jkunx innomina għadd biżżejjed ta' persuni sabiex jinhatru Assistenti Kummissjonarji, il-Kummissjoni tinhtiegħ biss tassenja, għar-rigward ta' dak il-partit politiku, dawk l-Assistenti Kummissjonarji li jkunu ġew nominati minn dak il-partit u li jkunu nhatru Assistenti Kummissjonarji.

(6) Il-Kummissjoni għandha, fi żmien jumejn minn meta tinqata' l-aħħar oġġezzjoni msemmija fis-subartikolu ta' qabel, tieħu f'isieb li tiġi pubblikata lista fil-Gazzetta li turi l-isem, l-indirizz u n-numru tal-karta ta' l-identità u l-professjoni jew sengħa ta' kull Assistent Kummissjonarju maħtur, li tkun tindika l-kamra tal-votazzjoni fejn kull wieħed minnhom ikun tqassam, u li tkun tindika lil dawk l-Assistenti Kummissjonarji li ma jkunux hekk tqassmu fi kmamar iżda li jkunu qegħdin jinżammu f'riżerva.

(7) Wara d-distribuzzjoni finali ta' l-Assistenti Kummissjonarji kollha u sa tmiem il-votazzjoni, tkun il-Kummissjoni waħedha li jkollha l-jedd tissostitwixxi lill-Assistenti Kummissjonarji sakemm dan isir biss għal raġunijiet gravi u suffiċjenti u b'dak il-mod li jkun jassigura li meta l-Assistent Kummissjonarju sostitwit ikun wieħed nominat minn partit politiku, is-sostitut tiegħu għandha tkun persuna nominata mill-istess partit, sakemm għadd biżżejjed ta' Assistenti Kummissjonarji jkunu ġew nominati minn dak il-partit.

## TAQSIMA XI

### *Votazzjoni*

60. (1) Dakinhar tan-nomina f'elezzjoni jew qabel, kull kandidat jew xi hadd f'ismu għandu jagħti bil-miktub l-isem ta' persuna bħala aġent tiegħu għal dik l-elezzjoni u din il-persuna f'dan l-Att hija msejġha l-aġent elettoral.

Hatra ta' Aġenti  
Elettorali

(2) Kandidat jista' jagħti ismu stess bħala aġent elettoral, u f'dan il-każ, sa fejn jippermettu ċ-ċirkostanzi, jaqa' taħt id-dispożizzjonijiet ta' dan l-Att, sew bħala kandidat kif ukoll bħala aġent elettoral, u kull riferenza f'dan l-Att għal aġent elettoral għandha titqies li tirreferi għall-kandidat li jaġixxi fil-kwalità ta' aġent elettoral.

(3) Għal kull kandidat jista' jiġi maħtur aġent elettoral wieħed biss, iżda l-hatra, sew jekk l-aġent elettoral maħtur ikun il-kandidat innifsu jew le, tista' tiġi mħassra, u fil-każ li tiġi hekk imħassra

jew f'każ ta' mewt ta' l-aġent elettorali, sew jekk it-thassir jew il-mewt jiġru qabel, matul jew wara l-elezzjoni, għandu minnufih jiġi mahtur aġent elettorali ieħor, u l-isem u l-indirizz tiegħu għandhom jiġu iddikjarati bil-miktub lill-Kummissjonarji, li għandhom minnufih jip-pubblikaw dak l-isem u indirizz.

Hatra ta' Aġenti ta' Partit

**61.** (1) Kull partit politiku jkollu l-jedd jinnomina bħala aġenti tiegħu dak in-numru ta' persuni li jkun daqs in-numru ta' kaxex tal-voti u dawk il-persuni f'dan l-Att jissemew aġenti ta' partit.

(2) Dawk l-aġenti ta' partit li hekk jinħatru jkollhom jedd li jkunu preżenti fil-kmamar tal-votazzjoni qabel ma tibda u fi tmiem il-votazzjoni għall-finijiet dwarhom provdut f'dan l-Att.

(3) Il-partiti politici li jkunu qegħdin iwettqu l-jedd mogħti lilhom bis-subartikolu (1) ta' dan l-artikolu għandhom iressqu lista quddiem il-Kummissjoni li jkun fiha l-ismijiet tal-persuni nominati minnhom bħala aġenti ta' kull wieħed minnhom mhux iktar tard mill-gurnata stabbilita għan-nomina ta' Assistenti Kummissjonarji skond l-artikolu 57 ta' dan l-Att.

Persuni hatja ta' asti ta' korruzzjoni ma jistgħux jiġu mahtura aġenti

**62.** Ebda persuna ma tista' tinħatar aġent elettorali jew aġent ta' partit jekk fis-seba' snin ta' qabel dik il-hatra tkun instabet hatja ta' att ta' korruzzjoni taħt dan l-Att jew tkun ġiet stabbilita mill-Kummissjoni bħala bid-deher mhux idoneja li tagħmilha ta' dak l-aġent partikolari.

Identifikazzjoni ta' Aġenti Elettorali u Aġenti ta' Partit

**63.** (1) Flimkien ma' l-isem, indirizz u numru tal-karta ta' l-identità ta' l-aġent, elettorali jew ta' partit, il-kandidat jew il-partit politiku, kif ikun il-każ, għandu jagħti lill-Kummissjoni ritratt ta' l-aġent fid-daqs ta' ritratt tal-passaport, u l-Kummissjonarji għandhom mhux iktar tard minn sebat ijiem qabel ma tibda l-votazzjoni jagħti lil dak l-aġent dokument ta' l-identità li ma jistax jitbagħbas li jkun fih ir-ritratt ta' l-aġent imbullat bis-siġill tal-Kummissjoni u li jkun juri l-isem, l-indirizz u n-numru tal-karta ta' l-identità tal-aġent u minn min ikun ġie nominat. Id-dokumenti ta' l-identità għandhom juru numru progressiv skond kif maħruġin, ikunu ta' kulur differenti sabiex l-aġenti elettorali u ta' partit jintgħarfu faċilment, u jintlibsu b'mod li jidher sew mill-aġent partikular fit-twettiq ta' dmirijietu.

(2) Fiż-żmien stabbilit fis-subartikolu ta' qabel ta' dan l-artikolu, il-Kummissjoni għandha tiegħu hsieb li tiġi publikata fil-Gazzetta lista ta' l-ismijiet, indirizzi u numri tal-karti ta' l-identità ta' kull aġent elettorali u ta' partit nominat, b'mod li juri dwar kull aġent minn min ikun ġie nominat, u jekk ikunx aġent elettorali jew ta' partit u n-numru progressiv tad-dokument ta' l-identità lilu maħruġ.

64. (1) (a) F'kull kamra tal-votazzjoni għandha tinzamm mill-Assistenti Kummissjonarji lista ta' l-eletturi li jkollhom il-jedd li jivvotaw f'dik il-kamra tal-votazzjoni flimkien ma' kopji tar-ritratt fotografiku ta' kull votant. Kull paġna ta' dik il-lista u kull korrezzjoni jew taħsira li ssir fuqha, għandhom jiġu ffirmati minn Kummissjonarju u minn delegat ta' partit ta' kull partit politiku.

(b) Il-Kummissjonarji għandhom jagħtu kopji ta' dawk il-listi mingħajr ritratti lill-partiti politiċi kollha li jkunu qegħdin jikkontestaw l-elezzjoni mill-inqas hmistax-il jum qabel il-jum stabbilit għall-elezzjoni u l-Kummissjoni għandha żżomm lill-partiti politiċi mgħarrfin dwar it-tibdiliet kollha li jsiru f'dawk il-listi. Il-listi għandhom jidentifikaw il-kamra tal-votazzjoni fejn kull elettur li jkollu l-jedd li jivvota jkun sejjer iwettaq dak il-jedd, jelenkaw l-eletturi li jkunu ser jivvotaw f'kull kamra tal-votazzjoni, f'ordni alfabetiku skond il-kunjomijiet ta' l-eletturi, billi jingħata lil kull votant numru distint u konsekuttiv u jiġi indikat isem, kunjom, l-indirizz, u numru tal-karta ta' identità ta' kull elettur kif ukoll in-numru ta' reġistrazzjoni tad-dokument għall-votazzjoni ta' kull elettur rispettiv.

(c) Isem kull elettur li juri dokument għall-votazzjoni u li tingħatalu polza tal-votazzjoni mill-Assistenti Kummissjonarji għandu jiġi mmarkat fuq dik il-lista li tinzamm għal dak il-għan mill-Assistenti Kummissjonarji b'dak il-mod li jiġi stabbilit mill-Kummissjoni.

(2) Il-votazzjoni għandha ssir f'jum li jkun is-Sibt. Il-votazzjoni għandha tibda fis-7.00 a.m. u tispicċa fl-10.00 p.m.:

Izda kull elettur illi fl-egħluq tal-ħin tal-votazzjoni jkun f'post ta' votazzjoni sabiex jivvota, għandu jedd li jirċievi l-polza tal-votazzjoni u li jivvota;

Izda wkoll, meta l-Kummissjonarji jkunu sodisfatti li l-ħin tal-votazzjoni jkun tnaqqas jew ikun se jitnaqqas, għal xi raġunijiet li fuqhom ma jkollhomx kontroll fil-postijiet tal-votazzjoni kollha jew f'wieħed minnhom jew iktar, huma jistgħu, sew qabel jew wara li tkun bdiet il-votazzjoni, jtawlu l-ħin stabbilit għall-votazzjoni f'dak il-post jew f'dawk il-postijiet tal-votazzjoni sabiex jagħmlu tajjeb għall-im-semmi ħin mitluf.

(3) Il-Kummissjoni għandha, kemm jista' jkun, tipprovdi faċilitajiet għalbiex persuni ħandikappati, maġhdudin persuni f'siġġijiet tar-roti, ikunu jistgħu jivvotaw fil-kumdità.

Projbizzjoni ta' meetings u dimostrazzjonijiet pubbliċi

**65.** Ebda meeting pubbliku jew dimostrazzjoni pubblika ma jistgħu jsiru fil-jum li jaħbat minnufih qabel il-bidu tal-votazzjoni u fil-gurnata stabbilita għall-votazzjoni.

Zamma ta' l-ordni sa distanza ta' 50 metru minn kull post ta' votazzjoni

**66.** Matul il-ħin stabbilit għall-votazzjoni f'xi post tal-votazzjoni, ħadd, ħlief min ikun qed jistenna biex jivvota, ma jista' jitnikker f'distanza ta' ħamsin metru minn dak il-post ta' votazzjoni; u ħadd ma jista', f'dik id-distanza ta' ħamsin metru, jagħmel propaganda politika b'kull mod ikun x'ikun. Kull każin, ħanut jew stabbiliment pubbliku ieħor tul dik id-distanza għandu jinżamm magħluq fil-jum tal-votazzjoni.

Zamma ta' l-ordni f'distanza ta' aktar minn 50 metru minn post ta' votazzjoni

**67.** Ebda persuni ma jistgħu jingemgħu matul il-votazzjoni, f'xi triq, pjazza jew post ieħor, li jagħtu mill-post ta' residenza ta' xi elettur għal post ta' votazzjoni, f'dak in-numru jew xort'oħra b'dak il-mod li jistgħu jintimidaw xi elettur, jew li jfixxluh milli jersaq lejn jew jitlaq minn post ta' votazzjoni, jew li jwasslu għall-ksur tal-paċi pubblika.

Kaxex tal-voti u dokumenti għall-kmamar tal-votazzjoni

**68.** Il-Kummissjoni għandha tikkonsenja lill-Assistenti Kummissjonarji f'kull kamra tal-votazzjoni kaxxa jew kaxex tal-voti issigillati, numru biżżejjed ta' poloz tal-votazzjoni, listi ta' elettori li jkollhom jedd li jivvotaw f'dik il-kamra tal-votazzjoni u dokumenti oħra u materjal ieħor rilevanti.

Sigillat tal-kaxex tal-voti qabel il-votazzjoni

**69.** (1) Mhux iżjed kmieni minn erbat ijiem qabel ma l-kaxex tal-voti jingarru lejn il-post tal-votazzjoni, il-Kummissjoni għandha tgħaddi biex tissigilla kull imkien miftuħ fil-kaxex tal-votazzjoni wara li taċċerta ruħha li l-kaxex tal-votazzjoni jkunu vojta. Il-Kummissjoni għandha mill-inqas tlett ijiem qabel ma tissigilla l-kaxex tippubblika avviż fil-Gazzetta li bih tistabbilixxi l-ħin u l-lok fejn il-kaxex ikunu se jiġu sigillati, in-numru totali ta' kaxex tal-votazzjoni disponibbli, in-numru ta' kaxex li jkun se jintuża għall-votazzjoni u l-lok fejn il-kaxex tal-votazzjoni żejda jkunu se jinżammu. Sew kandidati, aġenti elettorali, delegati tal-partiti u għadd ta' persuni minn kull partit politiku, liema għadd ikun qabel ġie deċiż mill-Kummissjoni Elettorali, ikollhom il-jedd jattendu filwaqt li l-kaxex ikunu qegħdin jiġu sigillati kif ukoll li jagħmlu s-sigill tagħhom personali fuq kull imkien miftuħ tal-kaxex tal-votazzjoni.

(2) Wara li l-kaxex tal-voti jkunu ġew sigillati bil-mod imsemmi qabel huma għandhom jitqegħdu f'kamra li tiġi sigillata sal-jum li jiġi minnufih qabel il-jum stabbilit għall-votazzjoni, f'liema jum tinfetaħ il-kamra u l-kaxex tal-votazzjoni jingarru lejn id-diversi postijiet ta' votazzjoni. Il-kamra fejn jinżammu l-kaxex tal-votazzjoni sakemm dawn jingarru għandha tkun mixgħula sew f'kull żmien u għandu jkun hemm fetha żgħira fil-bieb li minnha wieħed ikun jista'

jħares biex jara x'ikun qiegħed jiġri ġewwa; b'dak il-mod illi sabiex jingarru l-kaxex tal-votazzjoni għal Għawdex, dak il-ġarr jista' jsir jumejn qabel jum il-votazzjoni, u l-ġarr għall-postijiet tal-votazzjoni f'Għawdex jista' jsir fil-jum li jiġi minnufih qabel jum il-votazzjoni.

Sew il-partiti politiċi, kif ukoll il-kandidati, aġenti elettorali u delegati tal-partit, għandhom jingħataw faċilitajiet xierqa sabiex jissigillaw kull fetħa li tagħti ġewwa l-kamra, sabiex jivverifikaw il-kaxex tal-votazzjoni b'mod fiżiku mill-fetħa fil-bieb ta' barra u sabiex jakkumpanjaw il-kaxex fil-ġarr tagħom lejn il-postijiet tal-votazzjoni:

Iżda għall-finijiet tas-superviżjoni tal-ġarr tal-kaxex tal-votazzjoni mill-kamra msemmija fis-subartikolu (1) ta' dan l-artikolu għall-postijiet tal-votazzjoni, il-partiti politiċi jkollhom il-jedd jinnominaw għadd xieraq ta' persuni fi proporzjon mal-għadd ta' kaxex tal-voti, sakemm dawn il-persuni ma jitqiesux mill-Kummissjonarji bħala persuni bid-deher mhux xierqa.

(3) Wara l-ġarr tagħhom lejn il-postijiet tal-votazzjoni il-kaxex tal-votazzjoni kollha li jiġu konsenjati f'kull post tal-votazzjoni għandhom jitqegħdu kollha f'kamra waħda li tiġi sigillata u li tkun mixgħula biż-żejjed f'kull hin u li tippermetti li wieħed ikun jista' jħares minn fetħa żgħira fil-bieb sabiex jara x'ikun qiegħed jiġri ġewwa. Fil-jum stabbilit għall-votazzjoni u tletin minuta qabel ma tibda l-votazzjoni, tinfetħ il-kamra u l-kaxex tal-votazzjoni jingarru lejn id-diversi kmamar tal-votazzjoni.

Sew il-partiti politiċi, kif ukoll il-kandidati, aġenti elettorali u delegati tal-partit, għandhom jingħataw faċilitajiet xierqa sabiex jissigillaw kull fetħa li tagħti ġewwa l-kamra, sabiex jivverifikaw il-kaxex tal-votazzjoni f'kull hin b'mod fiżiku mill-fetħa fil-bieb ta' barra, sabiex ikunu fil-post meta jinkisru s-sigilli ta' mal-kamra, u sabiex isegwu l-ġarr tal-kaxex tal-votazzjoni lejn il-kmamar tal-votazzjoni.

(4) Minnufih qabel ma tibda l-votazzjoni l-Assistenti Kummissjonarji għandhom, quddiem kull kandidat, aġent elettorali jew aġent tal-partit jew delegat tal-partit skond il-każ, mingħajr ma jiksru s-sigilli, jivverifikaw li l-kaxex tal-votazzjoni lilhom konsenjati jkunu vojta billi jcaqilqu u jheżžu l-kaxxa tal-votazzjoni, u meta jagħmlu dan għandhom jiksru s-sigill jew is-sigilli li jkun hemm fuq il-fetħa mnejn jintefgħu il-poloż tal-votazzjoni. Jekk l-Assistenti Kummissjonarji jew xi wieħed minnhom jew kandidat jew aġent elettorali jew aġent ta' partit jew delegat ta' partit li jistgħu jkunu fil-post jissuspettaw li l-kaxxa tal-votazzjoni ma tkunx vojta, l-Assistenti Kummissjonarji ma għandhomx jiksru s-sigill jew sigilli kif imsemmi qabel iżda għandhom javżaw minnufih lill-Kummissjoni li mbagħad tiftaħ is-sigilli kollha quddiem

id-delegati tal-partit u l-Assistenti Kummissjonarji konċernati. Il-Kummissjoni għandha taċċerta li l-kaxxa tal-votazzjoni tkun vojta u tissigilla mill-ġdid il-kaxxa tal-votazzjoni qabel ma tippermetti li tibda l-votazzjoni; id-delegati tal-partit ikollhom il-jedd li jagħmlu s-sigilli tagħhom personali fuq il-kaxxa tal-votazzjoni meta dawn jerġgħu jiġu issigillati mill-Kummissjoni.

(5) Hlief fil-każ imsemmi fis-subartikolu ta' qabel, is-sigilli li jitqiegħdu fuq l-għatu tal-kaxxa tal-votazzjoni ma għandhomx jinkisru hlief meta l-kaxxa tal-voti jinfetħu għall-għadd tal-voti.

(6) Għall-finijiet ta' dan l-artikolu, meta l-Kummissjoni taqta' illi minhabba f'nuqqas ta' spazju, ma jkunux jistgħu jintgħamlu s-sigilli kollha b'mod konvenjenti, il-Kummissjoni tista' tagħti direttivi li jkunu jillimitaw in-numru ta' sigilli li jintgħamlu b'mod li tiżgura madankollu li kull partit politiku għandu jingħata l-opportunità li jagħmel mill-inqas sigill wieħed fuq kull kaxxa tal-votazzjoni.

#### Votazzjoni

70. (1) Kull elettur li jkun irid jivvota għandu jmur fil-kamra tal-votazzjoni speċifikata fid-dokument għall-votazzjoni li huwa jkun irċieva u għandu jikkonsenja dak id-dokument lill-Assistent Kummissjonarju f'dik il-kamra tal-votazzjoni matul il-hinijiet stabbiliti għall-votazzjoni.

(2) Ebda persuna ma tithalla tivvota jekk ma tipproduċix u ma tikkonsenjax id-dokument għall-votazzjoni lill-Assistenti Kummissjonarji.

(3) Ma tithalla li ssirebda investigazzjoni fil-waqt tal-votazzjoni dwar il-jedd ta' xi persuna li tivvota sakemm isem dik il-persuna jkun jidher fil-lista msemmija fis-subartikolu (1) ta' l-artikolu 64 ta' dan l-Att, iżda l-Assistenti Kummissjonarji jistgħu, qabel ma jagħtu l-polza tal-votazzjoni lill-elettur, jagħmlulu dawk il-mistoqsijiet li jidhrilhom xierqa sabiex jissodisfaw ruħhom mill-identità ta' dak l-elettur.

(4) L-Assistenti Kummissjonarji, mal-produzzjoni u l-konsenja lilhom tad-dokument għall-votazzjoni, wara li jkunu issodisfaw ruħhom mill-identità ta' l-elettur, għandhom iħassru isem l-elettur minn fuq l-imsemmija lista u jagħtuh f'idu, wara li jimmarkawha bit-timbri ufficjali, polza tal-votazzjoni. Għall-finijiet ta' dan l-Att, "timbru ufficjali" tfisser it-timbru li l-Kummissjoni tordna lill-Assistenti Kummissjonarji sabiex jużaw; b'dan illi kull partit politiku jista' jordna lill-Assistent Kummissjonarju nominat minnu sabiex juża timbru minn ta' dak l-istess partit sabiex jittimbra l-poloż tal-votazzjoni, sakemm stampat tat-timbru li jiġi hekk użat ikun ġie depożitat għand il-Kummissjoni qabel ma tibda l-votazzjoni; dak it-timbru ma jkunx meħtieġ għall-validità tal-polza tal-votazzjoni.

(5) L-Assistenti Kummissjonarji jistgħu fid-diskrezzjoni tagħhom jagħtu l-ġurament lil kull elettur fil-formula murija fil-Hdax-il Skeda li tinsab ma' dan l-Att.

(6) Kull persuna li tirrifjuta li twieġeb għal xi mistoqsija li ssirilha skond is-subartikolu (3) ta' dan l-artikolu jew li tiegħu l-ġurament imsemmi fis-subartikolu (5) ta' dan l-artikolu ma tiffalliex tivvota.

(7) L-Assistenti Kummissjonarji ma jistgħux jirrifjutaw li jagħtu polza tal-votazzjoni lil persuna li isimha jkun jidher fil-lista msemmija fis-subartikolu (1) ta' l-artikolu 64 ta' dan l-Att u li xort' oħra tissodisfa l-htigiet ta' dan l-artikolu flief jekk, fuq mistoqsijiet magħmulin taht dan l-artikolu, il-persuna li tkun trid tivvota tkun tidher lill-Assistenti Kummissjonarji li ma tkunx il-persuna li isimha jidher fl-imsemmija lista jew li digà tkun ivvotat fl-istess elezzjoni.

(8) L-Assistenti Kummissjonarji għandhom iżommu nota bil-miktub ta' kull ġurament li jiġi mogħti lil xi persuna taht dan l-artikolu u ta' kull każ li fih ma jhallux persuna tivvota.

(9) Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 77 ta' dan l-Att, ebda elettur ma jithalla jivvota flief fil-kamra tal-votazzjoni speċifikata fid-dokument għall-votazzjoni ipprezentat minnu sabiex jivvota.

(10) Meta min jivvota jkun bi żball hela l-polza tiegħu, jista' jkollu polza oħra flok l-oħra li jkun hela u l-polza moħlija tiġi mħassra minnufih, kemm-il darba, meta jiġi biex jagħti lura lill-Assistent Kummissjonarju l-polza li jkun hela, huwa juri lil dan l-Assistent Kummissjonarju ta' l-Elezzjonijiet li dan l-iżball ikun ħadu bla ma ried u b'mod li dana jista' jemmnu.

**71.** (1) Kull elettur għandu jkollu vot wieħed trasferibbli (jew vot li jgħaddi minn kandidat għal ieħor).

Kif wieħed jivvota

(2) L-elettur meta jagħti l-vot tiegħu:

(a) għandu jikteb fuq il-polza n-numru 1, quddiem bl-isem tal-kandidat li lilu jagħti l-vot; u

(b) barra minn dan juri l-ordni tal-għażla jew preferenza tiegħu għal daww il-kandidati l-oħra kollha li jogħgħbuh, billi jikteb quddiem l-isem ta' kull wieħed minnhom in-numri, 2, 3, 4, 5, 6 u hekk dejjem numru wara l-ieħor skond l-ordni ta' preferenza li jagħti.

(3) Il-polza ma tkunx tiswa:

(a) jekk fuqha ma jkunx hemm miktub in-numru 1, li mqiegħed għalih waħdu, għandu juri l-ewwel preferenza li tingħata lil wieħed mill-kandidati fuq l-oħrajn kollha; jew

(b) jekk ikun hemm miktub quddiem l-isem ta' iżjed minn kandidat wiehed in-numru 1, li, imqiegħed għalih waħdu, għandu juri l-ewwel preferenza; jew

(ċ) jekk flimkien man-numru 1, li mqiegħed għalih għandu juri l-ewwel, preferenza, jinkiteb xi numru ieħor quddiem l-isem ta' l-istess kandidat; jew

(d) jekk ma jkunx jista' jingħaraf sewwa għal liema kandidat giet mogħtija l-ewwel preferenza; jew

(e) jekk fil-polza jkun hemm xi kelma miktuba jew xi sinjal ieħor, li bih tista' tingħaraf il-persuna li tat il-vot; jew

(f) jekk fuqha ma jintgħamilx it-timbru ufficjali kif imfisser fis-subartikolu (4) ta' l-artikolu 70.

(4) L-elettur jagħti l-vot tiegħu b'mod sigriet ġewwa kompartment fil-kamra tal-votazzjoni mgħammar għal din ir-raġuni u magħmul b'dak il-mod li l-elettur ma jkunx jidher fil-waqt li jkun qiegħed jikteb fuq il-polza tal-votazzjoni tiegħu. Wara li jkun temm jikteb fuq il-polza tal-votazzjoni tiegħu, l-elettur għandu jitni l-polza tal-votazzjoni b'mod li ma jkunx jidher kif ivvota, u għandu mbagħad jitfa' l-polza tal-votazzjoni fil-kaxxa tal-voti quddiem l-Assistenti Kummissjonarji.

Eletturi analfabeti  
jew inkapaċi

**72.** (1) Kull elettur li jiddikjara quddiem l-Assistenti Kummissjonarji, u juri għas-sodisfazzjon tagħhom, li hu ma jistax minħabba li jkun għama, minħabba raġuni oħra fiżika jew li jkun analfabeti jimmarka l-polza ta' votazzjoni tiegħu, jista' jitlob lill-Assistent Kummissjonarju biex jimmarka l-polza tal-votazzjoni floku, wara li jgħidlu għal liema kandidat jew kandidati huwa jrid jivvota u l-ordni li fih irid jagħti l-vot tiegħu:

Iżda l-elettur ma jistax jitlob għal xi Kummissjonarju Elettorali partikolari sabiex jimmarkalu l-polza f'ismu.

(2) L-Assistenti Kummissjonarji huma obbligati għas-sigriet dwar il-votazzjoni ta' persuna li huma jkunu għenu biex tivvota.

(3) Għandu jkun hemm preżenti mhux anqas minn żewġ Assistenti Kummissjonarji meta l-vot jingħata taħt id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, imma fil-kamra ma għandu jkun hemm ebda persuna oħra.

(4) Meta Assistent Kummissjonarju huwa awtorizzat li jgħin elettur sabiex inizzel il-vot tiegħu, l-Assistent Kummissjonarju għandu

jgiegħel lill-elettur iwettaq b'gurament id-dikjarazzjoni tiegħu, u meta jiżgura ruħu li d-dikjarazzjoni li għamillu hija vera, huwa jikteb il-vot ta' dak l-elettur fuq il-polza, skond ma jkun tah indikazzjoni li jagħmel dak l-elettur u skond din il-proċedura li ġejja:

(a) L-Assistent Kummissjonarju jistaqsi lill-elettur: "Liema mill-kandidati inti tixtieq l-iktar li jiġi magħżul?" u jikteb in-numru 1 quddiem l-isem tal-kandidat imsemmi mill-elettur.

(b) L-Assistent Kummissjonarju għandu mbagħhad jistaqsi lill-elettur: "Liema mill-kandidati tixtieq li jiġi magħżul it-tieni wieħed?" u jikteb in-numru 2 quddiem l-isem tal-kandidat imsemmi mill-elettur.

(c) L-Assistent Kummissjonarju jkompli jagħmel il-mistoqsijiet tiegħu għat-tielet preferenza jew preferenzi oħra, sakemm l-elettur jiddikjaralu li ma għandu ebda preferenza oħra xi jsemmilu.

(d) Sabiex dawk l-eletturi jkollhom kull għajnuna sabiex jindikaw il-preferenzi tagħhom, il-Kummissjonarji Elettorali għandhom iħallu fil-postijiet tal-votazzjoni l-wiri tar-ritratti fotografici tal-kandidati, jekk dawn jiġu provisti mill-kandidati nfushom jew minn partit politiku f'isimhom. Kull ritratt fotografiku jista' juri wkoll fuqu, b'żieda ma' l-isem tal-kandidat rappreżentat, il-*badge* u l-isem tal-partit, jekk dak il-kandidat ikollu partit, tiegħu.

Dawk il-fotografiji għandhom ikunu ta' dak id-daqs u ta' dik l-għamla li l-Kummissjonarji Elettorali jistgħu jinħtiegu u għandhom jintwerew b'dak il-mod li huma jordnaw u f'dik l-ordni li fiha jidher ismijiet il-kandidati fuq il-polza tal-votazzjoni.

(e) Kif jibda jagħmel dan, u mbagħhad wara wkoll, l-Assistent Kummissjonarju għandu, jekk ikun mitlub mill-elettur, jaqralu wieħed wara l-ieħor, skond l-ordni li huma miktubin fuq il-polza, l-ismijiet tal-kandidati kollha, illi favur tagħhom l-elettur ma jkun għadu fisser ebda preferenza.

(f) Li kellu jiġri li elettur, madankollu, jitlob lil Assistent Kummissjonarju jaqralu l-ismijiet tal-kandidati ta' partit politiku wieħed partikulari biss, l-Assistent Kummissjonarju għandu jagħmel dan billi jaqra f'ordni alfabetiku l-ismijiet tal-kandidati li jkunu indikaw is-shubija tagħhom f'dak il-partit politiku filwaqt li jhalli barra l-ismijiet tal-kandidati l-oħrajn.

73. Fil-hin li l-elettur ikun jivvota, l-Assistenti Kummissjonarji għandhom joqogħdu f'boġħod biżżejjed li ma jkunux jistgħu jaraw kif jingħata l-vot .

L-Assistenti  
Kummissjonarji  
ma għandhomx jaraw  
kif jingħata l-vot.

Il-polza tal-votazzjoni ma tistax tinhareġ mill-post tal-votazzjoni.

L-Assistenti Kummissjonarji ma jistgħux jissuggerixxu kif wiehed għandu jivvota.

Ebda persuna mhux awtorizzata ma tista' tidhol f'post ta' votazzjoni

Votazzjoni f'post tal-votazzjoni li ma jkunx speċifikat fid-Dokument għall-Votazzjoni.

Għeluq tal-votazzjoni.

**74.** L-Assistenti Kummissjonarji ma għandhom f'ebda kaz iħallu lil hadd jieħu polza tal-votazzjoni barra mill-kamra jew minn taht għajnejhom sakemm tintefa' fil-kaxxa tal-voti.

**75.** Hlief fil-każ ta' l-artikolu 72, ebda Assistent Kummissjonarju jew persuna oħra ma jistgħu jivvutaw għal elettur, jew, f'post ta' votazzjoni, jagħmlulu ebda suggeriment, direttament jew indirettament, dwar il-kandidat jew kandidati li għalihom imissu jivvota jew dwar il-għażla jew preferenza tiegħu.

**76.** Hlief fejn imsemmi mod ieħor f'dan l-Att, l-Assistenti Kummissjonarji m'għandhom iħallu ebda persuna, hlief ufficjal tal-Pulizija li jkun qiegħed servizz jew persuna legalment inkarigat mill-esekuzzjoni ta' servizz li għandu x'jaqsam ma' l-elezzjoni, jew persuna li għandha l-jedd li tivvota f'dak il-post ta' votazzjoni, tidhol f'dak il-post ta' votazzjoni, lanqas m'għandhom iħallu elettur jew persuna oħra li jibqgħu fil-post tal-votazzjoni iżjed milli jenhtieg.

**77.** (1) Il-Kummissjonarji, l-Assistenti Kummissjonarji, l-ufficjali tal-Pulizija u persuni oħra legittimament inkarigati mill-esekuzzjoni ta' servizz f'post ta' votazzjoni jistgħu, bl-approvazzjoni tal-Kummissjoni u sakemm huma hekk iġharrfu lill-Kummissjoni mill-inqas tmienja u erbgħin siegħa qabel ma tibda l-votazzjoni, jivvotaw f'dak il-post ta' votazzjoni fejn ikunu qegħdin iwettqu dak is-servizz u li jkun issemma għal dan il-għan mill-Kummissjoni.

(2) Dawk il-persuni għandhom jivvotaw kemm jista' jkun kmieni malli tibda l-votazzjoni .

(3) Lista tal-persuni li hekk għandhom il-jedd li jivvotaw għandha tinzamm fl-Ufficcju Elettorali u f'dak il-post ta' votazzjoni u għandha tkun miftuħa għall-ispezzjoni mid-delegat tal-partit mill-inqas erbgħa u għoxrin siegħa qabel il-bidu tal-votazzjoni.

(4) Il-Kandidati għall-elezzjoni jistgħu jivvotaw f'wiehed mill-postijiet tal-votazzjoni msemmija għal dan l-għan mill-Kummissjoni u li jkun qiegħed fid-distrett li għalih joħorġu għall-elezzjoni.

**78.** (1) Wara li jgħaddi z-żmien stabbilit għall-votazzjoni, l-Assistenti Kummissjonarji għandhom jissigillaw il-fetħa li jkun hemm fil-kaxxa tal-votazzjoni, iqegħdu f'pakkett kull polza tal-votazzjoni mhux użata u mħassra u kull dokumentazzjoni stampata jew miktubali jkollhom, filwaqt li jwaħħlu s-sigilli tagħhom fuq dak il-pakkett, wara li jiddikjaraw u jfirmaw fuq l-imsemmi pakkett in-numru ta' dawk il-poloż, u għandhom iqegħdu f'pakkett separat id-dokumenti għall-votazzjoni kollha lilhom mogħtijin. It-timbri ufficjali li jintużaw mill-Assistenti Kummissjonarji nominati mill-partiti politici għandhom

jitqegħdu f'pakkett separat li jkun sigillat bis-sigill tal-Kummissjoni wara li l-Assistenti Kummissjonarji jkunu għamli l-firma tagħhom fuq dak il-pakkett.

(2) Għall-finijiet tas-subartikolu ta' qabel ta' dan l-artikolu l-Assistenti Kummissjonarji għandhom iġhoddu u jirrikonciljaw wiehed wiehed in-numru ta' poloz tal-votazzjoni mhux użati u mhassrin, in-numru ta' persuni markati bħala li jkunu ivvutaw fuq il-lista msemmija fis-subartikolu (1) ta' l-artikolu 64 u n-numru ta' dokumenti tal-votazzjoni lilhom mogħtijin.

(3) Wara l-għeluq tal-votazzjoni u qabel ma jingarru l-kaxex tal-votazzjoni mill-kmamar tal-votazzjoni, l-Assistenti Kummissjonarji għandhom iwahhlu avviz mal-bieb ta' kull kamra tal-votazzjoni u li jkun iffirmit mill-Assistenti Kummissjonarji kollha li jkun jiddikjara n-numru ta' eletturi li kellhom il-jedd jivvotaw f'dik il-kamra tal-votazzjoni, in-numru ta' poloz tal-votazzjoni li jkunu rċevew mingħand il-Kummissjoni, in-numru ta' dokumenti għall-votazzjoni lilhom mogħtijin filwaqt li jiddistingwu jekk dawn humiex ordinarji jew speċjali, in-numru ta' poloz tal-votazzjoni mhassrin u n-numru ta' poloz tal-votazzjoni mhux użati li huma jkunu qegħdin jagħtu lura lill-Kummissjoni u n-numru ta' persuni li jkunu vvutaw f'dik il-kamra tal-votazzjoni. Dak l-avviż għandu hawn iżjed 'il quddiem f'dan l-artikolu jissejjaħ "ir-rendikont ta' poloz tal-votazzjoni".

Kopja tar-rendikont ta' poloz tal-votazzjoni għandha titqassam mill-Assistenti Kummissjonarji lil kull partit politiku billi tingħata lil kandidat, jew aġent ta' l-elezzjoni jew tal-partit jirrappreżentaw dak il-partit u li jistgħu jkunu hemm, u dik il-kopja għandha wkoll tingħata lill-Kummissjoni fil-post imsemmi fil-paragrafu (ċ) ta' l-artikolu 45 ta' dan l-Att u l-Kummissjoni għandha minnufih li jsir dan tagħti kopja lid-delegati tal-partit.

(4) Mat-temm tad-dmirijiet kollha msemmija fis-subartikolu ta' qabel ta' dan l-artikolu, l-Assistenti Kummissjonarji għandhom iġorru il-kaxxa jew kaxex tal-votazzjoni u d-dokumenti u pakketti kollha fdati lilhom għal għand il-Kummissjoni fil-post imsemmi fil-paragrafu (ċ) ta' l-artikolu 45.

(5) Delegati tal-partit, kandidati, aġenti elettorali u aġenti tal-partit għandhom il-jedd jattendu filwaqt li tkun qed issir irrikonciljazzjoni, u l-issigillari tal-poloż u l-issigillar tal-kaxex tal-votazzjoni, kif imsemmi fis-subartikoli ta' qabel ta' dan l-artikolu, u li jagħmlu s-sigill tagħhom personali fuq il-pakketti tal-poloż u fuq il-kaxex tal-votazzjoni, u għandhom, bla ħsara għad-dispożizzjonijiet tas-subartikoli li ġejjin ta' dan l-artikolu, jingħataw faċilitajiet sabiex jissorveljaw u jakkumpanjaw il-ġarr tal-kaxex tal-votazzjoni mill-post tal-votazzjoni sal-konsenja tagħhom lill-Kummissjoni.

(6) (a) Mhux iktar minn aġent tal-partit wieħed minn kull partit politiku jista' jkun preżenti f'kull kamra tal-votazzjoni fl-istess waqt meta tkun qiegħda ssir il-proċedura għall-issigillar tal-kaxx tal-votazzjoni;

(b) L-Assistenti Kummissjonarji għandhom jieħdu f'isieb li l-kandidati aġenti elettorali, aġenti tal-partit jew delegati tal-partit li jistgħu jinsabu fil-post għandhom jissejju fil-kamra qabel ma huma jibdew il-proċeduri msemmija fis-subartikoli ta' qabel ta' dan l-artikolu dwar l-issigillar ta' kaxx tal-votazzjoni u ta' pakketti u dwar ir-rikonċiljazzjoni;

(ċ) Il-kandidati, aġenti elettorali, aġenti tal-partit u delegati tal-partit li jistgħu jkunu jinsabu fil-post għandhom jingħataw kull faċilità raġonevoli sabiex jissorveljaw, jiddokumentaw u jinftiegu kull għadd mill-ġdid ta' dak kollu li jagħmlu l-Assistenti Kummissjonarji skond is-subartikoli ta' qabel ta' dan l-artikolu, u mingħajr preġudizzju għall-ġeneralità ta' dak imsemmi qabel –

(i) sabiex jirrikonċiljaw l-għadd ta' persuni li jkunu vvotaw kif dikjarat fir-rendikont ta' poloz tal-votazzjoni mal-għadd ta' persuni li l-Assistenti Kummissjonarji jkunu qatgħu minn fuq il-lista msemmija fl-artikolu 64 ta' dan l-Att u l-għadd ta' dokumenti għall-votazzjoni riċevuti mill-Assistenti Kummissjonarji;

(ii) sabiex jirrikonċiljaw l-ismijiet ta' l-eletturi li l-Assistenti Kummissjonarji jkunu qatgħu minn fuq il-lista msemmija fl-artikolu 64 ta' dan l-Att ma' l-ismijiet jew mad-dokumenti għall-votazzjoni riċevuti minnhom;

(iii) sabiex jirreġistraw l-ismijiet tal-persuni li ma jkunux ivvotaw;

(d) Wara li jkunu ntemmu l-proċeduri kollha msemmija fil-paragrafu ta' qabel ta' dan is-subartikolu, l-Assistenti Kummissjonarji għandhom iżommu l-kaxxa tal-votazzjoni u d-dokumenti u l-pakketti kollha fil-kamra tal-votazzjoni sa dak il-hin meta l-vettura mibgħuta mill-Kummissjoni għat-trasferiment tal-kaxx tal-votazzjoni tasal fil-post tal-votazzjoni. Kull kandidat, aġent elettorali jew aġent tal-partit jew delegat tal-partit li jistgħu jkunu jinsabu fil-kamra jkollhom il-jedd ukoll li jibqgħu f'dik il-kamra ta' votazzjoni;

(e) Waqt il-ġarr mill-post tal-votazzjoni sal-post stabbilit mill-Kummissjoni għall-konsenja tal-kaxx tal-votazzjoni skond is-subartikolu (3) ta' l-artikolu 45 mhux iktar minn

rappreżentant wieħed minn kull partit politiku ma jista' jirkeb il-vettura mibgħuta mill-Kummissjoni għall-ġarr relattiv;

(f) Ir-rappreżentanti msemmija fil-paragrafu ta' qabel ta' dan is-subartikolu għandhom jintgħażlu mill-partiti politiċi u għandhom ikunu debitament awtorizzati mill-Kummissjoni u għandu jkollhom dawk il-htigiet ta' identifikazzjoni bħal dawk meħtieġa bis-subartikolu (1) ta' l-artikolu 63 u għandu jkollhom isimhom mgharraf skond ma hemm provdut fis-subartikolu (2) ta' l-artikolu 63;

(g) Ir-rifjut ta' Assistent Kummissjonarju li jiffirma xi dikjarazzjoni jew xi dokument ma għandux, fih innifsu, jinvalida l-kontenut ta' dik id-dikjarazzjoni jew dokument.

79. L-Assistenti Kummissjonarji għandhom iżommu l-bon-ordni fil-post tal-votazzjoni li tiegħu jkollhom l-inkarigu u huma responsabbli għal kull irregolarità f'dak il-post sa fejn dik l-irregolarità setgħat tiġi evitata minnhom.

L-Assistenti Kummissjonarji għandhom iżommu l-bon-ordni.

## TAQSIMA XII

### *Votazzjoni fi Djar ta' l-Anzjani*

80. Għall-finijiet ta' din it-Taqsima, "dar ta' l-anzjani" tfisser dak il-post jew dawk il-postijiet prinċipalment użati għall-kura ta' persuni anzjani li fihom ikunu, mill-inqas, joqogħdu ħamsin elettur:

Dar ta' l-Anzjani.

Izda d-dispożizzjonijiet tal-paragrafu (a) tas-subartikolu (3) ta' l-artikolu 81, tal-paragrafu (b) tas-subartikolu (1) ta' l-artikolu 82 u ta' l-artikolu 83 ma għandhomx japplikaw għal djar ta' l-anzjani li ma jkunux immexxjin jew amministrati mill-Gvern.

81. (1) Fi żmien erbgha u għoxrin siegħa mill-pubblikazzjoni tar-*Writ* għall-elezzjoni ta' membri fil-Kamra, il-Kummissjoni għandha twaqqaf sotto-kumitat li jkun magħmul minn Kummissjonarju, li jagħmilha ta' *chairperson*, u minn rappreżentant ta' kull wieħed mill-partiti politiċi u l-Kummissjoni Elettorali għandha tiddelega lis-sotto-kumitat it-tmexxija ta' l-elezzjoni fid-djar ta' l-anzjani kollha.

Sotto-kumitat għal Djar ta' l-Anzjani.

(2) Is-sotto-kumitat ikollu d-dmir li jieħu ħsieb li ma ssir ebda pressjoni fuq eletturi fi djar għan-nies avvanzati, li jingħataw faċilitajiet xierqa u adegwati lill-partiti politiċi kollha għall-*canvassing* ta' dawk l-eletturi, li jsiru arrangamenti adegwati għall-votazzjoni meta wieħed jikkunsidra l-bżonnijiet speċjali ta' dawk l-eletturi u li ebda partit politiku ma jiġi li jkollu xi vantaġġ ingust.

(3) Mingħajr preġudizzju għall-ġeneralità tad-dispożizzjonijiet ta' qabel, is-sotto-kumitat għandu jiżgura illi:

(a) jittiehdu passi immedjati sabiex għal xi żmien jitneħhew u jiġu sostitwiti membri tal-personnel li dwarhom ikun hemm suspett gravi ta' tentattiv li jinfluwenzaw lill-eletturi;

(b) isiru arrangamenti sabiex jiddaħhal u jitqassam sew materjal ta' propaganda u sabiex isir *canvassing* waqt il-ħinijiet ta' attendenza mill-barranin, minn kandidati u minn partiti politiċi li jkunu qegħdin jikkontestaw dak id-distrett elettoral;

(ċ) l-ilmenti li jsiru mill-partiti politiċi u, jew mill-kandidati jiġu nvestigati u, meta jkunu ġustifikati, rimedjati bil-għaġġla.

Dmirijiet ta' persuni responsabbli għat-tmexxija ta' Djar ta' l-Anzjani.

82. (1) Fi żmien tliet ijiem mill-pubblikazzjoni tar-*Writ* il-persuna responsabbli mit-tmexxija ta' dar ta' l-anzjani għandha tibgħat lis-sotto-kumitat:

(a) lista tal-persuni kollha residenti f'dik id-dar ta' l-anzjani, li fiha juru l-isem, in-numru tal-karta ta' l-identità, l-aħħar indirizz magħruf, l-età, in-numru tal-ward, l-isem u l-indirizz ta' l-eqreb qarib u jekk dik il-persuna tkunx reġistrata bħala elettur fl-indirizz ta' dik id-dar ta' l-anzjani jew ta' x'imkien ieħor;

(b) lista tal-personell kollu fid-dar ta' l-anzjani li turi l-isem, in-numru tal-karta ta' l-identità, l-indirizz, il-kariga u l-ħinijiet tax-xogħol sal-għada tal-jum stabbilit għall-votazzjoni.

(2) Meta s-sotto-kumitat jirċievi l-listi msemmija, dan għandu minnufih jagħti kopji ta' dawk il-listi lill-partiti politiċi.

(3) L-amministratur ta' kull dar ta' l-anzjani għandu jzomm dawk il-listi aġġornati u għandu minnufih jibgħat lis-sotto-kumitat kull emenda li ssir fihom. Is-sotto-kumitat għandu minnufih iġharraf lill-partiti politiċi b'dawk l-emendi.

(4) Kull membru tal-personell fi djar ta' l-anzjani hu espressament projbit milli jieħu sehem u jagħmel propaganda għal xi partit jew kandidat politiku u jekk xi impjegat jikser id-dispożizzjonijiet ta' dan l-artikolu huwa jkun ħati ta' reat u jehel meta jinsab ħati l-piena ta' interdizzjoni ġenerali għal perijodu ta' għaxar snin u d-dispożizzjonijiet ta' l-Att dwar il-*Probation* ta' Ħatjin u ta' l-artikolu 22 tal-Kodiċi Kriminali ma għandhomx japplikaw.

Kap. 152  
Kap. 9

Votazzjoni fi  
Djar ta' l-Anzjani.

83. (1) Id-dokumenti għall-votazzjoni li jkunu reġistrati fi djar ta' l-anzjani għandhom jitqassmu lill-eletturi personalment. L-elettur

jista' jagħzel li jikkonsenja d-dokument għall-votazzjoni lill-amministratur tad-dar sabiex jieħu hsiebu fiż-żgur, u dak l-amministratur għandu jikkonsenja lura d-dokument lill-elettur fil-jum stabbilit għall-votazzjoni jew f'dak il-jum li jiġi aktar qabel hekk kif l-elettur jista' jitlob li jsir.

(2) L-eletturi fi djar ta' l-anzjani għandu jkollhom l-għażla li jmorru fil-post tal-votazzjoni;

- (a) mingħajr ma jkollhom l-assistenza ta' ebda persuna;
- (b) bl-assistenza ta' membri tal-personnel;
- (c) bl-assistenza ta' membri tal-familja tagħhom;

u s-sotto-kumitat ikun responsabbli li jara li titwettaq l-għażla partikulari ta' kull elettur.

(3) L-eletturi li jagħzlu li jkollhom l-assistenza tal-membri tal-personnel għandhom ikunu akkumpanjati minn membri tal-personnel magħżulin minn fost ġemgħa minnhom nominati f'numri indaqs mill-partiti politiċi kollha. Il-partiti politiċi jkollhom id-dmir li jitolbu, u l-Kummissjoni jkollha d-dmir li tiżgura, illi jekk il-personnel ordinarju f'dawk id-djar ma jkunux biżżejjed għall-finijiet ta' dan l-artikolu, għandhom jintbagħtu persuni oħra f'dawk id-djar għal dawk il-finijiet.

(4) Dawk l-eletturi li jagħzlu li jkunu akkumpanjati minn membri tal-personnel jew minn membri tal-familji tagħhom, minkejja kull dispożizzjoni oħra ta' dan l-Att, jiġu hekk akkumpanjati sal-bieb tal-kamra tal-votazzjoni relattiva.

(5) Matul il-jum stabbilit għall-votazzjoni hadd hlief membri tas-sotto-kumitat, membri tal-personnel u qraba ta' pazjenti li jkunu qabel ġew awtorizzati jakkumpanjaw lill-eletturi sabiex imorru jivvotaw, ma għandhom mingħajr l-awtorità espressa tas-sotto-kumitat, jithallew jidhlu fi djar ta' l-anzjani.

(6) Hlief bl-awtorizzazzjoni speċjali tas-sotto-kumitat, ebda elettur f'dar ta' l-anzjani li jkun għażel li jivvota waħdu jew li jkun akkumpanjat minn membri tal-familja tiegħu ma jista' jittiehed sabiex jivvota minn membri tal-personnel.

**84.** Is-sotto-kumitat mahtur skond l-artikolu 81 ta' dan l-Att għandu jiffunzjona taht id-direzzjoni ġenerali tal-Kummissjoni u jkun marbut li jwettaq id-deċiżjonijiet tal-Kummissjoni.

Il-Kummissjoni  
Elettorali  
tghid x'għandu jsir.

TAQSIMA XIII  
*Għadd tal-Voti*

Bidu tal-għadd  
tal-voti.

**85.** L-għadd tal-voti għandu jinżamm fl-imkien u fil-ħin stabbiliti fl-avviż imsemmi fil-paragrafu (d) ta' l-artikolu 45 ta' dan l-Att u għandu jitmexxa skond id-dispożizzjonijiet ta' dan l-Att. L-għadd ma għandux jinbeda qabel ma l-kaxex tal-votazzjoni jkunu tqegħdu fil-kamra maħsuba għal dak il-għan mill-Kummissjoni, il-pakketti li jkun fihom il-karti u l-materjal ieħor użat mill-Assistenti Kummissjonarji jkunu ġew konsenjati lill-Kummissjoni u la l-kaxex tal-votazzjoni u anqas il-pakketti ma jkunu ġew dikjarati li huma fi stat li jagħti lok għal suspett li jkunu tbaġħsu.

Tbaġħbis mal-kaxex  
tal-votazzjoni.

**86.** (1) Il-partiti politiċi li jikkontestaw l-elezzjonijiet għandu jkollhom il-jedd li jinnominaw għadd suffiċjenti ta' aġenti, li jiġi stabbilit mill-Kummissjoni, sabiex jissorveljaw f'kull żmien id-dhul tal-kaxex tal-votazzjoni, dokumenti u pakketti li jsiru għand il-Kummissjoni mingħand l-Assistenti Kummissjonarji u l-ħażna tal-kaxex tal-votazzjoni msemmija, dokumenti u pakketti wara d-dhul tagħhom. Dawk l-aġenti għandhom minn hawnhekk iżjed 'il quddiem f'dan l-Att jissejġu "aġenti konsenjatarji".

(2) Id-delegati tal-partit, kandidati u l-aġenti tagħhom kif ukoll aġenti konsenjatarji jkollhom il-jedd jissorveljaw id-dhul ta' kaxex tal-votazzjoni għand il-Kummissjoni Elettorali mingħand l-Assistenti Kummissjonarji u sabiex jagħmlu l-ilmenti tagħhom dwar dan.

(3) Jekk xi Kummissjonarju jew xi delegat ta' partit, kandidat jew aġent konsenjatarju jivvanta li xi kaxxa tal-votazzjoni jew pakkett ikunu daħlu f'sura li tagħti lok għal suspett li setgħu tbaġħsu, il-Kummissjoni tordna li dik il-kaxxa jew dak il-pakkett għandhom jiġu trattati separatament mill-kaxex jew pakketti l-oħrajn, u ssejjaħ laqgħa ta' l-istess Kummissjoni minnufih; f'dik il-laqgħa l-Kummissjoni jkollha s-setgħa li tisma' dik ix-xieħda li tingħata bil-ġurament li tista' tqis meħtieġa.

(4) Meta l-Kummissjoni tiddeċedi li ma hemmx prova li tiġġustifika s-suspett li l-kaxxa jew il-pakkett ikunu tbaġħsu, id-deċizjoni tagħha tkun waħda finali u ma jista' isir ebda appell minnha.

(5) Kull ilment bhal dawk imsemmija fis-subartikoli ta' qabel ta' dan l-artikolu għandu jsir hekk kif il-kaxxa tal-votazzjoni jew il-pakkett jiġu konsenjati mill-Assistenti Kummissjonarji lill-Kummissjoni u għal dan il-għan il-Kummissjoni għandha tiżgura li d-delegati ta' partit, kandidati jew aġenti konsenjatarji jingħataw faċilitajiet xierqa sabiex jifflu b'attenzjoni l-kaxex tal-votazzjoni, id-dokumenti jew pakketti.

(6) Ikun id-dmir tal-Kummissjoni li tiżgura il-preċiżjoni matematika tal-kontegġ tal-poloż tal-votazzjoni u li dan jaqbel mal-għadd dikjarat tad-dokumenti għall-votazzjoni li jitreggġu lura mill-Assistenti Kummissjonarji. Partiti politiċi jkollhom il-jedd li jitolbu li l-Kummissjoni għandha għal dak il-għan tiftaħ xi pakketti li jkun fihom id-dokumenti għall-votazzjoni relattivi għal mhux iktar minn għaxra fil-mija tal-kaxex tal-votazzjoni kollha sabiex issir verifika materjali tal-preċiżazzjoni ta' dak id-dhul lura li jkun sar.

(7) Il-partiti politiċi għandhom jagħzlu l-kaxex tal-votazzjoni li dwarhom il-pakketti li jkun fihom id-dokumenti għall-votazzjoni għandhom jinfetħu filwaqt li ssir il-konsenja tal-kaxex tal-votazzjoni għand il-Kummissjoni u qabel il-ħażna tal-kaxex tal-votazzjoni.

(8) Hekk kif kull kaxxa tal-votazzjoni tiddaħhal u tintlaqa' mill-Kummissjoni skond dan l-artikolu, din għandha tittiehed ġewwa l-kamra maħsuba mill-Kummissjonarji għall-ħażna tal-kaxex tal-votazzjoni kollha skond l-artikolu 45 ta' dan l-Att.

(9) Hekk kif ikun prattiku wara li l-kaxex tal-votazzjoni kollha jkunu ddaħħlu u ntlagħu skond dan l-artikolu u qabel ma jibda l-proċess tal-għadd, il-Kummissjoni Elettorali għandha tistqarr pubblikament x'kien l-għadd totali ta' voti li jkunu ġew dikjarati mitfughin skond il-kontegġi tal-poloż tal-votazzjoni konsenjati mill-Assistenti Kummissjonarji kif ukoll l-għadd ta' voti f'kull kaxxa tal-votazzjoni kif joħrog mill-istess kontegġ.

(10) Il-Kummissjoni għandha żzomm sal-pubblikazzjoni tar-riżultat uffiċjali ta' l-ewwel elezzjoni li jkun imiss il-karti kollha li jingħatawlihom mill-Assistenti Kummissjonarji, kif ukoll il-poloż ta' votazzjoni mhux użati u d-dokumenti għall-votazzjoni, f'pakketti separati u sigillati li jkunu juru fuq kull pakkett minnhom ix-xorta tad-dokumenti ta' ġewwa l-pakkett, u d-distrett elettorali li jkollhom x'jaqsmu miegħu.

(11) Fuq kull pakkett bħal dak imsemmi fis-subartikolu ta' qabel, għandu jintgħamel is-sigill tal-Kummissjoni Elettorali u l-firma ta' mill-inqas żewġ Kummissjonarji, u ta' xi delegat ta' partit, kandidat jew aġent konsenjatarju li jistgħu jagħzlu li jiffirmaw.

87. (1) Il-Kummissjoni għandha tahtar għadd ta' persuni li jagħmluha ta' persuni li jgħoddu, li jissorveljaw u li jikkalkolaw sabiex iġhinu lill-Kummissjoni fl-għadd u fit-trasferiment tal-voti li għandu jitwettaq taht is-superviżjoni diretta tal-Kummissjoni.

Persuni li jgħoddu,  
li jissorveljaw u  
li jikkalkolaw.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 58 ta' dan l-Att għandhom ikunu japplikaw *mutatis mutandis* għall-kariga

ta' persuna li tghodd, tissorvelja jew tikkalkola l-istess kif japplikaw għall-kariga ta' Assistent Kummissjonarju.

(3) Lista ta' dawk il-persuni mahturin li jgħoddu, li jissorveljaw u li jikkalkolaw għandha tiġi pubblikata mill-Kummissjoni fil-Gazzetta, flimkien mal-lista ta' persuni mahturin bħala Assistenti Kummissjonarji u l-proċedura stabbilita għan-nomina minn partiti politiċi, u għall-oġġezzjonijiet dwar l-Assistenti Kummissjonarji għandha tapplika wkoll *mutatis mutandis* għal persuni li jissorveljaw u li jgħoddu.

(4) Għandhom jinħargu lil dawk il-persuni kollha li jgħoddu, li jissorveljaw u li jikkalkolaw, dokumenti ta' l-identità li jkunu juru d-dettalji bħal ma jintwerew fil-każ ta' aġenti elettorali u ta' partiti. Id-dokumenti ta' l-identità għandhom jintlibsu f'kull waqt mill-persuni li jgħoddu, jissorveljaw jew jikkalkolaw filwaqt li jkunu fiż-żona ta' l-imkien fejn ikun qiegħed isir l-għadd tal-voti.

(5) Il-persuni li jikkalkolaw għandhom jagħmlu dawk il-kalkoli matematiċi kollha li jkollhom x'jaqsmu ma' l-għadd tal-voti u l-Kummissjoni għandha tiżgura li l-persuni hekk magħżulin ikunu jafu jagħmlu kalkoli matematiċi sew.

(6) Il-persuni li jissorveljaw għandhom ikunu responsabbli għal għadd ta' persuni li jgħoddu u għandhom jissorveljaw il-ftuħ tal-kaxex tal-votazzjoni, il-klassifika u l-għadd ta' poloz tal-votazzjoni għal kull distrett elettorali. Il-Kummissjoni Elettorali għandha tiżgura li f'kull waqt matul l-għadd tal-voti ma jkunx hemm inqas minn żewġ persuni li jissorveljaw għal kull distrett elettorali u li l-partiti politiċi jkunu rappreżentati b'mod xieraq fl-għażla ta' persuni li jagħmluha ta' persuni li jissorveljaw għal kull distrett elettorali.

(7) Il-persuni li jgħoddu għandhom jaħdmu taħt id-direzzjoni ta' persuni li jissorveljaw; huma għandhom materjalment jikklassifikaw u jgħoddu l-poloz tal-votazzjoni. Il-Kummissjoni Elettorali għandha tiżgura li jkun hemm għadd biżżejjed ta' persuni li jgħoddu f'kull distrett elettorali sabiex jiżguraw li jkun hemm proċess ta' għadd mgħaġġel u effiċjenti u li l-partiti politiċi jkunu rappreżentati b'mod xieraq f'kull waqt matul l-għadd tal-voti fl-għażla ta' persuni li jagħmluha ta' persuni li jgħoddu f'kull distrett elettorali.

Il-Kummissjonarji  
jistgħu jaħtru persuni  
biex jgħinuhom  
fil-għadd tal-voti.

88. (1) Il-Kummissjoni tista' tawtorizza wieħed jew iżjed mill-membri tagħha jew persuna jew persuni oħra mahturin minnha, biex jagħmlu minflokha kull haġa li għandha x'taqsam mad-dhul u l-ħażna tal-kaxex tal-votazzjoni u mal-għadd u t-trasferiment tal-voti, u kull haġa magħmula bis-saħħa ta' dik l-awtorizzazzjoni titqies bħallikieku tkun saret mill-Kummissjoni.

(2) Il-Kummissjonarji jew wieħed jew iżjed minnhom għandhom jagħtu, lil kull persuna awtorizzata biex taġixxi minflok il-Kummissjoni taħt id-dispożizzjonijiet ta' dan l-artikolu, għurament li taqdi bil-fedeltà d-dmirijiet li l-kummissjonarji jkunu tawha.

**89.** (1) Sakemm dan l-Att ma jipprovdix xort'oħra, kandidati u aġenti elettorali għandu jkollhom dħul hieles fl-imkien fejn ikun qed isir l-għadd tal-voti, u fis-sala tal-għadd tal-voti, f'kull waqt.

Kandidati u Aġenti.

(2) Kull partit politiku għandu barra minn hekk ikollu jeđd jinnomina għadd ta' aġenti li jkun daqs l-għadd ta' kandidati preżentati minnu sabiex jikkontestaw l-elezzjoni u daww l-aġenti għandhom f'kull waqt ikunu jistgħu jidhlu f'dak l-imkien u fis-sala tal-għadd tal-voti f'kull waqt. Daww l-aġenti għandhom minn hawnhekk 'il quddiem f'dan l-Att jissejġu "aġenti għall-għadd".

Il-lista ta' daww l-aġenti għandha tingħata lill-Kummissjoni mill-inqas wieħed u għoxrin jum qabel ma tibda l-votazzjoni; il-Kummissjoni għandha tinforma lill-partiti politiċi bl-aġenti kollha hekk nominati sabiex il-partiti politiċi msemmija jista' jkollhom opportunità li jressqu ilmenti quddiem il-Kummissjoni qabel ma din taċċettahom jew tiċhadhom; l-aġenti li jiġu hekk nominati għandhom ikunu ta' karattru tajjeb u li jiġu aċċettati mill-Kummissjoni u għaladarba nominati u aċċettati mill-Kummissjoni, daww l-aġenti ma jistgħux, għal ebda raġuni, jinbidlu mill-partit politiku li jkun għamel in-nomina tagħhom.

Il-lista ta' daww l-aġenti għandha, mill-inqas sebat ijiem qabel il-bidu tal-votazzjoni, tiġi pubblikata mill-Kummissjoni fil-Gazzetta tal-Gvern b'dan li turi l-isem, l-indirizz u n-numru tal-karta ta' l-identità ta' kull aġent u tal-partit li jkun qiegħed jagħmel in-nomina tiegħu.

(3) Id-delegati ta' partit, kandidati, aġenti elettorali u aġenti għall-għadd għandu jinħarġilhom dokument ta' l-identità li jkun juri d-dettalji meħtieġa għall-aġenti elettorali u dak id-dokument ta' l-identità għandu jintlibes f'kull waqt meta dawn il-persuni jidhlu u jkunu għewwa l-imkien jew bini fejn ikunu qiegħdin jingħaddu l-voti.

**90.** Dwar l-imkien maħsub mill-Kummissjoni għall-għadd tal-voti l-Kummissjoni għandha tiżgura illi:

L-imkien fejn isir l-għadd tal-voti.

(a) it-toroq kollha li jwasslu għal dak l-imkien f'distanza ta' mill-inqas 500 metru minnu għandhom ikunu magħluqin u kontrollati mill-Pulizija li għandhom iħallu jidhlu biss lil persuni awtorizzati u dan wara li jkunu aċċertaw ruħhom mill-identità tagħhom b'mod skrupluż għall-aħħar;

(b) id-dhul fl-imkien innifsu jew fil-perimetru tiegħu għandu jkun sorveljat kemm mill-Pulizija, mill-Kummissjoni kif ukoll mir-rappreżentati tal-partiti politiċi;

(ċ) għadd ta' kmamar kif jista' meħtieġ, sew ġewwa jew kemm jista' jkun qrib il-bini li ġewwa fih tkun tinsab is-sala tal-għadd, għandhom ikunu provduti sabiex jiżguraw li jingħata rappurtagġ sħiħ ta' l-istampa u tax-xandir tal-għadd u t-trasferiment ta' voti sakemm id-dhul f'dawk il-kmamar ikun f'kull waqt mgħasses mill-Pulizija li jhallu biss personnel tax-xandir *bona fide* u korrispondenti tal-ġurnali li jkunu qabel ġew akkreditati mill-Kummissjoni;

(d) zona biswit is-sala tal-għadd tal-voti u li tkun inniffda magħha għandha tkun provduta għall-ħażna tal-kaxex tal-votazzjoni u li fil-waqt li l-kaxex ikunu maħżuna f'dik iż-żona dawn għandhom f'kull waqt ikunu jidhru mill-bnadi kollha tas-sala tal-għadd tal-voti;

(e) għadd ta' kmamar li kemm jista' jkun jinstabu qrib is-sala tal-għadd tal-voti għandhom jiġu provduti għal kull partit politiku li jkun qiegħed jikkontesta l-elezzjoni u għandhom jitghammru b'dawk il-faċilitajiet li l-Kummissjoni tista' taħseb li jkunu xierqa wara li tkun ikkonsultat lill-partiti politiċi;

(f) fis-sala tal-għadd tal-voti nnifisha il-persuni li jgħoddu għandhom ikunu mifrudin mill-kandidati u mill-aġenti bi strixxa ta' materjal trasparenti li ma jinkisirx jew ta' dak il-materjal simili li jkun b'saħħtu u trasparenti hlief għal mezz, inkluż kull apparat elettroniku xieraq, li jipprovdni komunikazzjoni ċara li tintuża sabiex wieħed jinstema' jitkellem minnha u li hlief fil-każi espressament stabbiliti f'dan l-Att, id-dhul fiż-żona maħsuba mill-Kummissjoni għall-għadd tal-voti għandu jkun biss permess għal dawk il-kandidati u aġenti li jkollhom il-kunsens espress tal-Kummissjoni; b'dan ġew nominati minn dawk id-delegati, għandu jkollhom dhul hieles fiż-żona tal-għadd tal-voti f'kull waqt;

(g) l-għamla taż-żona tal-għadd tal-voti għandha tkun ta' dik is-sura li kemm jista' jkun il-process kollu tal-għadd tal-voti jkun jidher sew minn fejn jinstabu l-kandidati, aġenti u rappreżentanti tal-partiti politiċi;

(h) il-kamra msemmija fl-artikolu 45 fejn jinħażnu l-kaxex tal-votazzjoni sakemm jibda l-għadd tal-voti tkun tidher sew minn fejn jinstabu r-rappreżentanti tal-partiti, il-kandidati u l-aġenti tagħhom u li d-delegati ta' partit u s-sostituti tagħhom ikollhom jedd ta' dhul f'dik il-kamra f'kull waqt;

(i) il-kmamar u l-kurituri kollha li ma jkunux qegħdin jintużaw għal xi għan maħsub mill-Kummissjoni jkunu inbarrati u kull zona li twassal lejhom tingħalaq;

(j) jiġu provduti biżżejjed faċilitajiet sussidjarji għal kull qtugħ ta' servizzi mogħtija, b'mod speċjali dak tad-dawl u elettriku;

(k) li jkun hemm sigurtà stretta f'kull waqt fl-imkien innifsu u madwaru, li d-dhul fih ikun ristrett biss għal persuni awtorizzati u li ebda strument li jwegġa' jew joqtol, jew strumenti li jistgħu jintużaw biex iwegġgħu jew joqtolu, ma jiddaħħlu fil-bini;

(l) mill-inqas tletin jum qabel ma tibda l-votazzjoni l-Kummissjonarji għandhom juru lid-delegati ta' partit kif ikunu bi ħsiebhom jallokaw u jfirdu ż-żoni differenti ta' l-imkien imsemmi u għandhom iqisu suggerimenti li jsirulhom mid-delegati msemmija f'dan ir-rigward;

(m) minkejja kull haġa oħra li tinsab f'dan l-Att, id-delegati ta' partit u s-sostituti tagħhom, għandhom f'kull waqt ikollhom kull dhul f'kull zona ta' l-imkien bil-għan li jiżguraw li d-dispożizzjonijiet ta' dan l-Att ikunu qegħdin jitwettqu.

**91.** Il-Kummissjoni għandha tiżgura li sakemm ikun prattikabbli għandu jingħata rappurtaġġ tax-xandir sħiħ u kostanti tal-għadd u trasferiment tal-voti u għal dan il-għan għandha tippermetti lil persunal tax-xandir *bone fide* li jidhol f'dak l-imkien bl-apparat meħtieġ tagħhom.

Rappurtaġġ tax-xandir

**92.** F'ċirkostanzi straordinarji l-Kummissjoni tista' tħalli jidhlu f'dak l-imkien u fis-sala tal-għadd tal-voti kull persuna oħra li jqisu xierqa iżda f'ebda każ ma għandu jithalla jidhol il-pubbliku in generali.

Ċirkostanzi straordinarji.

**93.** Minkejja kull haġa oħra li tinsab f'dan l-Att, il-kandidati, l-aġenti elettorali u l-aġenti għall-għadd għandhom f'kull waqt jedd li jkellmu lill-Kummissjonarji bil-għan li jressqu l-ilmenti tagħhom f'isimhom proprju jew f'isem il-kandidat jew il-partit minnhom rappreżentat.

Ilmenti lill-Kummissjonarji.

**94.** Il-Kummissjoni għandha tkun l-uniku korp li jkun responsabbli għat-tmexxija ta' l-imkien fejn ikollu jsir l-għadd u t-trasferiment tal-voti u jkollha l-jedd li tagħti dawk l-ordnijiet li jkunu meħtieġa għaž-żamma ta' l-ordni u s-sigurtà f'dak l-imkien.

Tmexxija ta' l-imkien fejn isir l-għadd tal-voti.

## TAQSIMA XIV

*Rikonciljazzjoni tar-Rendikont ta' Poloz tal-Votazzjoni*

Għadd tal-voti.

**95.** Il-Kummissjoni għandha tara li tiżgura li l-voti tad-distretti elettorali kollha jingħaddu fl-istess hin sabiex jiġi stabbilit x'inhu l-għadd ta' voti mitfugħin fl-elezzjoni.

Ġarr tal-kaxxa tal-votazzjoni minn *strong room*

**96.** (1) Qabel ma jsir il-ġarr ta' kull kaxxa tal-votazzjoni mill-kamra stabbilita mill-Kummissjoni sabiex fiha jitqegħdu l-kaxxa tal-votazzjoni kollha skond l-artikolu 45 ta' dan l-Att, id-delegati ta' partit jew is-sostituti tagħhom għandu jkollhom il-jedd li jeżaminaw is-sigilli magħmulin fuq kull kaxxa tal-votazzjoni.

(2) Kull ilment li jsir mid-delegati ta' partit jew mis-sostituti tagħhom dwar is-sħubija ta' dawk is-sigilli għandu jiġi eżaminat mill-Kummissjoni li d-deċiżjoni tagħha fuq din il-ħaġa tkun waħda konklusiva u mhux suġġetta għal ebda appell.

Ftuħ ta' kull kaxxa tal-votazzjoni.

**97.** Il-kaxxa tal-votazzjoni għandhom jinfethu waħda waħda għal kull distrett u qabel il-ftuħ ta' kull kaxxa tal-votazzjoni l-Kummissjoni għandha tieġu hsieb li r-rendikont ta' poloz tal-votazzjoni għal dik il-kaxxa tal-votazzjoni jkun twañħal b'dak il-mod li kemm il-kandidati u l-aġenti jkunu jistgħu jarawh sew u l-Kummissjoni għandha turi lill-kandidati u lill-aġenti s-sigilli fuq il-kaxxa tal-votazzjoni sabiex huma jkunu jistgħu jaċċertaw ruħhom li dawk is-sigilli jkunu sħaħ u mhux mimsusin.

Ogġezzjonijiet dwar il-ftuħ ta' kaxxa tal-votazzjoni.

**98.** Kull delegat ta' partit, kandidat jew aġent jista', qabel ma tinfetaħ il-kaxxa tal-votazzjoni, jagħmel ilment fejn jallega li s-sigilli tal-kaxxa jkunu tbaġħbsu. Meta ssir ogġezzjoni bħal dik, il-kaxxa ma għandhiex tinfetaħ sakemm il-Kummissjoni Elettorali, wara li tikkonsulta d-delegati ta' partit jew is-sostituti tagħhom, tkun tat dawk id-direttivi u adottat dawk il-miżuri li tista' tqis li jkunu meħtieġa.

Verifika tar-rendikont ta' poloz tal-votazzjoni.

**99.** Meta ma jsirux ogġezzjonijiet u meta l-Kummissjoni tagħti direttiva bis-saħħa ta' l-artikolu ta' qabel dan ta' dan l-Att, il-kaxxa tal-votazzjoni għandha tinfetaħ u l-għadd ta' poloz tal-votazzjoni misjubin fiha għandhom jingħaddu, wiċċhom l-isfel, sabiex jiġi aċċertat li n-numru ta' voti f'dik il-kaxxa tal-votazzjoni jkun jikkorrispondi mar-rendikont ta' poloz tal-votazzjoni.

Għadd ta' poloz tal-votazzjoni li ma jaqbilx mar-rendikont.

**100.** Il-Kummissjoni għandha titgħarraf meta l-poloz tal-votazzjoni fil-kaxxa tal-votazzjoni ma jkunux jaqblu mar-rendikont ta' poloz tal-votazzjoni, u l-Kummissjoni għandha, wara konsultazzjoni mad-delegati ta' partit, jew is-sostituti tagħhom, tagħti dawk id-direttivi kif tista' tqis xierqa u d-deċiżjoni tagħha tkun waħda konklusiva.

**101.** Meta l-poloż tal-votazzjoni fil-kaxxa tal-votazzjoni ikun jaqbel mar-rendikont ta' poloż tal-votazzjoni, il-voti għandhom jitqegħdu flimkien u klassifikati f'garżella li tkun turi n-numru tal-kaxxa tal-votazzjoni. Il-garżella u l-poloż tal-votazzjoni għandhom ikunu jidhru f'kull waqt mill-partiti, kandidati u aġenti. Il-poloż tal-votazzjoni f'kull garżella għandhom jitqegħdu f'pakketti ta' ħamsin polza kull wiehed b'dan illi kull polza li tifdal titqiegħed fil-qiegħ tal-mazz u l-persuna li tissorvelja għandha tiżgura li kull pakkett jingħadd sabiex tiġi verifikata l-eżattezza tiegħu minn iktar minn persuna waħda li jgħoddu.

Qbil fl-għadd tal-poloż tal-votazzjoni mar-rendikont.

**102.** Il-proċess imsemmi fl-artikoli 95 sa 101 ta' dan l-Att għandu jittenna sakemm il-kaxex tal-votazzjoni kollha jkunu nfetħu sabiex jiġi aċċertat li l-poloż tal-votazzjoni f'kull kaxxa tal-votazzjoni jkunu jaqblu mar-rendikont ta' poloż tal-votazzjoni relattiv għal dik il-kaxxa.

Għandhom jinfetħu il-kaxex tal-votazzjoni kollha.

**103.** Il-poloż tal-votazzjoni li jkunu ta' distretti li ma jkunx dak id-distrett elettoralu li dwaru tkun tappartjeni l-kaxxa tal-votazzjoni għandu jsir minnhom kif stabbilit fl-artikolu 99 u għandhom jinżammu fuq il-mejda fejn isir l-għadd tad-distrett fejn il-kaxxa tal-votazzjoni partikolari li minnha jkunu ħarġu tkun tqegħdet u ma għandhomx, f'dan l-istadju, jiġu trasferiti għad-distrett proprju tagħhom.

Poloz tal-votazzjoni ta' distretti oħra.

**104.** (1) Wara li l-kaxex tal-votazzjoni kollha tad-distretti elettorali kollha jkunu nfetħu u ġew rikonċiljati mar-rendikont ta' poloż tal-votazzjoni relattiv, il-Kummissjoni Elettorali għandha, qabel ma tgħaddi biex tikklassifika l-voti, tiddikjara xi jkun l-għadd kollu ta' voti mitfughin u t-tqassim tagħhom skond kull kaxxa tal-votazzjoni u kull distrett elettoralu.

Għadd ta' voti mitfughin.

(2) Il-Kummissjoni Elettorali għandha tiegħu ħsieb li l-poloż f'kull distrett elettoralu li jkunu jappartjenu għal distretti oħra għandhom jiġu trasferiti fid-distretti fejn proprjament ikunu jappartjenu.

(3) Il-Kummissjoni Elettorali għandha thabbar l-għadd totali ta' voti ta' kull distrett elettoralu li tkun qegħda tittrasferixxi kif maqsumin skond id-distrett elettoralu li tkun qegħda tittrasferihom fih.

(4) Il-garr materjali tal-poloż minn distrett għall-ieħor għandu jsir jew mill-Kummissjonarji jew mill-persuni li jissorveljaw u b'dak il-mod li ma jagħtix lok għal konfużjoni.

## TAQSIMA XV

*Klassifika tal-Voti, Elezzjonijiet Każwali u b'Għażla*

Klassifika tal-poloż tal-votazzjoni, elezzjonijiet każwali u b'għażla.

**105.** (1) Il-poloż tal-votazzjoni għandhom jiġu klassifikati skond dawk ir-regolamenti li l-Prim Ministru jista' jagħmel minn żmien għal żmien.

(2) Regolamenti li jsiru skond dan l-artikolu għandhom ukoll jirregolaw l-elezzjonijiet każwali u l-elezzjoni b'għażla ta' membri biex jimlew vaganzi li jinholqu fost id-deputati tal-Kamra.

(3) Regolamenti magħmulin skond is-subartikolu (1) ta' dan l-artikolu ma għandhomx jidhlu fis-sehħ sakemm u sa meta l-Kamra tad-Deputati ma tirrisolvix dwar dan b'riżoluzzjoni. Avviz ta' l-approvazzjoni ta' dik ir-riżoluzzjoni għandu jiġi ppublikat fil-Gazzetta mill-Iskrivan tal-Kamra.

(4) Ir-regolamenti li jinsabu fit-Tlethtax-il Skeda li tinsab ma' dan l-Att għandhom, sa dak iż-żmien meta jsiru regolamenti skond is-subartikoli (1) sa (3) ta' dan l-artikolu, jirregolaw il-klassifika tal-poloż tal-votazzjoni, elezzjonijiet każwali u b'għażla ta' membri biex jimlew il-vakanzi li jinholqu fost id-deputati tal-Kamra.

## TAQSIMA XVI

*Pubblikazzjoni ta' Riżultati*

Pubblikazzjoni tar-riżultat ta' l-elezzjoni u tad-dettalji tal-għadd.

**106.** (1) Il-Kummissjoni għandha, mhux aktar tard mill-ġurnata tax-xogħol ta' wara dik li fiha jiġi magħruf ir-riżultat tal-għadd tal-voti, tippublika dikjarazzjoni li jkun fiha l-ismijiet tal-kandidati eletti u l-partikolaritajiet l-oħra li l-Kummissjoni Elettorali tista' tqis xieraq.

(2) Il-Kummissjoni għandha tiddepożita d-dikjarazzjoni hawn fuq imsemmija għand l-Iskrivan tal-Kamra u għandhom jieħdu l-ħsieb li kopja ta' dik id-dikjarazzjoni tiġi mingħajr dewmien maħruġa fil-Gazzetta.

(3) Kull kandidat li l-isem tiegħu jiġi ppublikat fil-Gazzetta skond id-dispożizzjonijiet tas-subartikolu (1) ta' l-artikolu 54 jew li jiġi iddikjarat elett skond id-dispożizzjonijiet ta' dan l-artikolu jitqies li hu Membru tal-Kamra.

(4) Il-Kummissjoni għandha tippublika fil-Gazzetta mhux iktar tard minn sebat ijiem wara tmiem il-għadd, dikjarazzjoni tar-riżultat ta' l-elezzjoni li tkun tinkludi notamenti dwar l-għadd sħiħ ta' voti mitfugħin sew fuq livell nazzjonali u subdiviża skond il-kmamar tal-votazzjoni, l-għadd sħiħ ta' voti validi u invalidi, l-għadd sħiħ ta' voti

akkreditati lil kull partit politiku, il-kwota għal kull distrett elettoral, notament u r-riżultat f'kull stadju ta' xi trasferiment ta' voti bejn partiti politiċi, l-ewwel preferenza akkreditat lil kull kandidat, kull trasferiment ta' voti magħmul, u ta' l-għadd sħiħ ta' voti akkreditat lil kull kandidat wara kull trasferiment, u kull tagħrif ieħor li l-Kummissjoni Elettorali tista' tqis meħtieġa. Dik id-dikjarazzjoni għandu jkollha dik l-għamla li l-Kummissjoni Elettorali tista' tistabbilixxi bħala li faċilment tagħti dak it-tagħrif kollu li jista' jenħtieġ mill-pubbliku.

(5) Fi żmien tliet xhur mill-pubblikazzjoni tar-riżultati uffiċjali ta' l-elezzjoni l-Kummissjoni Elettorali għandha tippublika rapport li jkun jispjega fid-dettal x'passi jkunu ittiegħdu minnhom sabiex iwettqu d-diversi dmirijiet tagħhom li joħorġu minn dan l-Att, sabiex jagħtu kull statistika rilevanti li għandha x'taqsam ma' l-elezzjoni magħduda l-pubblikazzjoni ta' kull statistika dwar eletturi eliġibbli, l-istampar u t-tqassim ta' dokumenti għall-votazzjoni u poloz tal-votazzjoni, l-għadd ta' eletturi f'kull post tal-votazzjoni, kull tagħrif jew għadd magħmul mill-Assistenti Kummissjonarji u hwejjeġ oħra bħal dawn, u sabiex jagħmlu dawk is-suġġerimenti li jistgħu jidhrulhom xierqa li jagħmlu.

107. (1) Il-Kummissjoni għandha tikkonserva sa meta jiġi ippublikat ir-riżultat uffiċjali ta' l-elezzjoni ġdida li jkun imiss, il-poloż kollha ta' kull distrett elettoral f'pakketti għalihom u sigillati skond kif ġej:

Konservazzjoni  
ta' dokumenti.

- (a) il-poloż imħassra;
- (b) il-poloż li ma jiswewx;
- (ċ) il-poloż tal-pakkett ta' kull kandidat elett u ta' kull wieħed mill-kandidati li ma ġiex elett u li l-poloż tiegħu baqgħu ma għaddewx fuq haddieħor;
- (d) il-poloż kollha mhux trasferibbli li ma nżammewx fil-pakkett ta' kandidat elett.

(2) Il-Kummissjonarji għandhom jiktbu fuq kull pakkett x'poloz hemm fih u d-data ta' l-elezzjoni u n-numru tad-distrett elettoral li fih tkun saret dik l-elezzjoni.

(3) Il-Kummissjoni għandha, barra minn dan, tikkonserva u żżomm sa l-istess żmien, għal kull distrett elettoral, kopja tad-dikjarazzjoni tar-riżultat tal-votazzjoni u tad-dokumenti kollha li jixhdu x-xogħol li jkun sar fit-trasferiment tal-voti kollha żejda.

(4) Id-delegati ta' partit, kandidati, aġenti elettoral u aġenti għall-għadd għandhom il-jedd iwaħħlu s-sigilli tagħom fuq dawk il-pakketti u jiffirmaw fuqhom.

Il-qorti tista' tordna li jitnehhew is-sigilli.

**108.** Il-Qorti Kostituzzjonali, li quddiemha tingieb kwistjoni dwar il-jedd ta' persuna biex tkun jew tibqa' Membru elettiv tal-Kamra tad-Deputati, u kull qorti li quddiemha jinbdew proċeduri skond id-dispożizzjonijiet ta' dan l-Att, jistgħu jordnaw il-ftuħ tal-pakketti msemmin fis-subartikolu (1) ta' l-artikolu 78 u fl-artikolu 107 u li jingieb wieħed jew iżjed mid-dokumenti li jkunu jinsabu fihom taħt dawk il-kondizzjonijiet u prekawżjonijiet li jkunu meħtieġa biex jinżamm is-sigriet tal-votazzjoni kompatibbilment ma' l-amministrazzjoni tajba tal-gustizzja.

Kandidati eletti f'żewġ distretti.

**109.** (1) Kull min f'elezzjoni jiġi elett membru għal żewġ distretti, għandu b'kitba iffirmata minnu u kkunsinnata lill-Iskrivan tal-Kamra meta jidher jew qabel ma jidher biex jieħu l-gurament jew jagħmel l-affermazzjoni kif stabbilit fl-artikolu 68 tal-Kostituzzjoni, jiddikjara liema miż-żewġ distretti huwa jagħżel li jirrappreżenta.

(2) Hekk kif persuna, li tkun telgħet għal żewġ distretti tiddikjara liema miż-żewġ distretti tagħżel li tirrappreżenta, dik il-persuna titqies li halliet battal fil-post tagħha fid-distrett l-ieħor.

## TAQSIMA XVII

### *Dispożizzjonijiet Penali*

Piena għal min jagħti informazzjoni falza.

**110.** Kull min xjentement jagħmel jew jiffirma dikjarazzjoni falza jew xort'ohra jagħti informazzjoni falza dwar ir-registrazzjoni, trasferiment jew tħassir ta' xi elettur ikun ħati ta' reat kontra dan l-Att, u meta jinsab hekk ħati, jeħel il-piena tal-prigunerija għal żmien ta' mhux iżjed minn xahar jew multa ta' mhux iżjed minn ħamsin lira jew il-prigunerija u l-multa flimkien.

Piena għal imġieba ħażina f'post ta' votazzjoni, eċċ.

**111.** Kull min iġib ruħu ħażin f'post ta' votazzjoni u kull min jikser xi waħda mid-dispożizzjonijiet ta' l-artikoli 66 jew 67 ta' dan l-Att u kull min jieħu sehem f'xi meeting pubbliku jew dimostrazzjoni pubblika li jsiru bi ksur ta' xi waħda mid-dispożizzjonijiet ta' dan l-Att, u kull min ma jobdix l-ordni legittimu ta' l-Assistenti Kummissjonarji jew ta' awtorità legittima oħra dwar elezzjoni, jeħel meta jinsab ħati multa ta' mhux iżjed minn ħamsin lira.

Piena għal reati dwar formuli tan-nomina, eċċ.

**112.** (1) Kull min:

(a) jiffalsifika jew b'qerq jisfigura jew b'qerq jiddistruggi formula ta' nomina jew jikkunsinna lill-Kummissjonarju formula ta' nomina li jkun jaf illi hija iffalsifikata; jew

(b) jiffalsifika jew jimita jew b'qerq jisfigura jew b'qerq jiddistruggi xi dokument għall-votazzjoni jew polza ta' votazzjoni jew it-timbru uffiċjali fuq polza ta' votazzjoni; jew

(c) mingħajr l-awtorizzazzjoni meħtieġa jagħti dokument għall-votazzjoni jew polza ta' votazzjoni lil xi persuna; jew

(d) jiffalsifika jew jimita jew ikun fil-pussess illeġittimu ta' boll jew sigill użat mill-Kummissjonarju Elettorali Prinċipali jew mill-Kummissjonarji Elettorali jew mill-Assistenti Kummissjonarji; jew

(e) ikun fil-pussess illeġittimu ta' xi dokument għall-votazzjoni jew ta' polza ta' votazzjoni; jew

(f) b'qerq iquieghed fil-kaxxa tal-votazzjoni xi haġa oħra hliel il-polza tal-votazzjoni li huwa awtorizzat skond il-liġi li jitfa' għewwa fiha; jew

(g) b'qerq joħroġ polza ta' votazzjoni mill-post tal-votazzjoni; jew

(h) mingħajr l-awtorizzazzjoni meħtieġa, jiddistruggi, jieħu, jiftaħ jew xort'oħra jmiss kaxxa tal-votazzjoni jew pakkett tal-poloż tal-votazzjoni li f'dak il-waqt ikunu wżati għall-elezzjoni,

hu ħati ta' reat u jeħel, meta jinsab hekk ħati, multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multa u prigunerija flimkien.

(2) Kull min iġhin jew iħajjar biex isir reat taħt dan l-artikolu jew jittenta jagħmel dak ir-reat jeħel, meta jinsab ħati, il-piena stabbilita għar-reat.

**113.** Kull Assistent Kummissjonarju illi jgħid kif elettur ikun ivvota meta huwa jkun sar jaf kif dak l-elettur ivvotta fil-kors ta' l-esekuzzjoni tad-dmirijiet tiegħu taħt dan l-Att, hu ħati ta' reat, u jeħel, meta jiġi hekk misjub ħati, multa ta' mhux iżjed minn mitt lira jew prigunerija għal żmien ta' mhux iżjed minn xahar, jew dik il-multa u prigunerija flimkien.

Piena għal min jikser is-sigriet dwar kif wicied jivvota

**114.** (1) Matul il-jum li fih tkun qed issir elezzjoni ta' Membri għall-Kamra u matul il-jum li jiġi minnufih qabel elezzjoni bħal dik, hadd ma jista' jindirizza xi meeting pubbliku jew xi ġemgħa oħra tkun xi tkun f'xi post jew bini li fih ikun jista' jidhol il-pubbliku, jew fuq il-mezzi tax-xandir, dwar xi haġa maħsuba biex, jew li x'aktarx, tinfluwenza lill-eletturi fl-eżerċizzju tal-jedd tal-vot, jew jippubblika jew iġieghel li tiġi pubblikata xi gazzetta, stampat jew mezz ieħor ta' komunikazzjoni lill-pubbliku li jkun fihom xi haġa kif intqal qabel, jew joħroġ jew iġieghel li toħroġ xi stqarrija jew dikjarazzjoni dwar xi haġa kif intqal qabel, jew xjentement iqassam xi gazzetta, stampat jew mezz ieħor ta' komunikazzjoni, jew xi stqarrija jew dikjarazzjoni kif intqal

Projbizzjoni ta' attivitajiet li jistgħu jinfluwenzaw lill-eletturi

qabel, u kull min jikser xi waħda mid-dispożizzjonijiet ta' dan l-artikolu jeħel, meta jinsab ħati, multa ta' mhux iżjed minn ħames mitt lira jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew dik il-multa u priġunerija flimkien.

(2) Kull min iġhin jew iħajjar l-egħmil ta' reat kontra dan l-artikolu jew jipprova jagħmel xi reat bħal dak, jeħel meta jinsab ħati l-piena provduta għar-reat.

Qrati kompetenti

**115.** (1) Il-kwistjonijiet kollha dwar il-jedd ta' persuna li tkun jew li tibqa' Membru tal-Kamra għandhom jingiebu quddiem il-Qorti Kostituzzjonali u jiġu deċizi minn din il-Qorti.

(2) Kull proċediment kriminali taħt dan l-att jingieb quddiem il-Qrati tal-Maġistrati u bla ħsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, iġhoddu għal dawn il-proċedimenti d-dispożizzjonijiet tal-Kodiċi Kriminali.

Kap 9

Kap 152

(3) Minkejja kull haġa li tinsab fl-Att dwar il-*Probation* ta' Hatjin, persuna li tagħmel xi reat taħt dan l-Att għandha tinstab hatja u tiġi kundannata dwar dak ir-reat u ma tistax titqiegħed taħt *probation* jew tiġi meħlusa taħt dak l-Att.

(4) Kull deċiżjoni tal-Qrati tal-Maġistrati dwar reat taħt dan l-Att, tista', fil-każijiet kollha, tiġi appellata mill-Avukat Ġenerali u mill-parti misjuba hatja.

Projbizzjoni ta' wiri ta' kartelluni eċċ

**116.** (1) Hlief kif provdut fis-subartikolu (2) ta' dan l-artikolu ebda persuna ma tista', f'xi żmien bil-ħsieb jew minħabba li tkun waslet elezzjoni, turi jew iġġiegħel li jintwera f'xi post pubbliku, jew f'xi post fejn fih jista' jidhul il-pubbliku jew li jkun jidher minn xi post pubbliku, xi avviz, kartellun jew reklam ieħor li hu maħsub biex jinfluwenza jew li x'aktarx jinfluwenza lill-eletturi fil-votazzjoni tagħhom, jew tikteb jew tagħmel jew iġġiegħel li jinkiteb jew li jsiru fuq xi ħajt jew post ieħor li jkun jidher minn post pubbliku xi kelma jew sinjal maħsub biex jinfluwenza jew li x'aktarx jinfluwenza lill-eletturi fil-votazzjoni tagħhom.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma japplikawx għal xi avviz, kartellun jew reklam ieħor li:

- (a) ikun milbus jew jingarr minn xi persuna; jew
- (b) li jintwera fuq in-naħa ta' ġewwa ta' bini privat ukoll jekk dan ikun jidher minn post pubbliku.

(3) Kull persuna li tmur kontra xi waħda mid-dispożizzjonijiet ta' qabel ta' dan l-artikolu teħel meta tinsab hatja dwar kull reat multa

ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn sitt xhur, u dwar it-tieni reat jew reat ieħor wara, dik il-multa u prigunerija flimkien.

(4) Ikun id-dmirtal-Pulizija li tneħhi jew xort'oħra tikkancella jew tħassar kull haġa għall-wiri, miktuba jew magħmula bi ksur ta' xi waħda mid-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu.

## TAQSIMA XVIII

### *Riserva u Thassir*

**117.** Minkejja kull dispożizzjoni oħra ta' dan l-Att li biha d-deċiżjoni tal-Kummissjoni tiġi stabbilita bħala waħda finali u/jew li minnha ma jista' jsir ebda appell, dik id-dispożizzjoni ma għandhiex teskludi applikazzjoni quddiem il-Qorti Kostituzzjonali minn persuna li taġixxi biex tħassar elezzjoni, sew f'xi distrett wieħed biss jew fid-distretti kollha.

Jedd ta' azzjoni  
quddiem il-Qorti  
Kostituzzjonali

**118.** Bla ħsara għad-dispożizzjonijiet ta' l-artikolu 12 ta' l-Att dwar l-Interpretazzjoni, l-Ordinanza Elettorali dwar il-Jedd tal-Vot, il-Metodu ta' l-Elezzjoni u r-Registrazzjoni ta' l-Eletturi, u l-Ordinanza Elettorali dwar il-Votazzjoni, hliet għall-artikoli 41 sa 62, liema artikoli huma riprodotti fl-Erbatax-il Skeda għal dan l-Att, huma b'dan imħassrin.

Thassir  
Kap 249  
Kap. 99  
Kap. 102

**119.** Ir-Registru Elettorali pubblikat skond l-Ordinanza Elettorali dwar il-Jedd tal-Vot, il-Metodu ta' l-Elezzjoni u r-Registrazzjoni ta' l-Eletturi u li jkun fis-seħħ minnufih qabel id-dhul fis-seħħ ta' dan l-Att, għandu jibqa' fis-seħħ u jitqies bħala li ġie pubblikat bis-saħħa tat-Taqsima VI ta' dan l-Att.

Transitorja  
Kap. 99

## TAQSIMA XIX

### *Riserva dwar il-Jedd ta' Partiti Politici*

**120.** Meta ma jitwettqux minn xi partit politiku, delegat, kandidat, aġent jew minn xi persuna nominata għall-ħatra minn partit politiku, xi jedd, setgħa jew privileġġ mogħtijin b'dan l-Att, dan ma għandux minnu nnifsu jinvalida xi azzjoni jew proċedura li dwarha l-jedd, setgħa jew privileġġ ikun ingħata b'dan l-Att.

Meta ċerti joddijiet ma  
jitwettqux

L-EWWEL SKEDA

(Artikolu 8)

*Formula ta' Ġurament ta' Kariga li jieħdu l-Kummissjonarji Elettorli*

Jien, \_\_\_\_\_, \* naħlef/niddikjara  
solennement li nagħmel bil-fedeltà d-dmirijiet ta' \* Kummissjonarju Elettorali Principali/  
Kummissjonarju Elettorali biex imexxi l-elezzjoni tal-Membri tal-Kamra tad-Deputati  
skond il-ligi. (Hekk Alla jgħini).

\*Hassar kif meħtieġ.

## IT-TIENI SKEDA

(Artikolu 21)

*Formula ta' Applikazzjoni għal Reġistrazzjoni bħala Elettur*

Lill-Kummissjoni Elettorali, il-Belt Valletta, Malta.

Kunjom ..... Nru. tal-Karta ta' Identità .....

Isem .....

Post tat-twelid .....

Data tat-twelid .....

Isem il-belt jew raħal .....

Triq u numru tal-post .....

.....

.....

Isem u kunjom ta' missier l-applikant .....

Post tat-twelid tiegħu ..... Nazzjonalità \* .....

*\* (jekk missier l-applikant ikun mejjet, aġti n-nazzjonalità tiegħu fi żmien mewtu)*

Isem u kunjom xubbit omm l-applikant .....

Post tat-twelid tagħha ..... Nazzjonalità \*\* .....

*\*\* (jekk omm l-applikant tkun mejta, aġti n-nazzjonalità tagħha fi żmien mewtha)*

Jiena hawnhekk napplika biex inkun reġistrat bħala elettur għal.....(1) distrett elettorali skond l-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali biex inkun reġistrat bħala elettur għall-elezzjoni tal-Membri tal-Kamra tad-Deputati.

Data .....

.....  
Firma jew marka ta' l-applikant

(1) Daħhal in-numru tad-distrett elettorali.

## GHALL-UŻU UFFIĊJALI BISS

Rimarki

Vtd. ....

Chd. ....

## IT-TIELET SKEDA

(Artikolu 23)

*Formula dwar Tibdiliet jew Trasferiment ta' Fejn Wiehed Joqghod*

Lill-Kummissjoni Elettorali:

Jien (1).....Nru. tal-Karta ta' Identità..... li dari kont  
noqghod f'(2) .....hawnhekk  
ngharraf illi mort noqghod f'(3).....

Data .....  
(4) Firma jew marka ta' min japplika

.....  
Firma u Numru tal-Karta ta' Identità tax-xhud

Fejn joqghod ix-xhud .....

- (1) Isem u kunjom (kif ukoll il-laqam, jekk wiehed ikollu).
- (2) L-indirizz ta' qabel kif jidher fir-Registru Elettorali.
- (3) L-indirizz ta' issa.
- (4) Jekk min jagħmel it-talba ma jafx jikteb, min jimlielu l-formula għandu jiffirma u jikteb l-indirizz tiegħu sħiħ u Numru tal-Karta ta' Identità taħt is-sinjal ta' min jagħmel it-talba.

## IR-RABA' SKEDA

(Artikolu 23)

*Formula ta' Applikazzjoni għall-Korrezzjoni ta' Isem jew Indirizz*

Lill-Kummissjoni Elettorali:

Ismi (u/jew l-indirizz tiegħi\*) li jidher fir-Registru Elettorali taħt (1)  
..... tniżżel hażin u għalhekk nitlob sabiex ismi (u/jew l-  
indirizz tiegħi\*) jiġi korrett kif ġej (2) .....

Data .....  
(3) Firma jew marka ta' min japplika

.....  
Firma u Numru tal-Karta ta' Identità tax-xhud

Fejn joqghod ix-xhud .....

- (\*) Il-kelmiet li ma jgħoddux għall-każ għandhom jithassru.
- (1) Post u indirizz sħiħ kif jidher fuq ir-Registru Elettorali.
  - (2) Il-korrezzjoni li wiehed irid li ssir.
  - (3) Jekk min japplika ma jkunx jista' jikteb, min jimlielu l-formula għandu jiffirma jew għandha tiffirma u jagħti jew tagħti l-indirizz sħiħ tiegħu jew tagħha u Numru tal-Karta ta' Identità taħt il-marka li jagħmel min japplika.

## IL-HAMES SKEDA

(Artikolu 23)

*Applikazzjoni minn Eletturi Nisa għall-Korrezzjoni  
tal-Kunjom u l-Indirizz Wara Żwieġ*

Lill-Kummissjoni Elettorali:

Billi (1) f..... iżżewwġit lil (2) .....

Nru. tal-Karta ta' Identità ..... jien (3) ..... Nru. tal-Karta ta'

Identità ..... li qabel kont noqgħod (4) .....

..... u rreġistrata bħala elettura b'dak l'indirizz, nitlob

li kunjomi (u/jew l-indirizz\*) issa jkunu hekk (5) .....

.....

Data .....

(6) Firma jew marka ta' min japplika

.....  
Firma u Numru tal-Karta ta' Identità tax-xhud

Fejn joqgħod ix-xhud .....

(\*) Il-kelmiet li ma jgħoddux għall-każ għandhom jithassru.

(1) Data taż-żwieġ.

(2) Isem, kunjom sħiħ u Numru tal-Karta ta' Identità ta' żewġ min japplika.

(3) Kunjom xbubit (laqam ukoll, jekk ikollha) u Numru tal-Karta ta' Identità ta' min japplika.

(4) Indirizz kif jidher fir-Registru Elettorali.

(5) Indirizz ta' issa.

(6) Jekk min japplika ma jkunx jista' jikteb, min jimlielu l-formula għandu jiffirma u jagħti jew tagħti l-indirizz sħiħ tiegħu jew tagħha u n-Numru tal-Karta ta' Identità taht il-marka li jagħmel minn japplika.

IS-SITT SKEDA

(Artikolu 44)

*Formula ta' Writ maħrug mill-President ta' Malta  
lill-Kummissjonarji Elettorali*

Lil

Kummissjonarji Elettorali maħtura biex imexxu l-elezzjoni ta' Membri tal-Kamra tad-Deputati.

Billi għandha ssir elezzjoni ta' Membri tal-Kamra tad-Deputati għad-distrett elettorali;

B'dan intom inkarigati sabiex tiegħu hsieb li ssir elezzjoni ta' Membri tal-Kamra tad-Deputati skond il-liġi.

Mogħti mill-Palazz tal-Belt Valletta, fil-Ġzira ta' Malta,  
illum ta' 19

PRESIDENT

## IS-SEBA' SKEDA

(Artikolu 46)

*Formula ta' Dokument għall-Votazzjoni*














<b>BIEX TIVVOTA</b>	
RITRATT	NUMRU TAL-KARTA TA' L-IDENTITA
	ISEM U INDIRIZZ
TWELID	SESS
Fejn Tivvota	DISTRETT ELETTORALI (Numru)
Nru. ta' Reġistrazzjoni	<b>KUMMISSJONARJU ELETTORALI</b>

## IT-TMIEN SKEDA

(Artikolu 49)

*Formula tal-Polza*

(A)

Numru ta' Membri li ghandhom jigu eletti ..... Distrett .....		
Immarka skond li-preferenzi li taghti	Badge tal-Kandidat	Isem tal-Kandidati
		<b>PARTIT TAL-FJURI</b>
		<b>JONES</b> , (John Jones, of 52 Old Bakery Street, Valletta, Merchant)
		<b>MAGRO</b> , (William David Magro, of 10 Tower Road, Sliema, Painter)
		<b>MIFSUD</b> , (Joseph Mifsud, of 16 Victoria Avenue, Sliema, Labourer)
		<b>MUSCAT</b> , (Francesco Muscat of 1 St. Paul's Str. Zabbar, Driver)
		<b>VELLA</b> , (James Vella, of 5 Republic Street, St. Julians, Architect)
		<b>WILLIAMS</b> , (Francis Williams of 85 Genuis Street, Zurrieq, Chemist)
		<b>PARTIT TAL- GHASFUR</b>
		<b>AZZOPARDI</b> , (Spiro Azzopardi, of 13 Marina Street, Zejtun, Printer)
		<b>BORG</b> , (Assuero Borg, of 69 Barbara Street, Mellieha, Clerk)
		<b>CASSAR</b> , (Lela Cassar, of "Dolores", Main Street, Cospicua, Housewife)
		<b>MIZZI</b> , (Glormu Mizzi, of 70 Two Gates Str. Lija, Lawyer)
		<b>ZARB</b> , (Fortunat Zarb, of 15 Strait Street, Luqa, Clerk)
		<b>PARTIT TAS-SIGAR</b>
		<b>AZZOPARDI</b> , (Reginald Azzopardi, of 165 St. Domenic Str., Qormi, Clerk)
		<b>ZAMMIT</b> , (Lawrence Zammit of "Josdor", 188 Bwieraq Str. Hamrun, Chemist)
		<b>KANDIDATI INDIPENDENTI</b>
		<b>BUHAGIAR</b> , (Louis Buhagiar, of 55 Republic Street, Zabbar, Merchant)
		<b>GALEA</b> , (Ninu Galea, of 67 B'Kara Lane, Qrendi, Worker)

**(B)**

**REGOLI LI FUQHOM JISTA' JIMXI L-ELETTUR META JIVVOTA**

1. Ivvota billi tikteb in-numru 1 quddiem l-isem tal-kandidat li inti tixtieq tarah elett l-ewwel wiehed.
2. Inti mitlub (u tajjeb taghmlu) sabiex tikteb in-numru 2 quddiem l-isem tat-tieni għażla tieghek (jew tat-tieni preferenza) u tikteb in-numru 3 quddiem l-isem tat-tielet għażla tieghek (jew tat-tielet preferenza) u hekk tibqa' tikteb in-numri ta' wara, skond il-preferenza li taghti lil wiehed fuq l-iehor.
3. Hija haġa tajba li inti tibqa' timmarka bin-numri dawk il-kandidati skond il-preferenza li trid taghti lil wiehed fuq l-iehor, sakemm tasal għall-isem ta' dawk il-kandidati li ma jinteressawkx.
4. Jekk fuq il-polza tieghek ma tiktibx in-numru 1, jew tikteb in-numru 1 quddiem iżjed minn isem wiehed jew jekk tikteb in-numru 1 (li juri l-ewwel preferenza) u miegħu xi numru iehor quddiem l-istess isem, jew jekk tikteb in-numru 1 quddiem l-isem ta' iktar minn kandidat wiehed, il-polza tieghek ma tkunx tiswa u ma tinghaddx.
5. Timmarkax il-vot tieghek bis-sinjal X.
6. Jekk bi żball għarraqt il-polza tieghek inti tkun tista' terġa' taghtiha lura lill-Assistent Kummissjonarju, illi, jekk jara li inti hadt dan l-iżball minghajr ma ridt, jerga' jaghtik polza ohra.

ID-DISA' SKEDA

(Artikolu 51)

*Formula tan-Nomina*

Lill-Kummissjoni Elettorali.

Aħna, hawn taħt iffirmati, billi aħna eletturi li għandna l-jedd li nivvotaw f'elezzjoni ta' Membri tal-Kamra tad-Deputati, u billi aħna irregistrati fir-registru elettorali għa (1) Distrett Elettorali, ninnominaw (2) bħala kandidat għad-distrett, hawn fuq imsemmi, u f'isem (3)

Jien, (2) li noqgħod nagħti l-kunsens tiegħi għan-nomina hawn fuq imsemmija.

Data

Firma tal-kandidat (jew tar-rappreżentant tiegħu legittimu, skond il-każ).

(1) In-numru tad-distrett.

(2) Isem, kunjom u Numru tal-Karta ta' Identità u indirizz tal-persuna nominata u x'tagħmel.

(3) Isem il-partit politiku.

## L-GHAXAR SKEDA

(Artikolu 56)

*Formula tal-Ġurament li jittiehed mill-Assistenti Kummissjonarju Elettorali*

Jien \_\_\_\_\_, Assistent Kummissjonarju Elettorali maħtur biex nissorvelja l-votazzjoni fl-elezzjoni ta' Membri tal-Kamra tad-Deputati naħlef/niddikjara solennement li nagħmel bil-fedeltà d-dmirijiet ta' din il-kariga skond id-dispożizzjonijiet tal-liġi, u li għandi ngħarraf b'ittra indirizzata lill-Iskrivan tal-Kamra tad-Deputati kull irregolarità li nara waqt li tkun miexja l-elezzjoni.

Jien ukoll naħlef/niddikjara solennement li nżomm is-sigriet dwar il-vot mogħti minn kull elettur li nista' nkun naf bih: (Hekk Alla jghini).

Data ..... Firma .....  
 Numru tal-Karta  
 ta' Identità .....

## II-HDAX-IL SKEDA

(Artikolu 70)

*Formula ta' Ġurament li Assistent Kummissjonarju jista' jagħti lil Elettur*

Jien (1) \_\_\_\_\_ li noqgħod (2) \_\_\_\_\_ naħlef/niddikjara solennement illi jien l-istess persuna li isimha jidher bħala A.B. fir-Registru Elettorali u li jien għadni ma ivvutajt la hawnhekk u lanqas band'ohra f' din l-elezzjoni ta' Membri tal-Kamra tad-Deputati. (Hekk Alla jghini).

Data

Firma jew marka ta' l-elettur

Maħluf/Dikjarat solennement quddiem il-lum

Firma ta' l-Assistent Kummissjonarju  
Elettorali

(1) L-isem shih.

(2) L-indirizz u Numru tal-Karta ta' Identità ta' l-elettur.

## IT-TNAX-IL SKEDA

(Artikolu 118)

(Artikolu 50, Kap. 102, ara l-Erbatax-il Skeda)

*Rapport ta' l-Ispejjeż ta' l-Elezzjoni*

1. Fil-kolonna tad-dhul għandu jkun hemm l-isem u d-deskrizzjoni ta' kull persuna (kompriż il-kandidat), każin, soċjetà jew assoċjazzjoni li minn għandhom daħlu flus, garanziji jew ekwivalent ta' flus, għall-ispejjeż li jsiru għall-elezzjoni, jew li jkollhom x'jaqsmu ma' l-elezzjoni jew inċidentali għall-elezzjoni, u l-ammont li jkun daħal minn għand kull persuna, każin, soċjetà jew assoċjazzjoni separatament.

2. Fil-kolonna ta' l-ispejjeż għandhom jitnizzlu:

- (a) l-ispejjeż personali tal-kandidat magħmulin jew imħallsin mill-kandidat jew mill-aġent elettorali tiegħu;
- (b) l-isem u r-rata, u l-ammont kollu tal-ħlas ta' kull persuna impjegata bħala aġent (kompriż l-aġent elettorali), skrivan jew messagġier;
- (c) l-ispejjeż tat-traġitti u l-ispejjeż l-oħra kollha magħmulin mill-kandidat jew mill-aġent elettorali tiegħu akkont ta' aġenti (kompriż l-aġent elettorali), skrivani, jew messagġieri;
- (d) l-ispejjeż tat-traġitti ta' persuni, sew jekk imħallsin b'salarju jew le, li saru għall-kandidatura u sew jekk ikunu ġew imħallsin jew magħmulin mill-kandidat, mill-aġent elettorali tiegħu jew mill-persuna li tagħmel dak it-traġitt;
- (e) l-ispejjeż li thallsu jew li saru, għal:
  - (i) stampa;
  - (ii) avvizi;
  - (iii) kartolerija;
  - (iv) pustagġ;
  - (v) telegrammi;
  - (vi) kiri ta' kmamar għal meetings jew għal kunitati;
- (f) spejjeż oħra diversi, li thallsu jew li saru.

Nota:

- (1) Għandhom jitnizzlu l-ispejjeż kollha li jkunu saru dwar il-kandidatura sew jekk ikunu ġew imħallsa mill-kandidat, mill-aġent elettorali tiegħu jew minn persuni oħra, jew li jkunu għadhom m'humex imħallsa fid-data tar-rapport.
- (2) Għall-partiti kollha ta' iżjed minn ħamsa u għoxrin ċenteżmu ħlief fil-każijiet (bħal pustagġ) li għalihom ma tingħatax irċevuta, mar-rapport għandhom jiġu mdaħħla l-kontijiet.
- (3) Is-somom kollha ta' flus imħallsa bla ma jkun hemm riċevuta tagħhom, għandhom jitnizzlu haġa b'haġa bid-data tal-ħlas.
- (4) Is-somom kollha ta' flus li ma jkunux thallsu għandhom jitnizzlu f'lista għaliha.



## IT-TLETTAX-IL SKEDA

(Artikolu 105)

*Regolamenti ta' l-1991 dwar l-Elezzjonijiet Ġenerali  
(Klassifika tal-Poloz tal-Votazzjoni,  
Elezzjonijiet Każwali u b'Għażla)*

Taqsimha I  
*Preliminari*

- Titolu.** 1. Dawn ir-regolamenti jistgħu jissejñu r-Regolamenti ta' l-1991 dwar l-Elezzjonijiet Ġenerali (klassifika tal-Poloz tal-Votazzjoni, Elezzjonijiet Każwali u b'Għażla).
- Tifsir.** 2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma teħtieġx xort' oħra:
- (1) Il-kelma "kandidat ta' wara" tfisser kandidat mhux elett u mhux eskluż mill-votazzjoni.
- (2) Il-kelma "l-ewwel preferenza" tfisser in-numru "1" miktub waħdu quddiem isem ta' kandidat; il-kelma "it-tieni preferenza" tfisser in-numru "2" miktub waħdu quddiem isem ta' kandidat u l-kelma "it-tielet preferenza" tfisser in-numru "3" miktub waħdu quddiem isem ta' kandidat, u hekk għall-bqija.
- (3) Il-kelma "il-preferenza ta' wara" tfisser it-tieni jew preferenza ta' wara li tkun skond in-numri ta' wara xulxin favur il-kandidat ta' wara, u mingħajr ma jiġu ikkalkulati dawk il-preferenzi ta' wara miktubin fuq il-polza favur il-kandidati li jkunu diġa ġew eletti jew li jkunu esklużi mill-għadd tal-voti.
- (4) Il-kelma "polza trasferibbli" tfisser polza li fuqha, wara l-ewwel preferenza, tinkiteb it-tieni jew preferenza ta' wara skond in-numri ta' wara xulxin għal kandidat ta' wara.
- (5) Il-kelma "polza mhux trasferibbli" tfisser polza li fuqha ma jkun hemm imniżżla favur kandidat ta' wara ebda preferenza tat-tieni numru jew numri ta' wara:
- Iżda l-polza ma tibqax iżjed trasferibbli, kemm-il darba:
- (a) l-ismijiet ta' żewġ kandidati jew iżjed (sew jekk ikunu jew ma jkunux minn ta' wara) huma immarkati bl-istess numru u jahbtu wara, skond l-ordni tal-preferenza; jew
- (b) l-isem tal-kandidat ta' wara, skond l-ordni tal-preferenza

(sew jekk ikun jew ma jkunx minn ta' wara) hu immarkat:

(i) b'numru li ma jiġix wara dak ta' xi numru ieħor miktub fuq il-polza; jew

(ii) b'zewġ numri jew iżjed; jew

(c) għal xi raġuni oħra li għaliha ma tistax taqta' sewwa għal liema wieħed mill-kandidati l-oħra ingħatat il-preferenza li baqgħet wara.

(6) Il-kelmiet "vot oriġinali" għal dak li hu kandidat, ifissru vot li ġej minn polza li fuqha ingħatat lil dak il-kandidat l-ewwel preferenza.

(7) Il-kelmiet "vot trasferit" jew "vot imġhoddi minn fuq kandidat ieħor" għal dak li hu kandidat, ifissru vot li hu ġej minn polza li fuqha ingħatat lil dak il-kandidat it-tieni preferenza jew dik ta' warajha.

(8) Il-kelmiet "iż-żejjed" jew "voti żejda" ifissru n-numru ta' voti li bihom in-numru kollu ta' voti, sew oriġinali kemm trasferiti, mogħti lil kandidat ikun 'il fuq minn dak tal-kwota.

(9) Il-kelma "għadd" tfisser:

(a) Ix-xogħol kollu li jsir fil-għadd ta' l-ewwel preferenzi mogħtijin favur il-kandidati; jew

(b) Ix-xogħol kollu li jsir fit-trasferiment tal-voti żejda ta' kandidat eletti; jew

(c) Ix-xogħol kollu li jsir fit-trasferiment tal-voti ta' kandidat jew ta' zewġ kandidati jew iżjed esklużi flimkien mill-votazzjoni.

## TAQSIMA II

### *Klassifika tal-voti*

3. F'Elezzjoni Ġenerali, wara l-istadju imsemmi fit-Taqsima XIV ta' l-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali, il-Kummissjoni għandha tordna li l-poloż tal-votazzjoni jiġu klassifikati f'pakketti skond l-ewwel preferenza tagħhom kif tkun giet reġistrata għal kull kandidat, filwaqt li jiġu skartati dawk il-voti li jkunu invalidi.

Klassifika ta' poloż tal-votazzjoni.

Kif issir il-klassifika.

4. Il-klassifika tal-poloż tal-votazzjoni imsemmija fl-artikolu ta' qabel għandha ssir b'dan il-mod li ġej:

(1) il-persuna li tissorvelja kull mejda fejn isir l-għadd għandu jieħu l-ogħla mazz ta' poloż tal-votazzjoni minn kull garzella u, b'mod li jkun jidher sew mill-kandidati u mill-aġenti, iqiegħed il-mazz fuq xkaffa sabiex jgħaddihom lill-persuni li jgħoddu;

(2) meta jkun ittiegħed pakkett poloż tal-votazzjoni minn kull garzella u tqiegħed fuq l-ixkaffa kif provdut fis-subartikolu ta' qabel ta' dan l-artikolu, il-persuna li tissorvelja għandha tgħaddi lil kull persuna li tgħodd pakkett wiegħed kull darba sabiex il-poloż tal-votazzjoni jistgħu jiġu klassifikati;

(3) il-persuni li jgħoddu għandhom jifih kull pakkett li jkun fih il-poloż tal-votazzjoni u jivverifika jekk kull polza tkunx waħda valida jew invalida.

(4) jekk il-persuni li jgħoddu jiddeċiedu li hemm possibiltà illi, għal xi raġuni li tohroġ mill-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali, polza tal-votazzjoni tista' tkun invalida, jew jekk ikun hemm xi kandidat jew aġent li għall-istess raġuni jgħid l-istess haġa, il-persuna li tgħodd għandha tqiegħed dik il-polza tal-votazzjoni f'kontenitur markat bil-kelma "Dubbjużi";

(5) jekk il-polza tal-votazzjoni titqies li tkun valida il-persuna li tgħodd għandha tqiegħed il-polza tal-votazzjoni f'kontenitur li jkun hemm għal kull kandidat li jkun ingħatalu l-ewwel preferenza fuq dik il-polza tal-votazzjoni.

Tkomplija tal-proċess ta' klassifika.

5. (1) Meta persuna li tgħodd tkun hekk hekk mill-pakkett ta' poloż tal-votazzjoni imsemmi fl-artikolu ta' qabel, hija għandha tingħata pakkett ieħor x'tikklassifika bl-istess mod u tibqa' sejra hekk sakemm il-pakketti kollha fuq l-ixkaffa jkunu ingħaddu.

(2) Meta l-pakketti kollha ta' fuq l-ixkaffa jkunu ingħaddu, il-persuna li tissorvelja għandha tieħu l-ogħla pakkett ta' poloż tal-votazzjoni li jkun imiss minn kull garzella filwaqt li ttenni l-proċess ta' klassifika imsemmi fir-regolament 4 u fil-paragrafu (1) ta' dan ir-regolament u tibqa' sejra hekk sakemm il-poloż tal-votazzjoni kollha ikunu, ftit ftit, tneħħew mill-garzelli, tqegħdu fuq l-ixkaffa, u ġew klassifikati.

Voti dubbjużi.

6. (1) Kull meta l-persuna li tissorvelja li tkun inkarigata mill-klassifika tal-voti ta' distrett elettorali taqtagħha li fil-kontenitur markat "Dubbjużi" jkun hemm għadd biż-żejjed ta' poloż tal-votazzjoni, hija għandha ssejjaħ lil wiegħed mill-Kummissjonarji Elettorali sabiex jiġbor dawk il-poloż.

(2) Il-poloż tal-votazzjoni dubbjużi jistgħu jitneħħew biss mill-kontenitur mill-Kummissjonarju Elettorali li jeħodhom fuq il-mejda tal-Kummissjoni Elettorali personalment.

(3) Il-Kummissjoni Elettorali, jew dak l-għadd ta' membri tagħha li ma jkunx inqas minn tlieta, għandhom, wara li jisimgħu l-ilmenti tad-delegati ta' partit, jew tas-sostituti tagħhom dwar kull polza, jaqtgħuha jekk polza tkunx valida jew invalida, u jekk jaqtgħuha li tkun invalida huma għandhom jittimbraw dik il-polza bħala tali fuq il-wieċ tagħha.

(4) Id-deċizzjoni tal-Kummissjoni Elettorali f'dan ir-rigward għandha tkun waħda konklussiva u mhux sugġetta għal ebda appell.

(5) Ġaladarba l-poloż tal-votazzjoni dubbjużi kollha jkunu ġew dikjarati validi jew invalidi mill-Kummissjoni Elettorali, dawn għandhom jitreġġu lura lejn id-distrett elettorali tagħhom proprju minn Kummissjonarju Elettorali li jgħaddihom lil persuna li tissorvelja dak id-distrett.

(6) Il-persuna li tissorvelja għandha tiegħu hsieb li l-poloż tal-votazzjoni invalidi jitqegħdu f'kontenitur markat "Invalidi" filwaqt li l-poloż tal-votazzjoni validi għandhom jiġu klassifikati skond ir-regolamenti ta' qabel.

7. (1) Il-Kummissjoni għandha mbagħad tgħodd in-numru tal-poloż fil-kontenitur ta' kull kandidat, u tagħti lil kull kandidat numru ta' voti li jkun jaqbel man-numru tal-poloż validi li fuqhom ingħatat l-ewwel preferenza lil dak il-kandidat, u għandha tiżgura ruħha min-numru kollu tal-poloż validi f'dak id-distrett.

Għadd tal-poloż.

(2) Fl-għadd tan-numru tal-poloż imqegħdin fil-kontenitur ta' kull kandidat, il-persuna li tissorvelja għandha tordna li daww il-poloż jingabru f'mazzi ta' hamsin polza kull wieħed u li kull mazz mill-inqas jingħadd minn żewġ persuni li jgħoddu.

8. Il-Kummissjoni għandha mbagħad tiddividi n-numru kollu tal-poloż validi f'kull distrett b'numru ta' wieħed 'l fuq minn dak tal-postijiet battala li għandhom jimtlew. In-numru li joħroġ, miżjud b'wieħed, (mingħajr ma tiġi ikkalkulata l-frazzjoni li tibqa') ikun in-numru ta' voti li jinhtieġu biex kandidat jiġi elett. Dan in-numru f'dawn ir-regolamenti hu msejjaħ il-"kwota".

Kif issib il-kwota.

9. Jekk, wara li jingħaddu l-voti li kandidat iġib, jinsab illi dan in-numru ta' voti jlaħħaq il-kwota jew jaqbeż il-kwota, dan il-kandidat ikun b'daqshekk elett.

Il-kandidat li jġib il-kwota jiġi elett.

Trasferiment taż-  
zejjed ta' voti.

10. (1) Jekk, wara li jinghaddu l-voti, jinsab illi n-numru ta' voti mogħtijin lil kandidat hu akbar mill-kwota, iż-zejjed imur, skond ma hu meħtieġ minn dan ir-regolament, fuq il-kandidati l-oħra li lilhom ingħataw il-preferenzi ta' wara li jkun hemm immarkati fuq il-poloż tal-mazz tal-kandidat li ġie elett f'dak il-għadd.

Liema voti żejda  
għandhom  
jitqassmu l-ewwel.

(2) Iż-zejjed ta' voti li jkun hemm f'kull għadd ta' voti għandu jitqassam qabel dak iż-zejjed li jkun hemm fil-għadd ta' wara.

(3) Jekk fl-istess għadd ikun hemm iktar minn kandidat wieħed li jgħib numru ta' voti żejda, l-ewwel ma għandu jitqassam dak iż-zejjed ta' voti li hu l-akbar.

Meta l-voti żejda  
jkunu ndaqs.

(4) Jekk żewġ kandidati jew iżjed ikollhom kull wieħed, fl-istess għadd, numru ta' voti żejda ndaqs, għandu l-ewwel jitqassam iż-zejjed ta' dak il-kandidat li jkun ġieb l-akbar numru ta' voti fl-ewwel għadd li fih dawn il-kandidati ma kellhomx numru ta' voti ndaqs. Kemm-il darba in-numru ta' voti miġjubin minn dawn il-kandidati ikun indaqs f'kull għadd li jkun sar, il-Kummissjoni taqta' bix-xorti liema mill-voti żejda għandhom jitqassmu l-ewwel.

Meta l-kandidat  
hu elett bil-  
voti ewlenin biss.

(5) (a) Jekk il-voti mogħtija lil kandidat li ġie elett ikunu voti ewlenin biss, il-Kummissjoni għandha teżamina l-poloż kollha tal-mazz tal-kandidat li ġie elett illi iż-zejjed tiegħu għandu jmur fuq il-kandidati l-oħra.

Meta l-kandidat  
hu elett bil-  
voti ewlenin u  
b'dawk li  
marru fuqu.

(b) Jekk il-voti mogħtijin lil kandidat li ġie elett ikunu voti ewlenin u voti li marru fuqu, jew huma biss voti li marru fuqu, il-Kummissjoni għandha teżamina l-poloż ta' l-aħħar mazz, li ngħataw lill-kandidat elett u li iż-zejjed tiegħu għandu jmur fuq il-kandidati l-oħra.

Għażla u taqsim  
ta' poloż skond  
il-preferenza li  
jkun hemm wara.

(c) F'kull wieħed minn dawn iż-żewġ każijiet, il-Kummissjoni għandha tagħżel u tqassam il-poloż trasferibbli f'mazzi godda skond il-preferenza li jkun hemm mogħtija wara, immarkata fuq dawn il-poloż; jagħmlu mazz għalih ta' dawk il-poloż li mhumiex trasferibbli u jaraw kemm hemm poloż f'kull mazz ġdid ta' poloż trasferibbli u kemm hemm poloż fil-mazz ġdid ta' poloż li mhumiex trasferibbli.

Jekk in-numru  
ta' poloż trasfe-  
ribbli hu ndaqs  
jew inqas mill-  
voti żejda.

(6) Jekk in-numru kollu ta' poloż fil-mazzi godda ta' poloż trasferibbli mhux akbar minn dak tal-voti żejda, il-Kummissjoni għandha tgħaddi l-mazz kollu ġdid tal-poloż trasferibbli lill-kandidat ta' wara li fihom ikollu immarkat in-numru tal-preferenza ta' wara mogħtija mill-eletturi, u dawk il-poloż, li mhumiex trasferibbli u li ma jinħtigux għall-kwota tal-kandidat magħżul, għandhom jitwarrbu f'mazz għalihom Dawn il-poloż speċjali li jitwarrbu għalihom ikunu dawk il-poloż li fl-aħħar jitqiegħdu fil-mazz ġdid ta' poloż li ma jkunux trasferibbli.

(7) (a) Jekk in-numru kollu ta' poloz trasferibbli jkun akbar mill-voti żejda, il-Kummissjoni minn kull mazz ġdid ta' poloz trasferibbli għandha, lill-Kandidati li jibqa' bil-jedd tal-preferenza ta' wara mogħtija mill-eletturi, tgħaddilu dak in-numru ta' poloz bl-istess proporzjon man-numru ta' poloz fil-mazz ġdid, li kien hemm bejn in-numru ta' voti żejda u n-numru kollu tal-poloż trasferibbli.

Jekk in-numru ta' poloz trasferibbli jkun 'l fuq miż-żejjed ta' voti isir it-trasferiment proporzjonali.

(b) In-numru tal-poloż li minn kull mazz ġdid għandhom iġhaddu għal fuq kandidati oħra jinsab billi timmoltiplika in-numru tal-poloż li jkun hemm fil-mazz ġdid bin-numru ta' voti żejda u tiddividi r-riżultat bin-numru kollu ta' poloz trasferibbli. Għandha tinzamm nota tal-frazzjonijiet, li jibqgħu, ta' kull numru ta' poloz li b'hekk jinsab.

Kif issib in-numru ta' poloz li għandhom jinxeħtu fuq il-kandidati l-oħra.

(c) Jekk minhabba dawn il-frazzjonijiet, in-numru tal-poloż li għandhom iġhaddu għal fuq il-kandidati l-oħra jkun inqas miż-żejjed ta' voti, għandhom jingħaddu bħala numru sħiħ dawk il-frazzjonijiet, li meħudin wieħed wara l-ieħor, skond liema minnhom hu l-akbar, tibda mill-akbar wieħed, ikun meħtieġ biex bihom iġġib in-numru kollu ta' poloz li għandhom iġhaddu għal fuq il-kandidat jew kandidati l-oħra, numru li jkun jaqbel ma' dak tal-voti żejda, mingħajr ma tagħti każ tal-frazzjonijiet l-oħra li jibqgħu.

Trasferiment tal-frazzjonijiet.

(d) Jekk żewġ frazzjonijiet jew iżjed huma ta' kobor wieħed, għandha titqies li hija l-akbar waħda dik il-frazzjoni li tkun ġejja mill-akbar mazz ġdid, u jekk il-mazzi godda li jkunu hemm fl-idejn ikun fihom l-istess numru ta' poloz, għandha titqies bħala l-akbar waħda dik il-frazzjoni li messet lil dak il-kandidat li fl-ewwel għadd kellu l-akbar numru ta' voti u li fih il-kandidati li jkunu hemm ma kellhomx l-istess numru ta' voti. Kemm-il-darba fil-għadd kollu li jkun sar, in-numru ta' voti mogħtijin lil dawn il-kandidati ikun l-istess, il-Kummissjoni għandha itella' ix-xorti sabiex jaqtaw liema frazzjoni minnhom kollha għandha titqies li hi l-akbar waħda.

Meta l-frazzjonijiet huma ndaq.

(e) Dawk il-poloż li għandhom jingħażlu sabiex imorru fuq kandidat jew kandidati oħra minn kull mazz ġdid, ikunu dawk il-poloż li tqiegħdu fl-aħħar fuq dan il-mazz ġdid, u kull polza li tkun tqiegħdet b'dan il-mod għandha tiġi immarkata bin-numru tal-għadd li fih ikun sar dan it-trasferiment.

Trasferiment ta' poloz minn mazzi godda.

11. (1) Jekk fl-aħħar tal-għadd ebda kandidat ma jġib voti żejda u jibqa' battal post wieħed jew iżjed minn post wieħed, il-Kummissjoni thalli barra mill-għadd tal-voti l-kandidati li jkun ġieb l-inqas numru ta' voti; teżamina l-poloż kollha ta' dan il-kandidat; tagħzlu u tiġbor il-

Meta l-kandidat jintafa' 'l barra mill-votazzjoni.

poloz trasferibbli f' mazzi godda, skond il-preferenzi immarkati fuqhom li għandhom jingħataw lill-kandidati ta' wara; tgħaddi kull mazz ġdid lill-kandidat li lilu giet mogħtija din il-preferenza u tiġbor f'mazz wieħed għalih dawk il-poloż li mhumiex trasferibbli.

Zewġ kandidati jew iżjed maħruġin mill-votazzjoni.

(2) Jekk il-voti kollha ta' zewġ kandidati jew iżjed, li jġibu l-inqas voti, huma inqas min-numru ta' voti mogħtijin lil dak il-kandidat li jiġi wara l-ewwel wieħed, il-Kummissjoni tista' fl-istess għadd tħalli barra mill-għadd dawn il-kandidati u tixhet il-voti tagħhom fuq il-kandidati l-oħra skond ma jingħad f'dan ir-regolament.

Licma mill-kandidati għandu joħroġ barra mill-votazzjoni.

(3) Jekk, meta għandu jiġi maħruġ kandidat mill-votazzjoni, ikun hemm zewġ kandidati jew iżjed, kull wieħed minnhom bl-istess numru ta' voti, u dawn ikollhom l-inqas numru ta' voti, għandu jmur barra dak il-kandidat li fl-ewwel għadd ikun ġieb l-inqas numru ta' voti u li fih dawn il-kandidati ma jkunux ġiebu l-istess f'kull għadd li sar, il-Kummissjoni taqta' bix-xorti min minnhom joħroġ mill-għadd.

Postijiet li fl-aħħar jibqgħu battala.

**12.** B'dak kollu li hemm imsemmi f'dawn ir-regolamenti:

(1) Ma jsir ebda trasferiment ieħor ta' voti jekk wara li jingħaddu il-voti, in-numru tal-kandidati eletti ikun jaqbel man-numru ta' postijiet battala li jridu jimtlew.

(2) Jekk wara li kandidat jew iżjed minn kandidat jintafa' l-barra mill-għadd, in-numru tal-kandidati l-oħra li jibqgħu jkunu daqs in-numru ta' postijiet battala, dawn il-kandidati ta' wara jiġu minnufih eletti u ma jsir ebda trasferiment ieħor ta' voti.

X'għandu isir fit-trasferiment ta' poloż.

**13.** (1) Meta jitgħaddew xi voti minn fuq kandidat għal ieħor kull mazz ġdid ta' poloż trasferuti għandu jitqiegħed fuq wiċċ il-mazz jekk ikun hemm tal-poloż tal-kandidat li fuqu jitgħadda l-vot u dak il-kandidat jieħu dak in-numru ta' voti li jkun jaqbel man-numru ta' poloż li jgħaddi għal fuqu.

Poloż li ma humiex trasferibbli jingħażlu għalihom.

(2) Il-poloż li ma humiex trasferibbli (barra minn dawk li fit-trasferiment ta' voti żejda jistgħu jiswew għall-kwota tal-kandidat magħżul) għandhom jitqiegħdu għalihom, bħala mazz għalih flimkien ma' kull mazz ieħor ta' voti mhux trasferibbli u li jkun diġà mqiegħed għalih.

Poloż miżnumin għall-kwota.

(3) Wara li jsir it-trasferiment tal-voti żejda ta' kandidat elett, il-poloż kollha li ma jkunux għaddew għal fuq il-kandidati l-oħra ta' wara u li ma jitqiegħdux għalihom, kif hemm imsemmi fil-paragrafu ta' qabel, għandhom jitqiegħdu flimkien f'mazz wieħed bħala kwota tal-kandidat magħżul, u l-mazz jiġi immarkat bl-isem tal-kandidat elett.

**14.** Kull kandidat, jew il-persuna li tidher floku, jista', wara kull għadd li jkun sar, jitlob lil-Kummissjoni sabiex terġa' teżamina u tgħodd il-poloż kollha jew polza li jkunu tlestew f'dak il-għadd, u l-Kummissjoni għandha minnufih teżamina u tgħodd mill-ġdid dawn il-poloż skond, ma jiġi mitlub mingħajr ma tagħmel ebda tibdil fit-taqsim tal-poloż li jkun hemm f'dawk il-mazzi, hliet meta jkun meħtieġ li jsir dan it-tibdil minhabba xi żball li jinsab fil-għadd li jkun raġa' sar. Il-Kummissjoni tista' wkoll skond il-fehma tagħha terġa' tgħodd il-poloż għal darba jew iżjed, kull meta ma tkunx żgura mill-għadd ta' qabel; għalkemm b'dan kollu il-Kummissjoni ma hijiex fid-dmir li tgħodd mill-ġdid il-poloż għal iktar minn darba.

Għadd mill-ġdid ta' xi poloż.

**15. (1)** Meta ssir talba sabiex tithassar elezzjoni, il-Qorti tista' tordna biex il-poloż kollha jew biċċa minnhom jerġgħu jiġu magħdud in u sabiex jaraw sewwa r-riżultat tal-elezzjoni skond dawn ir-regolamenti.

Talba biex tithassar elezzjoni.

(2) Meta jiġi li jerġa' jsir dan il-għadd, taht dak it-tibdil li jkun meħtieġ minhabba xi ordni tal-Qorti, kull polza li fil-bidu kienet mgħoddija b'valida, kemm-il darba jsir it-trasferiment ta' voti, għandha titmexxa bħal qabel fuq il-għadd tal-voti li jkun sar fil-bidu.

**16. (1)** Jekk tqum xi kwistjoni fuq it-trasferiment ta' voti, id-deċiżjoni mogħtija mill-Kummissjoni tkun ta' l-aħħar, sew jekk din id-deċiżjoni tagħtiha bil-fomm kemm jekk tidher li tkun tatha bl-egħmil tagħha, kemm-il darba xi kandidat jew il-persuna li tidher floku ma jmurx kontra tagħha bil-miktub, qabel ma jingħata ir-riżultat tal-voti. F'dan il-każ id-deċiżjoni tal-Kummissjoni tista' titraġġa' lura wara rikors li jsir il-Qorti biex tithassar l-elezzjoni.

Deċiżjoni tal-uffiċjali inkarigati fuq it-trasferiment ta' voti.

(2) Jekk id-deċiżjoni tal-Kummissjoni titraġġa' lura, it-trasferiment li hawn imsemmi u x-xogħol kollu li jkun sar minhabba f'dan it-trasferiment ma jibqgħux jiswew u l-qorti tordna xi trasferiment għandu jsir flok dan it-trasferiment li fuqu hemm kwistjoni, u għandha ġġiegħel li jitmexxa x-xogħol li jkun meħtieġ, u sabiex ir-riżultat ta' l-elezzjoni jittiehed skond dawn ir-regolamenti.

**17.** Meta jingħata r-riżultat tal-votazzjoni, fih għandu jkun hemm imsemmi t-trasferiment tal-voti li jkun sar skond dawn ir-regolamenti, kif ukoll għandu jkun hemm imsemmi it-total tal-voti mogħtijin lil kull kandidat, wara kull trasferiment, u dan għandu jsir skond il-formula li hemm fl-Iskeda ta' dawn ir-regolamenti jew skond formula bħalha.

Riżultat ta' l-elezzjoni. Formola tad-dikjarazzjoni.

Taqsimha III  
*Postijiet ta' Membri li jitbattu*

Avviż ta' postijiet battala.

**18.** Meta post ta' Membru jitbattal, il-Kummissjoni fi żmien hamest ijiem mid-data li jasal il- *Writ* tal-President, tagħti avviż, li joħroġ fil-Gazzetta, li sa ssir elezzjoni biex jimtela l-post battal.

Nomini.

**19.** Fi żmien hamest ijiem wara li joħroġ dan l-avviż, kull persuna li:

(a) f'elezzjoni ġenerali li tkun saret minnufih qabel ma' tbattal dan il-post kienet kandidat għall-għażla ta' Membru tal-Kamra għat-taqsimha elettoralji li fiha ikun tbattal il-post u ma kinetx telqet minn kandidat u lanqas ma ġiet magħżula, u

(b) li għad għandha l-kwalifikazzjonijiet meħtieġa sabiex tiġi eletta bħala Membru

tista', bil-kunsens tagħha, tiġi nominata bħala kandidat għal dak il-post battal.

Avviż ta' nomini.

**20.** Fi żmien tlitt ijiem tax-xogħol, wara l-aħħar ġurnata għad-dhul tan-nomini, il-Kummissjoni għandha tagħti d-deċiżjoni tagħha dwar il-validità tan-nomina tal-kandidati u toħroġ fuq il-formula stabilita, l-ismijiet u partikolaritajiet tal-persuni nominati, u t-taqsimha elettoralji li fiha hemm il-post battal li jrid jimtela.

Jekk ikun hemm żewġ nomini jew iżjed, jiġu eżaminati l-poloż tal-membri illi l-post tiegħu hu battal.

**21.** Jekk ikun hemm kandidati illi n-nomina tagħhom tkun tiswa, il-Kummissjoni għandha f'jumejn żmien, li jkunu granet tax-xogħol, tibda teżamina l-poloż tal-mazz issigillat ta' dak il-Membru illi l-post tiegħu tbattal u timxi fuq dak li hemm stabbilit hawn taħt:-

(1) Għandhom jitqiesu li huma maħruġin mill-votazzjoni dawk kollha li fl-elezzjoni ġenerali kienu harġu bħala kandidati għal taqsimha elettoralji, hlied dawk illi jkunu mressqin bi dritt bħala kandidati għal dak il-post battal.

(2) Il-poloż li jkunu merfugħin taħt is-sigill skond l-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali fil-mazz ta' dak il-Membru li l-post tiegħu hu battal, għandhom jiġu eżaminati u mgħoddjin lil dawk li jkunu mressqin bi dritt bħala kandidati u li jistgħu minn ta' l-ewwel jieħdu l-preferenza skond l-ordni li tkun immarkata f'dawn il-poloż, u lil kull wieħed minn dawn li jkunu imressqin bħala kandidati jingħata vot għal kull polza li tgħaddi għal fuqhom.

(3) Fejn ikun hemm kandidat wieħed biss bin-nomina li tiswa, jekk dan il-kandidat ikollu numru ta' voti daqs in-nofs jew iżjed min-nofs tan-numru tal-poloż fil-mazz tal-Membru illi postu jkun battal, dana jiġi iddikjarat bħala elett.

(4) Fejn ikun hemm żewġ kandidati jew iżjed illi n-nomina tagħhom tkun tiswa, il-Kummissjoni għandha tħalli barra mill-votazzjoni dak il-kandidat li jkollu l-inqas numru ta' voti u tgħaddi l-voti tiegħu, skond il-preferenza tan-numri ta' wara li tibqa' kif tkun immarkata fuq il-poloż, għal fuq il-kandidat jew kandidati ta' wara. Il-proċedura biex jithalla barra dak il-kandidat li jkun gieb l-inqas numru ta' voti u biex jitgħaddew il-voti skond il-preferenzi li jkun hemm, għandha titkompla sakemm jibqa' kandidat wieħed. Jekk in-numru ta' voti mogħtijin lil dan il-kandidat ikun daqs in-nofs jew iżjed min-nofs tan-numru ta' poloż fil-mazz tal-membri illi postu jkun battal, dan il-kandidat jiġi iddikjarat bħala elett:

Iżda kemm-il-darba jkun hemm kandidat li jkollu numru ta' voti 'l fuq mis-somma totali tal-voti tal-kandidati l-oħra kollha u fl-istess hin din is-somma tkun daqs in-nofs jew iżjed min-nofs tan-numru ta' poloż li jkun hemm fil-mazz tal-Membri illi postu jkun battal, dan il-kandidat jiġi iddikjarat bħala elett mingħajr ma jsir ebda trasferiment ieħor ta' voti.

22. (1) Jekk jitbattal post li jkun imtela skond din it-Taqsima ta' dawn ir-Regolamenti jew skond is-subartikolu (1) ta' l-artikolu 54 ta' l-Att ta' l-1991 dwar l-Elezzjonijiet Ġenerali, jew jekk wara li jitbattal post ma jiġi mressaq bi dritt ebda kandidat, jew jekk wara li jiġu eżaminati l-poloż tal-Membri li jkollu postu battal ma jiġi elett ebda kandidat, il-post jiġi mimli bil-għażla tal-Membri tal-Kamra ta' wieħed li jkollu l-kwalifiki meħtieġa biex isir Membru tal-Kamra.

(2) Meta jiġi biex jimtela l-post ta' Membru bil-għażla, għandhom jitqiesu li kemm jista' jkun, ikun hemm l-istess interessi u fehmiet li kien jidher għalihom u li kellu dak il-Membru illi postu jkun tbattal.

F'każijiet speċjali  
l-elezzjoni ta'  
Membru ssir  
b'għażla.

SKEDA  
Dikjarazzjoni tar-Riżultat tal-Votazzjoni

*Isem tat-Taqsima Elettorali*

Elezzjoni tal-Membri tal-Kamra tad-Deputati biex jidhru għal Distrett Elettorali hawn fuq imsemmi li saret fis-sena

Aħna li ffirmajna isimna hawn taħt, Kummissjonarji Elettorali fil-votazzjoni tal-Membri tal-Kamra tad-Deputati għad-Distrett Elettorali hawn fuq imsemmi li saret fi gurnata ta' \_\_\_\_\_ tas-sena \_\_\_\_\_, sejr in hawnhekk ingħarrfu illi r-riżultat tal-Votazzjoni u tat-trasferiment tal-voti huwa dan:

Numru ta' voti validi .....

Numru ta' membri li għandhom jingħazlu .....

Kwota (numru ta' voti li huma meħtieġa biex kandidat jigi elett) .....

Ismijiet tal-Kandidati	1	2		3		4		5		6		Ismijiet tal-Kandidati eletti
	Ghadd	Ghadd		Ghadd		Ghadd		Ghadd		Ghadd		
	Voti	Trasferiment ta'	Riżultat	Trasferiment ta'	Riżultat	Trasferiment ta'	Riżultat	Trasferiment ta'	Riżultat	Trasferiment ta'	Riżultat	
Poloz li mhumiex trasferibbli												
Total .....		-		-		-		-		-		

U aħna hawnhekk ingħarrfu illi dawn li huma msemmijin hawn fuq ġew kif jisthoqq eletti Membri tal-Kamra tad-Deputati għal dan id-Distrett Elettorali.

Illum, il \_\_\_\_\_ ta' \_\_\_\_\_ tas-sena \_\_\_\_\_

.....  
*Kummissjonarji Elettorali*

EŻEMPJU TA' KIF GHANDHOM JINGHADDU L-VOTI F'ELEZZJONI  
MAGHMULA SKOND IS-SISTEMA TA' RAPPRESENTANZA PROPORZJONALI  
B'VOT WIEHED LI JGHADDI MINN KANDIDAT GHAL IEHOR.

*(Ara l-Ewwel Taksima tar-Regolamenti)*

Naghmlu li ghandhom jingħażlu sitt membri u li hemm ħdax-il-kandidat A, B, C, D, E, F, G, H, I, K, L.

L-EWWEL GHADD

Wara li jithalltu flimkien u jimtlew il-poloż kollha u minnhom jitneħħew dawk li mhumiex validi, u wara li dawk il-poloż li huma validi jitqassmu f'mazzi għalihom, skond l-ismijiet tal-kandidati li quddiemhom ikun hemm miktub in-numru 1, kull mazz għalih għandu jingħadd u lil kull kandidat jingħata n-numru ta' voti li jaqbel man-numru ta' poloż li fuqhom, favur tiegħu, hemm imniżżla l-ewwel preferenza.

Naghmlu li r-rizultat tal-ghadd huwa dan ta' hawn taht:

	Voti
B .....	140
F .....	62
H .....	50
C .....	25
L .....	24
G .....	14
I .....	12
D .....	10
A .....	7
E .....	4
K .....	—
B'kollox .....	<hr/> 348 <hr/>

IL-KWOTA

Mill-ghadd tal-poloż jidher illi t-total tal-voti validi huwa 348. Wara li niddividu it-total bin-numru sebgha (jigifieri bin-numru ta' postijiet battala, u miegħu nżidu wieħed) insibu li għandna 50 (jigifieri n-numru 49 li hareġ mid-diviżjoni u l iżjed, bla ma nagħtu kas tal-frazzjoni). Dan in-numru ta' 50 huwa l-“kwota”, jew in-numru ta' voti meħtieġa għall-ghażla ta' membru.

Il-voti li ħadu B, F u H huma 'l fuq mill-kwota jew daqsha, u għalhekk dawn il-kandidati għandhom jitqiesu li ġew eletti.

## IT-TIENI GHADD

B għandu 90 vot iżjed (jigifieri total ta' 140, nieqes il-50 tal-kwota) u billi dana huwa l-akbar fost in-numri ta' voti li hađu l-oħrajn, l-ewwel ma għandu jitqassam u jitgħadda fuq il-kandidati l-oħra huwa ż-żejjed ta' B.

Il-140 polza ta' B jigu eżaminati kollha u mqassmin f'mazzi godda għalihom skond il-preferenzi li baqgħu għall-kandidati ta' wara kif ġew immarkati fuq l-istess poloz.

Aktarx dejjem il-preferenza li jkun hemm wara tkun dik tat-tieni numru. Imma daww il-poloż li fihom giet mogħtija t-tieni preferenza lil F jew lil H, billi dawn huma diġà eletti, iġgħaddu għal fuq il-preferenzi l-oħra ta' wara dawn il-kandidati. Il-poloż li fiha jkun hemm immarkata in-numru 1 quddiem B, 2 quddiem H, 3 quddiem F, 4 quddiem I tiġi mqieġgħda fil-mazz ġdid ta' I.

Isir mazz ġdid għalih ukoll ta' daww il-poloż li fihom ma jkunx hemm immarkata il-preferenza li tibqa' wara, jigifieri ta' daww il-poloż li fihom ma jkunx hemm immarkata il-preferenza li tibqa' favur kandidat ta' wara u li għalhekk ma humiex trasferibbli.

Insibu li r-rizultat hu dan:

Hemm immarkata preferenza ta' wara għal	D fuq	80 polza
" " " " " " "	E "	2 poloz
" " " " " " "	I "	25 polza
" " " " " " "	K "	29 "
Total ta' poloż <i>trasferibbli</i> .....		136 "
Total ta' poloż <i>li m'humieq trasferibbli</i> .....		4 poloz
		140

Billi n-numru kollu ta' poloż trasferibbli (li hu ta' 136) hu 'l fuq mill-voti żejda (ta' 90), minn kull mazz ġdid tista' tittieħed u tgħaddi għal fuq haddieħor porzjon biss, u n-numru ta' poloż li għandhom jittieħdu minn kull mazz ġdid biex jingħataw lil haddieħor, għandu jkollu, man-numru kollu tal-poloż fil-mazzi godda, dik il-proporzjon li hemm bejn iż-żejjed u n-numru kollu ta' poloż trasferibbli.

Fi kliem ieħor, in-numru ta' poloż li għandhom jittieħdu u jgħaddu għal fuq haddieħor minn kull mazz ġdid insibuh billi nimmultiplikaw in-numru tal-poloż li hemm f'kull wieħed minn dawn il-mazzi bin-numru 90 (li hu in-numru ta' poloż żejda) u niddividu dak li jigina bil-136 (li hu n-numru totali ta' poloż trasferibbli).

Għall-heffa nistgħu nagħmlu dan il-kalkolu billi nčekknu l-frazzjoni  $\frac{90}{136}$  u nagħmluha  $\frac{45}{68}$  li tiswa daqsha.

Il-kalkolu għandu jsir hekk:

Il-mazz ta' D fih 80 polza, u s-sehem li jmissu mill-poloż zejda hu għalhekk .....	$80 \times \frac{45}{68}$ jew $52 \frac{64}{68}$
Il-mazz ta' E fih 2 poloz u s-sehem li jmissu mill-poloż zejda hu għalhekk .....	$2 \times \frac{45}{68}$ jew $1 \frac{22}{68}$
Il-mazz ta' I fih 25 polza u s-sehem li jmissu mill-poloż zejda hu għalhekk .....	$25 \times \frac{45}{68}$ jew $16 \frac{37}{68}$
Il-mazz ta' K fih 29 polza u s-sehem li jmissu mill-poloż zejda hu għalhekk .....	$29 \times \frac{45}{68}$ jew $19 \frac{13}{68}$
B'kollox .....	90

In-numri tal-poloż li għandhom jittieħdu u jgħaddu fuq il-kandidati ta' wara skond il-kalkolu ta' hawn fuq, fihom il-frazzjonijiet u billi ma jistgħux jittieħdu hliet poloż shaħ, għalhekk għandhom jitqiesu bhala waħdiet shaħ daww il-frazzjonijiet li huma l-akbar, meħudin wieħed wara l-ieħor skond il-kobor tagħhom, u li jkunu biżżejjed biex igibu total ta' poloż trasferibbli li jkun jaqbel maż-żejjed ta' voti.

Għalhekk billi n-numri *shaħ* li haġġu minn dan il-kalkolu jgibu s-somma ta' 88 biss, jigiġifieri (52+1+16+19), jew tnejn inqas miż-żejjed ta' 90, iż-żewġ frazzjonijiet,  $\frac{64}{68}$  u  $\frac{37}{68}$ , li huma l-akbar fost l-oħrajn, inqisuhom bhala numri shaħ ta' wieħed u għalhekk in-numri ta' poloż li għandhom igħaddu fuq l-oħrajn huma bhala ma sa nuru hawn taħt:

Lil D .....	53 polza
Lil E .....	1 polza
Lil I .....	17-il polza
Lil K .....	19-il polza
Total ta' poloż li huma ż-żejjed ta' poloż ta' B .....	90 polza

Il-poloż speċjali li għandhom igħaddu fuq D, E, I u K huma daww miżjudin fl-aħħar fuq il-mazzi godda ta' kull wieħed minn dawn il-kandidati, u għalhekk huma daww li fil-mazzi jinsabu fuq nett. Il-poloż imghoddija jigu mmarkati bin-numru tal-għadd li fih isir it-trasferiment.

Dawn il-poloż jiziedu f'mazzi għalihom mal-mazzi ta' D, E, I u K. (Niftakru li K ma kellu ebda mazz b'voti ewlenin).

Għalhekk it-total ta' dawn il-voti mogħtijin lil dawn il-kandidati jsiru:

D .....	10+53=63
E .....	4+ 1= 5
I .....	12+17=29
K .....	0+19=19

Il-bqija tal-poloż fil-mazzi godda (jiġifieri dawk il-poloż li ma għaddewx fuq l-oħrajn) flimkien mal-poloż, li fuqhom ma kien hemm immarkata ebda preferenza ta' wara, jingabru f'mazz wieħed. Dan il-mazz huma l-poloż li jwieġbu għall-kwota ta' B (50).

Dan il-mazz fih :

Il-bqija tal-mazz ġdid ta' D,	80 neqsin	53 =	27
" " " E,	2 neqsin	1 =	1
" " " I,	25 neqsin	17 =	8
" " " K,	29 neqsin	19 =	10
Poloz li mhumiex trasferibbli .....			4

Total li hu l-kwota ta' "B" ..... 50

Il-kalkoli li saru f'dan it-trasferiment huma miġjubin fil-qosor u mdahhlin fit-tabella ta' hawn taht:

Għadd Nru. 2.

TRASFERIMENT TAŻ-ŻEJJED TA' "B"

Żejjed .....	90
Numru ta' poloż trasferibbli .....	136
Proporzjon ta' poloż li għandhom iġhaddu fuq kandidati oħra =	
Żejjed	90      45
----- =	----- =
Numru ta' poloż trasferibbli	136      68

Ismijiet ta' Kandidati li lilhom hi mogħtija l-preferenza li tibqa' wara	Numri ta' Poloż li ġew eżaminati	Nru. ta' Poloż mġhoddijin fuq il-kandidati			Numri ta' Poloż li nżammu għall-Kwota ta' B
		Kif ingħaddew		Numri li ġew imġhoddija (wara li l-akbar frazzjonijiet tqiesu bħala numri sħaħ)	
		Numri sħaħ	Frazzjonijiet		
A					
C					
D.....	80	52	64/68	53	27
E.....	2	1	22/68	1	1
G					
I.....	25	16	37/68	17	8
K.....	29	19	13/68	19	10
L					
Numru totali ta' poloż trasferibbli .....	136	88	136/68	90	46
Numru ta' Poloż mhux trasferibbli .....	4	—	—	†	4
<b>TOTALI</b>	140* (Total)	—	—	90 * (Żejjed)	50 (Għall-Kwota)

*Twissijiet lill-Kummissjonarji Elettorali*

\* Qabel ma wiehed jibda jghodd, jaqbel, u tkun haġa tajba, li timtela t-tabella tat-trasferimenti billi jitniżżel it-total fil-vojt li hu mmarkat bi stilla żghira. Dawn it-totali nafuhom qabel ma jibda l-għadd.

† Meta jitgħaddew il-poloż żejda lill-kandidati l-oħra, il-poloż *kollha*, li mhumiex trasferibbli, aktarx dejjem jinżammu bħala biċċa mill-kwota, *imma meta n-numru ta' poloż trasferibbli hu inqas miż-żejjed ta' voti*, id-differenza għandha titniżżel fil-vojt immarkat bi stallett, u fil-kaxxa tal-poloż li mhumiex trasferibbli għandu jitqiegħed l-istess numru ta' poloż li mhumiex trasferibbli. Għaldaqshekk dawn il-poloż li mhumiex trasferibbli għandhom jittieħdu mill-wieċ tal-mazz, u in-numru ta' poloż li jittieħdu għandu jidher fuq it-Tabella tar-Riżultat fil-linja mħollija għall-poloż li mhumiex trasferibbli.

Wara li jsir il-għadd, insibu li s'issa għandna dan ir-riżultat ta' votazzjoni:

	Voti
B .....	50 (elett)
F .....	62 (elett)
H .....	50 (elett)
D .....	63 (elett)
I .....	29
C .....	25
L .....	24
K .....	19
G .....	14
A .....	7
E .....	5
	<hr/>
B'kollox .....	348

D b'dan il-mod għandu 63 vot, jiġifieri numru ta' voti 'l fuq mill-kwota. Għalhekk jitqies li ġie magħżul.

IT-TIELET GHADD

Issa baqgħu żewġ riżultati b'żejjed ta' voti jew b'numri 'l fuq mill-kwota, li huma dak ta' F (12) u dak ta' D (13). L-ewwel li jitgħadda għal fuq il-kandidati li jibqgħu huwa ż-żejjed ta' F, għax għalkemm hu l-iċken, ġej minn għadd ta' qabel. Iż-żejjed ta' F jiġi mqassam bil-proporzjon fost il-preferenzi li baqgħu wara, skond ma huma mmarkati fuq it-62 polza ewlenija ta' F, u bl-istess mod bħal ma ġew imqassmin fil-kas ta' B. B'hekk insibu li 9 poloż iġgħaddu fuq L, 2 poloż fuq C u 1 fuq A.

Il-poloż li jagħmlu l-kwota ta' F jingabru f'mazz wiehed li jiġi mmarkat bl-isem ta' F.

Il-poloż li jagħmlu l-kwota ta' H (li fl-ewwel għadd ġieb il-kwota sewwa jingabru bl-istess mod f'mazz wiehed, li jiġi mmarkat bl-isem ta' H.

## IR-RABA' GHADD

Issa għandu jitqassam iż-żejjed ta' D (13). Għaldaqshekk għandu jittiehed biss il-mazz ġdid li ġie mgħoddi fl-aħħar u li fih 53 polza. Dawn jiġu eżaminati u jitqassmu f' mazzi godda, skond il-preferenzi li hemm għall-kandidati l-oħra u b'hekk insibu dan ir-rizultat:

Lil I ġiet mogħtija preferenza li baqgħet wara .....	42	polza
Lil K ġiet mogħtija preferenza li baqgħet wara .....	10	poloz
	<hr/>	
Total ta' poloz <i>trasferibbli</i> .....	52	polza
F'polza waħda m'hemm mogħtija ebda preferenza ...	1	polza
	<hr/>	
B'kollox .....	53	
	<hr/>	

In-numru ta' poloz li għandhom jittieħdu u jgħaddu minn kull mazz insibuh billi nimmultiplikaw in-numru ta' poloz fil-mazzi godda bi 13 (li hu iż-żejjed ta' voti) u niddividu dak li jiġina bi 52 (in-numru kollu ta' poloz *trasferibbli*); għalhekk

$$\begin{aligned} \text{Is-sehem miż-żejjed ta' voti li jmiss lil I hu .....} & 42 \times \frac{13}{52} = 10 \frac{1}{2} \\ \text{Is-sehem miż-żejjed ta' voti li jmiss lil K hu ....} & 10 \times \frac{13}{52} = 2 \frac{1}{2} \end{aligned}$$

Billi l-frazzjonijiet huma ndaqs, għandha titqies li hi l-akbar frazzjoni dik li hi ġejja mill-akbar mazz. Għalhekk is-sehem miż-żejjed ta' voti ta' D li jmiss lil I hu ta' 11-il vot, u dak li jmiss lil K hu ta' 2 voti.

Biex jiftehmu aħjar, in-numri ta' voti li ġew mgħoddija u li ġew miżmuma huma miġjubin f'din it-tabella tat-trasferiment:

GHADD Nru. 4

## TRASFERIMENT TA' Ż-ŻEJJED TA' "D"

Żejjed .....	13
Numru ta' poloz <i>trasferibbli</i> .....	52
Proporzjon ta' voti li għandhom iġgħaddu fuq kandidati oħra =	

$$\frac{\text{Żejjed}}{\text{Numru ta' poloz trasferibbli}} = \frac{13}{52} = \frac{1}{4}$$

Ismijiet ta' kandidati li lilhom hi mogħtija l-preferenza li baqgħet wara	Numri ta' Poloz li ġew miflija	Numri ta' Poloz imgħoddija lill-kandidati oħra	Numri ta' Poloz li nżammu għall-Kwota ta' D
I .....	42	(10 1/2) 11	31
K .....	10	(2 1/2) 2	8
Numru totali ta' Poloz trasferibbli .....	52	(13) 13	39
Numru ta' Poloz li ma humiex trasferibbli ..	1	—	1
<b>Totali .....</b>	<b>53</b> (Totali)	<b>13</b> (Żejda)	<b>40</b> (Għall-Kwota)

Il-mazzi godda ta' 11-il polza u ta' 2 poloz, li huma mmarkati bin-numru tal-għadd li fih ikun sar it-trasferiment, jiġu miżjudin mal-mazzi ta' I u K, dak li fih 11-il polza mal-mazz ta' I u dak li fih 2 poloz, mal-mazz ta' K. Il-bqija (31 u 8) flimkien mal-polza li mhix trasferibbli u mal-10 poloz li ha D fl-ewwel għadd, (li b'kollox jagħmlu 50 polza) jingabru f' mazz wieħed biex iġhaqqdu l-kwota ta' voti ta' D.

Wara li jsir il-għadd insibu li issa għandna dan ir-rizultat ta' votazzjoni:

	Voti
B .....	50 (elett)
F .....	50 (elett)
H .....	50 (elett)
D .....	50 (elett)
I .....	40
L .....	33
C .....	27
K .....	21
G .....	14
A .....	8
E .....	5
<b>B'kollox .....</b>	<b>348</b>

#### IL-HAMES GHADD

Billi m'hemmx iżjed voti żejda x'jitqassmu, il-Kummissjonarju Elettorali jibda biex iġhaddi u jqassam il-voti tal-kandidati li ġiebu l-inqas numri ta' voti.

Il-kandidat li għandu l-inqas voti hu E, li gieb 5 voti; imma billi l-voti ta' A u E flimkien ( $5 + 8 = 13$ ) huma inqas minn 14, li hu t-total ta' G, (il-kandidat li jaħbat warajhom skond in-numri ta' voti), il-Kummissjonarju Elettorali iqassam il-poloż ta' E u A fl-istess għadd.

Il-poloż tal-mazzi ta' E u A (illi b'kollox għandhom 13) jiġu eżaminati u fihom jinsab illi:

Hemm preferenza ta' wara lil C f'polza waħda	= 1
” ” ” G f'7 poloż	= 7
” ” ” I f'4 poloż	= 4
Poloz li ma humiex trasferibbli	1
	<hr/>
B'kollox	<u>13</u>

Dan il-għadd jagħlaq billi jingħataw: polza lil C, 7 poloż lil G, 4 poloż lil I, u polza li mhix trasferibbli titwarrab għaliha bla ma titqassam.

Insibu għalhekk illi għandna dan ir-rizultat ta' voti:

	Voti
B.....	50 (elett)
F.....	50 (elett)
H.....	50 (elett)
D.....	50 (elett)
I.....	44
L.....	33
C.....	28
G.....	21
K.....	21
Polza mhix trasferibbli.....	1
	<hr/>
B'kollox.....	<u>348</u>

## IS-SITT GĦADD

Bil-ħames għadd ma jiġi magħżul ebda kandidat u għalhekk jeħtieġ li jitkompla x-xogħol bil-għadd ta' wara, il-kandidati G u K għandhom kull wieħed l-istess numru ta' voti (21) u l-inqas li għandhom voti. L-ewwel ma jitqassmu l-poloż ta' K billi dan, fl-ewwel għadd, kien gieb voti inqas minn G.

Meta jitqassmu l-poloż ta' K (21), 3 poloż jingħataw lil C, 15 lil I, u 1 lil L, u 2 jibqgħu bla ma jitqassmu billi huma poloż li mhumiex trasferibbli. B'dan il-mod I iwassal it-total ta' 59 vot u għalhekk jitqies bħala elett.

Insibu għalhekk li s'issa r-riżultat tal-votazzjoni hu dan:

	Voti
B .....	50 (elett)
F .....	50 (elett)
H .....	50 (elett)
D .....	50 (elett)
I .....	59 (elett)
L .....	34
C .....	31
G .....	21
Poloz li mhumiex trasferibbli .....	3
	<hr/>
B'kollox .....	348
	<hr/>

### IS-SEBA' GHADD

Issa wasalna biex inqassmu ż-żejjed ta' voti (9) li għandu I.

Għaldaqshekk għandu jittiehed biss il-mazz ġdid ta' poloz li kienu dan l-aħħar mgħoddija lil I (15-il polza).

Dawn jingabru f' mazzi godda favur il-kandidati li jibqgħu u b'hekk insibu li għandna dan ir-riżultat:

F'4 poloz hemm preferenza ta' wara mogħtija lil C =	4
Fi 3 poloz hemm preferenza ta' wara mogħtija lil L =	3
	<hr/>
Total ta' poloz trasferibbli ... ..	7
Poloz li ma humiex trasferibbli ... ..	8
	<hr/>
B'kollox ... ..	15
	<hr/>

F'dan il-kas it-total ta' poloz trasferibbli (7) hu inqas miż-żejjed ta' voti (9) u għalhekk il-Kummissjonarju Elettorali iġġaddi l-mazzi godda kollha ta' poloz trasferibbli lill-kandidati l-oħra li huma mmarkati bil-preferenza li tibqa'. B'dan il-mezz jingħataw 7 voti miż-żejjed ta' 9 voti żejda. Hemm differenza ta' 2 poloz. Il-mazz ġdid ta' poloz li mhumiex trasferibbli jiġi għalhekk maqsum fi tnejn, wieħed fih 2 poloz (li jagħmlu miż-żejjed ta' voti) u l-ieħor fih 6 poloz (li huma meħtieġa għall-kwota ta' I). Il-porzjon li fiha 2 poloz titqiegħed għaliha flimkien mal-mazzi l-oħra ta' poloz li ma humiex trasferibbli, u l-porzjon li fiha 6 poloz tinzamm biex biha jkun hemm il-kwota ta' I (6+4=10).

In-numri ta' voti mgħoddija u miżmuma huma miġjubin fit-tabella li ġejja:

## Trasferiment taż-żejjed ta' "T"

Żejjed .....	9
Numru ta' poloz trasferibbli .....	7
Proporzjon ta' poloz li għandhom iġhaddu fuq kandidati oħra =	

$$\frac{\text{Żejjed}}{\text{Numru ta' poloz trasferibbli}} = \frac{9}{7} \quad (\text{din il-frazzjoni tingħadd b'1})$$

Ismijiet ta' kandidati li lilhom hi mogħtija l-preferenza li tibqa' wara	Numri ta' Poloz li ġew eżaminati	Numru ta' Poloz mġhoddjin fuq il-kandidati			Numri ta' Poloz li nżamm għall-Kwota ta' I
		Kif ingħaddu		Numri li ġew imġhoddija (wara li l-akbar frazzjonijiet tqiesu bħala numri sħaħ)	
		Numri sħaħ	Frazzjonijiet		
C .....	4	4	—	4	—
L .....	3	3	—	3	—
Numru totali ta' Poloz trasferibbli .....	7	7	—	7	—
Numru ta' Poloz li mhux trasferibbli .....	8	—	—	2 †	6
<b>TOTALI</b>	<b>15*</b> (Total)	—	—	<b>9 *</b> (Żejjed)	<b>6 *</b> (Għall-Kwota)

*Twissijiet lill-Kummissjonarji Elettorali*

\* Qabel ma wieħed jibda jgħodd, jaqbel, u tkun haġa tajba, li timtela t-tabella tat-trasferimenti billi jitniżżel it-total fil-vojt li hu mmarkat bi stilla żgħira. Dawn it-totali nafuhom qabel ma jibda l-għadd.

† Meta jitgħaddew il-poloż żejda lill-kandidati l-oħra, il-poloż *kollha*, li mhumiex trasferibbli, aktarx dejjem jinżammu bħala biċċa mill-kwota, *imma meta n-numru ta' poloz trasferibbli hu inqas miż-żejjed ta' voti*, id-differenza għandha titniżżel fil-vojt immarkat bi stallett, u fil-kaxxa tal-poloż li mhumiex trasferibbli għandu jitqiegħed l-istess numru ta' poloż li mhumiex trasferibbli. Għaldaqshekk dawn il-poloż li mhumiex trasferibbli għandhom jittieħdu mill-wiċċ tal-mazz, u in-numru ta' poloż li jittieħdu għandu jidher fuq it-Tabella tar-Riżultat fil-linja mħollija għall-poloż li mhumiex trasferibbli.

Wara s-seba' għadd insibu li għandna dan ir-riżultat ta' votazzjoni:

	Voti
B .....	50 (elett)
F .....	50 (elett)
H .....	50 (elett)
D .....	50 (elett)
I .....	50 (elett)
L .....	37
C .....	35
G .....	21
Poloz li mhumiex trasferibbli .....	5
	<hr/>
B'kollox .....	348
	<hr/>

#### IT-TMIEN GHADD

Billi m'hemmx iżjed voti żejda, il-voti ta' G, li għandu l-inqas voti, jigu mqassmin.

Fil-mazz ta' G, ta' 21 polza, hemm 7 poloz li fihom hemm il-preferenza ta' wara mogħtija lil C, u 12-il polza li fihom hemm il-preferenza ta' wara mogħtija lil L u 2 poloz li mhumiex trasferibbli.

Għalhekk 7 poloz imorru fuq C u 12 fuq L, u 2 jitqiegħdu mazz għalihom mal-mazzi l-oħra ta' poloz li mhumiex trasferibbli.

Ir-Riżultat tal-Votazzjoni huwa dan:

	Voti
B .....	50 (elett)
F .....	50 (elett)
H .....	50 (elett)
D .....	50 (elett)
I .....	50 (elett)
L .....	49
C .....	42
Poloz li mhumiex trasferibbli .....	7
	<hr/>
B'kollox .....	348
	<hr/>



## ERBATAX-IL SKEDA

(Artikolu 118)

*Artikoli 41 sa 62 ta' l-Ordinanza Elettorali  
dwar il-Votazzjoni (Kap 102)*

**41.** Il-kuntratt, li bis-saħħa tiegħu jintefqu spejjeż għal elezzjoni jew dwar it-tmexxija jew direzzjoni ta' elezzjoni, ma jobbligax kandidat f' dik l-elezzjoni, hliet jekk ikun magħmul mill-kandidat stess jew mill-aġent elettorali tiegħu; iżda l-fatt li taħt dan l-artikolu dak il-kuntratt ma jobbligax lill-kandidat, ma jeħlisx lill-kandidat mill-konsegwenzi ta' atti ta' korruzzjoni jew illegali magħmulin mill-aġent tiegħu.

Kuntratti dwar spejjeż ta' elezzjoni.

**42.** (1) Barra minn fil-każijiet permessi f'din l-Ordinanza bis-saħħa tagħha, ebda hlas jew antiċipju jew depożitu ma jista' jsir minn kandidat f'elezzjoni, jew minn aġent f'isem il-kandidat, jew minn persuna oħra, qabel, matul jew wara dik l-elezzjoni, għal spejjeż minfuqa għal elezzjoni, jew għat-tmexxija jew direzzjoni ta' elezzjoni, hliet mill-aġent elettorali tal-kandidat jew bil-mezz tiegħu, u kull somma ta' flus maħruġa minn persuna li ma tkunx il-kandidat għal spejjeż minfuqa għal elezzjoni jew għat-tmexxija jew direzzjoni ta' l-elezzjoni, sew bħala rigal, self, antiċipju jew depożitu, għandha tiħallas lill-kandidat jew lill-aġent elettorali tiegħu u mhux xort'oħra; iżda dan l-artikolu ma jitqies li jgħodd għal ebda somma maħruġa minn persuna minn flusha għal spejjeż żgħar li tkun għamlet skond il-liġi, kemm-il darba din is-somma ma tiġix imħallsa lura lilha.

Il-hlas ta' l-ispejjeż isir bil-mezz ta' l-aġent elettorali.

(2) Kull min jikser dan l-artikolu billi jagħmel hlas, antiċipju, jew depożitu jew iħallas flus maħruġa kif jingħad hawn fuq, ikun haṭi ta' att illegali.

**43.** (1) Kull hlas magħmul minn aġent elettorali għal spejjeż li jkunu saru għal elezzjoni jew għat-tmexxija jew direzzjoni ta' elezzjoni, barra minn meta s-somma tkun ta' anqas minn ħamsa u għoxrin ċenteżmu, għandu jidher minn kont bid-dettalji kollha u minn irċevuta.

Żmien li fih għandhom jintalbu u jiħallsu spejjeż ta' elezzjoni.

(2) Kull talba kontra kandidat f'elezzjoni jew l-aġent tiegħu għall-hlas ta' spejjeż li jkunu saru għal elezzjoni jew għat-tmexxija jew direzzjoni ta' elezzjoni, li ma tiġix mibgħuta lill-aġent elettorali fiż-żmien stabbilit f'din l-Ordinanza, tiġi preskritta u m'għandhiex tiġi mħallsa; u barra minn dawk l-eċċezzjonijiet li jista' jkun hemm bis-saħħa ta' din l-Ordinanza, kull aġent elettorali li jħallas kont b'kontravvenzjoni ta' dan l-artikolu jkun haṭi ta' att illegali.

(3) Hliet fil-każijiet permessi f'din l-Ordinanza, iż-żmien stabbilit f'din l-Ordinanza biex jintbagħtu talbiet għal hlas huwa ta' erbatax-il gurnata wara dik li fiha l-kandidat li tela' jiġi ddikjarat elett.

(4) L-ispejjeż kollha minfuqa minn kandidat f'elezzjoni jew f'ismu, u li jkunu ġew hekk minfuqa għall-elezzjoni jew għat-tmexxija jew direzzjoni ta' dik l-elezzjoni, għandhom jithallsu fiż-żmien stabbilit f'din l-Ordinanza u mhux xort'oħra; u, barra minn dawk l-eċċezzjonijiet li jista' jkun hemm bis-saħħa ta' din l-Ordinanza, kull aġent elettoralali li jagħmel hłasijiet b'kontravvenzjoni ta' din id-disposizzjoni jkun hati ta' att illegali.

(5) Hlief fil-każijiet permessi f'din l-Ordinanza, iż-żmien stabbilit f'din l-Ordinanza għall-hłas ta' dawn l-ispejjeż kif jingħad hawn fuq huwa tmienja u għoxrin ġurnata wara dik li fiha l-kandidat li tela' jiġi ddikjarat elett.

(6) Meta jiġi ppruvat minn kandidat għas-sodisfazzjon tal-qorti li hłas magħmul minn aġent elettoralali b'kontravvenzjoni ta' dan l-artikolu sar mingħajr il-permess jew konnivenza ta' dak il-kandidat, l-elezzjoni tiegħu ma tkunx nulla, u huwa ma jkun suġġett għal ebda inkapaċità taħt din l-Ordinanza minħabba biss li dak il-hłas ikun sar b'kontravvenzjoni ta' dan l-artikolu.

(7) Jekk l-aġent elettoralali jikkontesta talba għall-hłas mibgħuta lilu fiż-żmien stabbilit f'din l-Ordinanza, jew jirrifjuta jew jonqos li jhallasha fiż-żmien hawn fuq imsemmi ta' tmienja u għoxrin ġurnata, dik it-talba għall-hłas titqies li hija talba kkontestata.

(8) Min jagħmel talba għall-hłas li tiġi kkontestata jista', jekk irid, jaġixxi għall-hłas fil-qorti ċivili kompetenti; u kull somma li tithallas mill-kandidat jew mill-aġent tiegħu skond is-sentenza jew digriet ta' dik il-qorti titqies li ġiet imħallsa fiż-żmien stabbilit f'din l-Ordinanza, u titqies ukoll li hija eċċezzjoni għad-disposizzjonijiet ta' din l-Ordinanza li jridu li l-kontijiet jithallsu mill-aġent elettoralali.

(9) Meta tiġi pprovata raġuni tajba għas-sodisfazzjon tal-qorti ċivili kompetenti, il-qorti fuq rikors ta' min jagħmel it-talba għall-hłas, jew tal-kandidat, jew ta' l-aġent tiegħu tista', b'digriet, tagħti permess li tithallas mill-kandidat jew mill-aġent elettoralali tiegħu talba kkontestata, jew talba għal spejjeż kif jingħad hawn fuq, għalkemm tkun ġiet mibgħuta wara ż-żmien li fih skond dan l-artikolu għandhom jintbagħtu t-talbiet, jew għalkemm it-talba għall-hłas tkun intbagħtet lill-kandidat u mhux lill-aġent elettoralali.

(10) Kull somma speċifikata f'dak id-digriet tista' tithallas mill-kandidat jew mill-aġent elettoralali tiegħu, u meta tiġi mħallsa skond dak il-permess titqies li ġiet imħallsa fiż-żmien stabbilit f'din l-Ordinanza.

tiegħu u għall-ħlas ta' dak il-kumpens bħallikieku huwa kien xi kreditur ieħor, u jekk tinqala' kwistjoni dwar l-ammont ta' dik it-talba, din tkun talba kkontestata fis-sens ta' din l-Ordinanza, u tiġi hekk ittrattata.

45. (1) Il-kandidat f'elezzjoni jista' jhallas l-ispejjeż personali li jagħmel huwa għall-elezzjoni jew li jkollhom x'jaqsmu ma' l-elezzjoni jew li jkunu inċidentali għal dik l-elezzjoni sa ammont mhux iżjed minn tna-x-il lira, iżda kull spiża oħra personali li jkun hekk għamel għandha tiħallas mill-aġent elettoral i tiegħu.

Spejjeż personali tal-kandidat u spejjeż żgħar.

(2) Il-kandidat għandu jibgħat lill-aġent elettoral i fiż-żmien li fih skond din l-Ordinanza għandhom jintbagħtu t-talbiet għall-ħlas, dikjarazzjoni bil-miktub ta' l-ammont ta' l-ispejjeż personali mħallsin kif jingħad hawn fuq mill-kandidat.

(3) Fl-ispejjeż personali ta' kandidat jidhlu l-ispejjeż xierqa ta' trasport u l-ispejjeż xierqa għall-qagħad tiegħu f' lukandi jew band' oħra għall-finijiet ta' l-elezzjoni.

(4) Kull persuna tista', jekk tkun hekk awtorizzata bil-miktub mill-aġent elettoral i tal-kandidat, tħallas l-ispejjeż meħtieġa ta' kartolerija, pustaġġ, telegrammi, u spejjeż żgħar oħra sa ammont li kollu kemm hu ma jiskorrix l-ammont imsemmi fl-awtorizzazzjoni, iżda kull somma 'l fuq minn dak l-ammont għandha tiħallas mill-aġent elettoral i.

(5) Dikjarazzjoni bid-dettalji tal-ħlasijiet magħmulin minn persuna hekk awtorizzata għandha tintbagħat lill-aġent elettoral i fiż-żmien li fih skond din l-Ordinanza għandhom jintbagħtu t-talbiet għall-ħlas, u għandha tkun imwettqa b'kont bl-irċevuta ta' dik il-persuna.

46. (1) Barra minn dawk l-eċċezzjonijiet li jista' jkun hemm bis-saħħa ta' din l-Ordinanza, ebda somma ma tista' tiħallas u ebda spiża ma tista' ssir minn kandidat f'elezzjoni jew mill-aġent elettoral i tiegħu, sew qabel, matul, jew wara l-elezzjoni, għall-elezzjoni jew għat-tmexxija jew direzzjoni ta' dik l-elezzjoni, iżjed minn sitt mitt lira:

Spiza li taqbeż il-maximum hija att illegali.

Iżda f'dan l-ammont ma tidhlox l-ispiza magħmula mill-kandidat għall-ispejjeż tiegħu personali, lanqas il-kumpens (jekk ikun hemm) li jiħallas lill-aġent elettoral i basta li dan il-kumpens ma jiskorrix mitt lira.

(2) Fil-każ ta' kandidati li joħorgu għal elezzjoni fl-istess distrett bħala membri ta' l-istess partit politiku, l-ispejjeż ta' dawk il-kandidati jistgħu jingħaddu flimkien u ma jitqiesx li kien hemm kontravvenzjoni għal dan l-artikolu ħlief jekk l-ispejjeż kollha ta' dawk il-kandidati, magħdud in flimkien, jiskorru jew is-somma ta' sitt mitt lira multiplikata bin-numru ta' dawk il-kandidati jew is-somma ta' tlett elef lira skond liema minnhom tkun l-iżgħar: iżda jekk is-somma kollha ta'

dawk l-ispejjeż tiskorri waħda mis-somom hawn fuq imsemmija, l-ispejjeż ta' kull wieħed minn dawk il-kandidati jiġu separati mill-ispejjeż ta' l-oħrajn u jgħoddu d-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu.

(3) Kull kandidat jew aġent elettorali li xjentement jikser dan l-artikolu jkun ħati ta' att illegali.

Certi spejjeż huma att illegali.

47. (1) Ebda ħlas jew kuntratt għall-ħlas bl-iskop li jgħin jew jipprokura li jitla' kandidat f'elezzjoni, ma jista' jsir –

- (a) għat-trasport ta' eletturi għal post ta' votazzjoni jew minn dan il-post sew billi jinkrew vetturi jew xort'oħra; jew
- (b) għall-użu ta' dar, art, bini jew lokal għall-esposizzjoni ta' appell, kartellun jew avviż, jew minħabba din l-esposizzjoni, lil xi elettur jew ma' xi elettur.

(2) Barra minn dawk l-eċċezzjonijiet li jista' jkun hemm taħt din l-Ordinanza, jekk jiġi xjentement magħmul ħlas jew kuntratt għall-ħlas b'kontravvenzjoni ta' dan l-artikolu sew qabel, matul, jew wara elezzjoni, il-persuna li tagħmel dak il-ħlas jew kuntratt tkun ħatja ta' att illegali, u kull min jirċievi dak il-ħlas jew ikun parti f'dak il-kuntratt, meta jaf li hu b'kontravvenzjoni ta' dan l-artikolu, ikun ukoll ħati ta' att illegali:

Izda meta l-mestier ordinarju ta' elettur bħala aġent ta' pubblicità jew bħala editur huwa li jesponi bi ħlas kartelluni u avvizi, il-ħlas lil dak l-elettur jew il-kuntratt miegħu, jekk magħmul fil-kors ordinarju ta' dak il-mestier, ma jitqiesx li huwa att illegali fis-sens ta' dan l-artikolu.

Certi impiegi huma illegali.

48. (1) Hadd ma jista', biex jgħin jew jipprokura li jitla' kandidat f'elezzjoni, jiġi mqabbad jew impjegat bi ħlas jew b'wegħda ta' ħlas għal ebda skop u f'ebda kwalità, ħlief għall-iskopijiet jew fil-kwalitajiet li ġejjin:

- (a) aġent elettorali wieħed u mhux iżjed;
- (b) numru raġonevoli ta' skrivani u messagġieri, skond il-kobor tad-distrett elettorali u n-numru ta' eletturi mnizzlin fir-registru elettorali għal dak id-distrett.

(2) Barra minn xi eċċezzjoni li jista' jkun hemm taħt din l-Ordinanza, jekk persuna tiġi mqabba jew impjegata b'kontravvenzjoni ta' dan l-artikolu, sew qabel, matul jew wara elezzjoni, il-persuna li tqabbadha jew li timpjegaha tkun ħatja ta' att illegali.

**49.** Id-disposizzjonijiet ta' din l-Ordinanza li jipprojbixxu ċerti hlasijiet jew kuntratti għal hlasijiet, u l-hlas ta' somom, u l-infieq ta' spejjeż li jiskorru ċerti ammonti stabbiliti, ma jippreġudikawx il-jedd ta' ebda kreditur illi, meta saru l-kuntratt jew l-ispiża ma kienx jaf li saru b'kontravvenzjoni ta' din l-Ordinanza.

Riserva għal kredituri.

**50.** (1) Fi żmien wieħed u tletin ġurnata wara l-ħruġ tar-riżultat ta' elezzjoni fil-Gazzetta tal-Gvern, l-aġent elettorali ta' kull kandidat f'dik l-elezzjoni għandu jibgħat lill-kummissjonarju rapport ta' l-ispejjeż elettorali ta' dik il-persuna, li għandu jkun fih il-partikolaritajiet imsemmijin fis-Seba' Skeda li hawn ma' din l-Ordinanza, u għandu jkun iffirmit sew mill-kandidat kif ukoll mill-aġent elettorali tiegħu. Kemm-il darba l-kandidat ikun nieqes minn Malta, id-dmirijiet li jmissu lilu jistgħu jiġu esegwiti minn rappreżentant maħtur għaldaqshekk.

Rapport u dikjarazzjoni dwar spejjeż elettorali.

(2) Dan ir-rapport għandu jkun fih iddikjarati l-hlasijiet kollha magħmulin mill-kandidat jew mill-aġent elettorali tiegħu, jew minn persuni oħra f'isem il-kandidat jew fl-interess tiegħu, għall-ispejjeż li jkunu saru għall-elezzjoni, jew għat-tmexxija jew direzzjoni ta' l-elezzjoni, u għandu jkun fih iddikjarat ukoll kull dejn ieħor li jkun għadu mhux imħallas, dwar dawk l-ispejjeż, li huwa jew l-aġent elettorali tiegħu jkun jaf bih.

(3) Ir-rapport għandu jkollu miegħu d-dikjarazzjonijiet li għandhom isiru bil-ġurament quddiem maġistrat mill-kandidat jew l-aġent elettorali tiegħu, fil-formola miġjuba fis-Seba' Skeda li hawn ma' din l-Ordinanza.

(4) Kull kandidat jew aġent elettorali illi jikser id-disposizzjonijiet ta' dan l-artikolu, ikun hati, bla ħsara tad-disposizzjonijiet ta' l-artikolu 56, ta' att illegali.

**51.** Meta r-rapport ta' l-ispejjeż elettorali, u d-dikjarazzjonijiet dwarhom jiġu ppreżentati lill-kummissjonarji, dawn għandhom, mill-iktar fis li jista' jkun, jieħdu ħsieb li avvizz tad-data li fiha ġew ippreżentati r-rapport u d-dikjarazzjonijiet, u tal-hin u tal-lok li fihom jistgħu jiġu eżaminati jiġi mwaħħal f'post fejn jidher sewwa fl-uffiċċju tal-kummissjonarji u ppubblikat fil-Gazzetta tal-Gvern, u kull min irid, bil-hlas ta' dritt ta' ħames ċenteżmi, għandu l-jedd jara dak ir-rapport jew dawk id-dikjarazzjonijiet u, bil-hlas ta' sitt ċenteżmi għal kull faċċata ta' mija u għoxrin kelma, jista' jitlob kopja jew kopji ta' kull parti tagħhom.

Pubblikazzjoni ta' avvizz dwar ir-rapport ta' spejjeż elettorali.

**52.** (1) Kull min jagħmel att illegali jeħel, meta jinsab hati, multa ta' mhux iżjed minn mitejn lira u bħala konsegwenza talli jiġi hekk misjub hati, isir inkapaċi, għal żmien ta' erba' snin mid-data li fiha jiġi misjub hati, li jkun irreġistrat bħala elettur jew li jivvota f'elezzjoni jew li jkun elett membru, u jekk qabel dik id-data jkun ġie elett membru, il-post tiegħu, bla ħsara tad-disposizzjonijiet ta' l-artikolu 55 tal-

Piena għal min jinsab hati ta' att illegali.

Kostituzzjoni ta' Malta, jsir battal mid-data li huwa jigi misjub hekk hati.

(2) Ebda procediment għal att illegali ma' jista' jinbeda mingħajr il-permess ta' l-Avukat Ġenerali.

## TAQSIMA V ATTI TA' KORRUZZJONI

Personifikazzjoni.

**53.** Kull min f'elezzjoni li ssir taht din l-Ordinanza jitlob polza ta' votazzjoni taht l-isem ta' persuna oħra, sew jekk dak l-isem ikun ta' persuna ħajja jew mejta jew ta' persuna ivvintata, jew, wara li jkun għa' ivvota darba f'dik l-elezzjoni, jitlob fl-istess elezzjoni polza ta' votazzjoni f'ismu nnifsu, ikun hati ta' reat ta' personifikazzjoni.

Trattament.

**54.** (1) Kull min, b'korruzzjoni, huwa nnifsu jew bil-mezz ta' persuna oħra, qabel, matul jew wara elezzjoni, direttament jew indirettament, jagħti jew jipprovdi, jew iħallas l-ispiza kollha jew biċċa mill-ispiza biex jingħata jew jigi pprovdut ikel, xorb, trattament, jew proviżjon lil persuna, jew għal xi persuna, bil-ħsieb li b'korruzzjoni jinfluwixxi fuq dik il-persuna jew fuq persuna oħra biex tagħti jew biex ma tagħtix il-vot tagħha f'elezzjoni, jew minħabba li dik il-persuna jew persuna oħra tkun tat jew ma tkunx tat il-vot, jew minħabba li tkun sejra tivvota jew sejra ma tivvotax f'elezzjoni, ikun hati ta' reat ta' trattament.

(2) Kull elettur li b'korruzzjoni jaċċetta jew jieħu ikel, xorb, trattament, jew proviżjon, kif jingħad hawn fuq, ikun hati ta' reat ta' trattament.

Użu ta' influwenza illegali.

**55.** Kull min, direttament jew indirettament, huwa nnifsu jew bil-mezz ta' ħaddieħor għalih, juża jew ihedded li juża forza, vjolenza jew restrizzjoni, jew jikkaguna jew ihedded li jikkaguna, huwa nnifsu jew bil-mezz ta' ħaddieħor, offiża, dannu, ħsara jew telf temporali jew spiritwali fuq persuna jew kontra persuna sabiex iħajjar jew igieghel lil dik il-persuna tivvota jew ma tivvotax, jew minħabba li dik il-persuna tkun ivvotat jew ma tkunx ivvotat f'elezzjoni, u kull min b'serq tal-persuna, bi vjolenza, jew b'att jew mezz qarrieqi, jimpedixxi jew ma jħallix l-eżerċizzju liberu tal-jedd tal-vot ta' elettur, jew b'hekk igieghel, iħajjar jew jipperswadi elettur biex jagħti jew biex ma jagħtix il-vot tiegħu f'elezzjoni, ikun hati tar-reat ta' użu ta' influwenza illegali.

Korruzzjoni.

**56.** Hu hati tar-reat ta' korruzzjoni:

- (a) kull min, direttament jew indirettament, huwa nnifsu jew bil-mezz ta' ħaddieħor għalih, jagħti, jislef jew jiftiehem li jagħti jew jislef, jew joffri, iwiegħed jew iwiegħed li

jipprokura jew li jfittex li jipprokura , flus jew xi haġa li tiswa flus lil jew għal xi elettur; jew lil jew għal persuna oħra fl-interess ta' elettur, jew lil jew għal xi persuna oħra, biex iħajjar elettur jivvota jew ma jivvotax, jew b'korruzzjoni jagħmel xi att kif jingħad hawn fuq minhabba li dan l-elettur ikun ivvota jew ma jkunx ivvota f'elezzjoni taht din l-Ordinanza;

- (b) kull min, direttament jew indirettament, huwa nnifsu jew bil-mezz ta' haddieħor għalih, jagħti jew jipprokura, jew jiftiehem li jagħti jew li jipprokura, jew joffri, iwiegħed jew iwiegħed li jipprokura jew li jfittex li jipprokura kariga, post jew impieg lil jew għal xi elettur jew lil jew għal xi persuna fl-interess ta' elettur jew lil jew għal xi persuna oħra biex iħajjar elettur jivvota jew ma jivvotax, jew jagħmel b'korruzzjoni xi att kif jingħad hawn fuq minhabba li elettur ikun ivvota jew ma jkunx ivvota f'elezzjoni taht din l-Ordinanza;
- (ċ) kull min direttament jew indirettament huwa nnifsu jew bil-mezz ta' haddieħor għalih, jirregala, jislef, joffri, iwiegħed, jipprokura jew jiftiehem, bil-mod fuq imsemmi, lil jew ma' xi persuna sabiex iħajjar lil din il-persuna li tipprokura jew li tfittex li tipprokura l-elezzjoni ta' xi hadd bħala membru tal-Kamra, jew li tipprokura jew tfittex li tipprokura l-vot ta' xi elettur f'elezzjoni li ssir taht din l-Ordinanza;
- (d) kull min, wara jew minhabba dak ir-rigal, self, offerta, wegħda, prokurement jew ftehim kif jingħad hawn fuq, jipprokura jew jobbliga ruħu, iwiegħed jew ifittex li jipprokura l-elezzjoni ta' persuna bħala membru tal-Kamra jew il-vot ta' xi elettur f'elezzjoni li ssir taht din l-Ordinanza;
- (e) kull min joħroġ flus jew iħallas jew iġieghel li jithallsu flus lil persuna oħra jew għall-użu ta' persuna oħra, sabiex dawk il-flus jew biċċa minnhom jintefqu f'korruzzjonijiet f'elezzjoni li ssir taht din l-Ordinanza, jew xjentement iħallas jew iġieghel li jithallsu flus lil xi persuna bi hlas jew b'radd ta' flus li ntefqu kollha jew biċċa minnhom f'korruzzjonijiet f'dik l-elezzjoni;
- (f) kull elettur illi, qabel jew matul elezzjoni taht din l-Ordinanza, direttament jew indirettament, huwa nnifsu jew bil-mezz ta' haddieħor għalih, jirċievi flus, rigal, self, jew xi haġa li tiswa flus, kariga, post jew impieg, jew jiftiehem jew jikkuntratta fuqhom għalih jew għal persuna

oħra, biex jivvota jew biex jobbliga ruħu li jivvota jew biex ma jivvotax jew biex jobbliga ruħu li ma jivvotax f'dik l-elezzjoni;

- (g) kull min, wara elezzjoni taħt din l-Ordinanza, direttament jew indirettament, huwa nnifsu jew bil-mezz ta' haddieħor għalih, jircievi flus jew xi ħaġa li tiswa flus minħabba li persuna tkun ivvotat jew ma tkunx ivvotat jew minħabba li jkun ġieghel persuna oħra li tivvota jew li ma tivvotax f'dik l-elezzjoni.

Piena u inkapaċità minħabba atti illegali.

**57. (1)** Kull min jikkommetti r-reat ta' personifikazzjoni, ta' trattament, ta' użu ta' influwenza illegali jew ta' korruzzjoni jew iġhin, iħajjar, jagħti parir jew jipprokura biex isir ir-reat ta' personifikazzjoni u kull kandidat jew aġent elettorali li xjentement iġhid il-falz fid-dikjarazzjoni meħtieġa fl-artikolu 50 dwar l-ispejjeż elettorali, ikun ħati ta' att illegali u jeħel, meta jinsab ħati, fid-diskrezzjoni tal-qorti, multa ta' mhux iżjed minn ħames mitt lira, jew priġunerija għal żmien ta' mhux iżjed minn sitt xhur, jew il-multa u l-priġunerija flimkien, u, minħabba li jkun ġie hekk misjub ħati, isir inkapaċi, għaż-żmien ta' seba' snin, mid-data li jkun ġie misjub ħati, li jkun irreġistrat bħala elettur u li jivvota f'elezzjoni taħt din l-Ordinanza, jew li jkun elett bħala membru, u jekk f'dik id-data huwa jkun ġie elett membru, l-elezzjoni tiegħu, bla ħsara tad-disposizzjonijiet ta' l-artikolu 55 tal-Kostituzzjoni ta' Malta, tithassar mid-data li huwa jiġi hekk misjub ħati.

(2) Ebda proċediment dwar att ta' korruzzjoni ma jista' jinbeda mingħajr il-permess ta' l-Avukat Ġenerali.

(3) Għall-finijiet ta' din it-Taqsima ta' din l-Ordinanza, riferenzi għal "tivvota" jew għal "ma tivvotax", jew għal "tagħti" jew għal "ma tagħtix il-vot", jinkludu riferenzi għal "tivvota" jew għal "ma tivvotax" b'mod partikolari.

## TAQSIMA VI

### SKUŻA F'KAŻ TA' ATTI TA' KORRUZZJONI U TA' ATTI ILLEGALI

Raġunijiet li jiskuzaw lill-kandidat f'xi każijiet ta' atti ta' korruzzjoni jew illegali magħmulin mill-aġenti tiegħu.

**58.** L-elezzjoni ta' kandidat, li kien ħati fil-persuna ta' l-aġenti tiegħu, tar-reat ta' trattament u ta' użu ta' influwenza illegali, u ta' atti illegali, jew ta' xi reati minn dawn, dwar dik l-elezzjoni, ma tiġix, minħabba dawk ir-reati, iddikjarata nulla, u lanqas il-kandidat ma jaqa' taħt ebda inkapaċità taħt din l-Ordinanza, jekk il-qorti tkun sodisfatta, wara li tagħti lill-Avukat Ġenerali l-opportunità li jiġi mismuġh, illi l-kandidat għamel il-prova —

- (a) li ebda att ta' korruzzjoni jew illegali ma sar f'dik l-elezzjoni mill-kandidat jew mill-aġent elettorali tiegħu u r-reati hawn fuq imsemmija saru kontra l-ordnijiet u mingħajr il-kunsens jew il-konnivenza ta' dak il-kandidat jew ta' l-aġent elettorali tiegħu; u
- (b) illi dak il-kandidat u l-aġent elettorali tiegħu għamlu kull mezz raġonevoli sabiex ma jhallux li jsiru atti ta' korruzzjonijiet u atti illegali f'dik l-elezzjoni; u
- (c) illi r-reati hawn fuq imsemmija kienu ta' natura hafifa, bla importanza u limitati; u
- (d) illi mill-bqija fl-elezzjoni ma kien hemm ebda att ta' korruzzjoni jew att illegali min-naħa ta' dak il-kandidat u ta' l-aġenti tiegħu.

59. Meta, fi proċedimenti, jiġi ippruvat lill-qorti, bi provi li l-qorti jidhrilha li huma biżżejjed—

- (a) illi att jew nuqqas ta' kandidat f'elezzjoni, jew ta' l-aġent elettorali tiegħu jew ta' aġent ieħor jew ta' persuna oħra, li jikkonsisti fi hlas ta' somma jew spiza magħmula f'ammont li jiskorri l-*maximum* permess f'din l-Ordinanza, jew li jikkonsisti fi hlas, obbligu, impieg, jew kuntratt magħmul b'kontravvenzjoni ta' din l-Ordinanza, jew li b'mod ieħor sar b'kontravvenzjoni tad-disposizzjonijiet ta' din l-Ordinanza, kien ikun, li kieku ma kienx hemm dan l-artikolu, att illegali; u
- (b) illi dak l-att jew nuqqas kien ġej min-nuqqas ta' attenzjoni jew minħabba kalkolu ħażin mhux apposta jew minħabba kawża oħra raġonevoli ta' l-istess xorta, u illi, f'ebda każ, ma ġie minn nuqqas ta' bona fidi,

u taħt iċ-ċirkostanzi l-qorti jkun jidhrilha, wara li tagħti lill-Avukat Ġenerali l-opportunità li jiġi mismugħ, li hi ħaġa sewwa li l-kandidati f'dik l-elezzjoni u l-aġent u persuna oħra jew xi ħadd minnhom, m'għandhomx ikunu suġġetti għall-konsegwenzi taħt din l-Ordinanza, il-qorti tista' tqis dak l-att jew nuqqas bħala eċċezzjoni għad-disposizzjonijiet ta' din l-Ordinanza, għad illi, skond dawn id-disposizzjonijiet dak l-att jew nuqqas kien ikun att illegali, u b'hekk il-kandidat, aġent jew persuna hawn fuq imsemmija ma jkunux suġġetti minħabba dak l-att jew nuqqas għal ebda waħda mill-konsegwenzi taħt din l-Ordinanza.

60. (1) Meta r-rapport u d-dikjarazzjoni dwar spejjeż elettorali ta' kandidat f'elezzjoni ma jiġux mibgħuta kif jinħtieġ f'din l-Ordinanza, jew, jekk jiġu mibgħuta, ikun fihom xi żball jew dikjarazzjoni falza, f'dan il-każ —

Il-qorti tista' ma tqisx bħala att illegali, att innocenti.

Skuża ammissibbli fil-każ ta' nuqqas ta' tharis mid-disposizzjonijiet dwar ir-rapport u d-dikjarazzjoni ta' spejjeż elettorali.

- (a) jekk il-kandidat fi proċediment ċivili jew kriminali taħt din l-Ordinanza, jipprova għas-sodisfazzjon tal-qorti, illi l-fatt li dak ir-rapport jew dawk id-disposizzjonijiet, jew il-wieħed jew l-oħra jew parti minnhom, ma ġewx mibgħuta, jew li fihom xi żball jew dikjarazzjoni falza, ġara minhabba li huwa kien marid jew minhabba l-assenza, mewt, mard jew imġieba ħażina ta' l-aġent elettoralni tiegħu jew ta' skrivan jew ta' uffiċjal ta' dan l-aġent, jew minhabba nuqqas ta' attenzjoni, jew għal xi raġuni oħra tajba ta' din ix-xorta, u mhux minhabba nuqqas ta' bona fidi min-naħa tal-kandidat; jew
- (b) jekk l-aġent elettoralni tal-kandidat jipprova għas-sodisfazzjon tal-qorti illi l-fatt li ma bagħatx ir-rapport u d-dikjarazzjonijiet li kien imissu jibgħat jew xi parti minnhom, jew li kien fihom xi żball jew dikjarazzjoni falza, ġara minhabba li kien marid jew minhabba l-mewt jew mard ta' l-aġent elettoralni li l-kandidat kellu qabel, jew minhabba l-assenza, mewt, mard jew imġieba ħażina ta' skrivan jew uffiċjal ta' aġent elettoralni tal-kandidat, jew minhabba nuqqas ta' attenzjoni jew għal xi raġuni oħra tajba ta' din ix-xorta, u mhux minhabba nuqqas ta' bona fidi min-naħa ta' l-aġent elettoralni,

il-qorti, wara li tagħti l-opportunità lill-Avukat Ġenerali li jigi mismugħ, tista', skond ma jidhrilha xieraq, tagħti digriet li bih tilqa' skuża ammissibbli għall-fatt li r-rapport u d-dikjarazzjonijiet hawn fuq imsemmija ma ġewx mibgħuta jew għall-fatt li kien fihom żball jew dikjarazzjoni falza.

(2) Meta fi proċediment jiġi ippruvat lill-qorti illi persuna li hija jew li kienet aġent elettoralni irrifjutat jew naqset li tagħmel dak ir-rapport jew li tagħti dawk il-partikolaritajiet sabiex il-kandidat jew l-aġent elettoralni tiegħu, rispettivament, ikunu jistgħu iħarsu d-disposizzjonijiet ta' din l-Ordinanza dwar ir-rapport u d-dikjarazzjoni ta' l-ispejjeż elettoralni, il-qorti, qabel ma tagħti d-digriet u tilqa' l-iskuża, kif jingħat f'dan l-artikolu, tordna lil dik il-persuna biex tidher, u, kemm-il darba hija tonqos li tidher u li tipprova l-kuntrarju, tordnalha li tagħmel ir-rapport u d-dikjarazzjoni, jew li tikkunsinna prospett tal-partikolaritajiet li għandu jkun fih ir-rapport, kif il-qorti jidhrilha sewwa, u li tagħmel jew tikkunsinna dawn f'dak iż-żmien, u lil dik il-persuna u b'dak il-mod li l-qorti tordna, jew tista' tordna li tiġi eżaminata dwar dawk il-partikolaritajiet, u kemm-il darba tonqos li tesegwixxi dak l-ordni, hija tkun hatja ta' att illegali.

(3) Il-qorti tista' tilqa' l-iskuża taħt il-kondizzjoni li jsir rapport u dikjarazzjoni f'forma mbiddla jew fi żmien imgedded, u li jiġu

mħarsa dawk il-kondizzjonijiet l-oħra illi l-qorti jidhriha li huma l-aħjar sabiex isefħu l-finijiet ta' din l-Ordinanza; u d-digriet li jilqa' skuża ammissibbli jehles lill-kandidat jew lill-aġent elettorali, skond il-każ, minn kull responsabbiltà jew konsegwenza taħt din l-Ordinanza għall-fatt skużat bid-digriet; u meta jiġi ippruvat lill-qorti mill-kandidat illi att jew nuqqas ta' aġent elettorali dwar ir-rapport u d-dikjarazzjoni rigward l-ispejjeż elettorali sar mingħajr il-kunsens jew il-konnivenza tal-kandidat u li l-kandidat għamel il-mezzi kollha raġonevoli sabiex jevita dak l-att jew nuqqas, il-qorti teħles lill-kandidat mill-konsegwenzi ta' l-att jew nuqqas ta' l-aġent elettorali tiegħu.

(4) Id-data tad-digriet, jew jekk ikollhom jiġu osservati kondizzjonijiet u pattijiet, id-data li fiha r-rikorrent jeseġwihom għal kollox, hija magħrufa f' din l-Ordinanza bħala d-data li fiha giet milqugħa l-iskuża.

## TAQSIMA VII

### NULLITÀ TA' ELEZZJONIJET

**61.** Bla ħsara tad-disposizzjonijiet ta' l-artikolu 55 tal-Kostituzzjoni ta' Malta, l-elezzjoni ta' kandidat bħala membru tal-Kamra tiġi annullata meta huwa jiġi misjub ħati ta' korruzzjoni jew ta' att illegali.

Nullità minħabba li l-kandidat jiġi misjub ħati.

**62.** Bla ħsara tad-disposizzjonijiet ta' l-artikolu 55 tal-Kostituzzjoni ta' Malta meta applikabbli, l-elezzjoni ta' kandidat bħala membru tal-Kamra tiġi ddikjarata nulla meta tiġi pprovata għas-sodisfazzjon tal-qorti xi waħda jew oħra mir-raġunijiet li ġejjin:

Nullità ta' elezzjoni għal raġunijiet oħra.

- (a) jekk minħabba korruzzjoni ġenerali, trattament ġenerali, jew intimidazzjoni ġenerali, jew imġieba oħra ħażina, jew ċirkostanzi oħra, il-biċċa l-kbira ta' l-eletturi kienu jew setgħu jkunu impeduti li jtellgħu l-kandidati li kienu jridu;
- (b) nuqqas ta' tharis tad-disposizzjonijiet ta' din l-Ordinanza dwar l-elezzjonijiet jew tar-regolamenti dwar il-votazzjoni jekk il-qorti jidhriha li l-elezzjoni ma gietx immexxija skond il-prinċipji stabbiliti f'dawk id-disposizzjonijiet u li dan in-nuqqas kellu effett fuq ir-riżultat ta' l-elezzjoni;
- (ċ) illi fl-elezzjoni sar att ta' korruzzjoni jew att illegali mill-kandidat innifsu jew minn aġent tal-kandidat bil-konnoxxenza jew kunsens tal-kandidat;

- (d) illi l-kandidat qabbad personalment persuna bhala agent elettorali tieghu, jew bhala galoppin jew agent meta kien jaf li dik il-persuna, matul is-seba' snin ta' qabel ma giet hekk inqabba minnu, kienet giet misjuba hatja ta' att ta' korruzzjoni;
- (e) illi l-kandidat kien, fiz-zmien li gie elett, persuna skwalifikata għall-elezzjoni bhala membru.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 539 tas-26 ta' Ġunju, 1991.

LAWRENCE GONZI  
*Speaker*

RICHARD J. CAUCHI  
*Agent Skrivani tal-Kamra tad-Deputati*

## THE GENERAL ELECTIONS ACT, 1991

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I assent

(L.S.)

CENSU TABONE  
 President  
 27th September, 1991

**ACT No. XXI of 1991**

*AN ACT to make provision for the qualification of voters, the constitution of Electoral Divisions, the method of registration of voters and the Election and Co-optation of Members of Parliament.*

**PART I**  
*General Provisions*

1. This Act may be cited as the General Elections Act, 1991. Short title
  
2. (1) In this Act and in any regulations made thereunder, unless the context otherwise requires: Interpretation
  - “Commission” shall mean the “Electoral Commission” established by section 60 of the Constitution;
  
  - “House” means the House of Representatives established by the Constitution;
  
  - “identity card” means a document which is an identity card for the purposes of the Identity Card Act; Cap 258
  
  - “voting document” means the voting document which is to be forwarded to voters in terms of section 46 of this Act;
  
  - “political party” shall, for the purposes only of sections 10 and 14 of this Act, mean any person or group of persons who having contested the general election under one name is represented in the

House by, at least, one member or was so represented when the House was last dissolved, and in all other cases “political party” shall mean any person or group of persons contesting the election as one group bearing the same name;

“polling booth” means the room wherein voters attend on the day of the poll to receive and mark a ballot paper and insert the same in a ballot box;

“polling place” means the school, building or other complex or structure wherein one or more polling booths are situated and shall include the grounds, if any, of such complex or structure.

(2) Whenever by this Act a penalty is attached to the performance of any act “before, during or after”, an election, no account shall be taken of anything done earlier than —

(a) in the case of any election held in consequence of a dissolution of Parliament under subsection (1) of section 76 of the Constitution, the issue of the Proclamation dissolving the House;

(b) in the case of any election held in consequence of a dissolution of Parliament under subsection (2) of section 76 of the Constitution of Malta, three months before the date of such dissolution.

Power to make regulations

3. The Prime Minister may make regulations not inconsistent with or repugnant to, the provisions of this Act, for prescribing any form or procedure for which no express procedure is contained in this Act, for amending the forms contained in the schedules to this Act and, generally, for carrying the provisions of this Act into effect.

Appropriation of moneys required for the purposes of this Act

4. (1) The Minister responsible for finance shall, from time to time by Warrant under his hand addressed to the Accountant General, authorise and direct that all such moneys as are reasonably required for meeting any expenses lawfully incurred in the execution of the provisions of this Act be paid out of the Consolidated Fund without any further appropriation other than this Act.

(2) A statement of the expenses so paid shall, so soon as practicable, be laid on the Table of the House.

Extension of periods of time

5. (1) Where any period of time prescribed by any of the provisions of this Act for carrying into effect any procedure is in the opinion of the President of Malta, insufficient for the purpose, the President of Malta may, by notice published in the Gazette, extend such period as he may deem necessary.

(2) Where the first day prescribed for any procedure falls on a Sunday or other public holiday then such period shall commence to run on the first working day following such Sunday or other public holiday.

(3) When the last day prescribed for any procedure falls on a Sunday or other public holiday then such period shall end on the first working day following such Sunday or public holiday and the date of the commencement of any subsequent period which is timed to run from such period shall be deferred accordingly.

6. (1) All applications which may be made to the Commission under this Act regarding the registration, cancellation, correction or transfer of a voter may either be delivered to the Electoral Office or to any police officer in any police station in Malta or Gozo, or forwarded to the Commission free of any charge for posting.

Delivery of applications or communications to the Commission regarding the registration or transfer of votes

(2) Every police officer to whom an application as is referred to in subsection (1) hereof is delivered shall give a receipt to the person delivering the application, write on the application the date on which the application is received and shall forward the application forthwith to the Commission.

(3) The Commission shall give or forward to each applicant a receipt in respect of each such application received by it.

(4) Any notice or other written communication which may be made by the Commission under this Act may be forwarded through the post and shall be deemed to have been received by the person to whom it was addressed on the day on which a letter regularly posted would in the normal course of postage have been received.

## PART II

### *Electoral Commission and Office*

7. (1) The registration, transfer, correction and cancellation of voters, the compilation of the Electoral Register, the election of members of the House of Representatives and the administration of the Electoral Office shall be the sole responsibility of the Commission established by section 60 of the Constitution. The Chief Electoral Commissioner shall be responsible for the day to day running of the Electoral Office.

Electoral Commission

(2) The Commission shall be composed of the Chief Electoral Commissioner as chairman and eight members as Electoral Commissioners.

8. The Commissioners shall, on their appointment, take before the Attorney General the oath of allegiance set out in the

Oaths to be taken by Commissioners

Constitution and the oath of Office set out in the First Schedule of this Act.

**Powers of  
Commissioners**

**9.** (1) In the execution of their duties under this Act, the Commissioners shall, in the absence of any express provision in this Act contained, do all such things as appear to them to be necessary for the performance of their duties .

(2) In the execution of their duties under this Act, the Commissioners shall have the powers conferred by law on the Courts of Magistrates for the purpose of enforcing order at their sittings and ensuring the respect due to them.

**Party Delegates**

**10.** (1) Every political party shall have the right to nominate two delegates (hereinafter referred to as the “party delegates”) to the Commission.

(2) Party delegates shall represent the political party nominating them with the Commission and shall have the right in general to be informed of all sittings of the Commission and decisions taken thereat.

(3) The party delegates shall notwithstanding the provisions of any other law, have full and free right of access to the Electoral Office, to all records kept therein and to check, verify and obtain any information regarding the work of the Electoral Office; provided that the Commission shall have the right to nominate an official of the Commission to accompany such delegates at all times.

(4) The party delegates shall continue in office until removed by the political party nominating them.

(5) Party delegates shall have the right to seek and obtain from the Commissioners as well as from any other official connected with the running, supervising or security of the elections or of any aspect thereof, information showing whether or not such persons are taking adequate measures to comply with the provisions of the law in the forthcoming elections, and the Commissioners or such other persons shall, notwithstanding any other law or regulation, be bound to furnish such information immediately.

(6) Notwithstanding any provision in this Act granting party delegates and political parties the right to seek and obtain information or their right to be given copies of documents and lists by the Commission or by Government departments, such right shall not include the right of access to medical records or to adoption records of voters and the right to be made aware prior to the day of the poll of security features relating to ballot papers, voting documents and the official mark used by the Commission on ballot papers. The information, documents or lists shall

be given to the party delegates orally or in 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. Where the information, documents or lists are of a confidential nature the party delegates shall have the same obligations as to secrecy as the person from whom such information, documents or lists are obtained.

**11.** (1) There shall be an Electoral Office for the purpose of effecting the registration, transfer and cancellation of voters, the organisation required for the running of elections and all such administrative work as may be required by the Electoral Commission.

Establishment of  
Electoral Office

(2) The Electoral Office shall be staffed by persons in the public service and whilst serving in the Electoral Office such persons shall only be responsible to the Commission in matters concerning the preparation for and the running of General Elections.

**12.** (1) The staff of the Electoral Office shall, on their appointment, take an oath before the Chief Electoral Commissioner, that they will faithfully perform the duties of their office according to law.

Oath to be taken by  
staff of Electoral Office  
and power to  
administer oath

(2) Any one of the Commissioners and any other officer authorised by the Commission on their behalf, may administer an oath to any person whenever they shall deem the taking of an oath to be necessary for the purpose of making enquiries according to this Act.

**13.** (1) By virtue of this Act all Magistrates serving in the Court of Magistrates (Malta) and the Court of Magistrates (Gozo) shall be deemed to be Revising Officers.

Appointment of  
Revising Officers

(2) Revising Officers may hold sittings in any police station or other place for the purpose of dealing with any application or appeal regarding the registration, transfer, correction, or cancellation of any voter.

(3) All such applications or appeals to a Revising Officer shall be signed by the applicant or by an advocate or legal procurator or by any person on behalf of and authorised by the applicant or appellant, and shall be filed in the Registry of the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be.

(4) The Revising Officer shall direct that such application or appeal be served on the person or persons whom it concerns and shall appoint a day for the hearing of the application or appeal.

(5) Service of the notice of the day fixed for the hearing of such application or appeal shall be effected upon the applicant or

appellant and upon any person whom such application or appeal concerns in accordance with subsection (4) hereof, not less than two days before the day fixed for the hearing of the application or appeal, in the manner laid down in the Code of Organisation and Civil Procedure provided that service may be effected by any police officer.

(6) If the person on whom such application, appeal or other order of the Revising Officer is to be served is not found by the Officer who is to effect service, the Revising Officer shall, on the report of such officer, direct that the application, appeal or other order be posted on the notice board of the police station of the place in which the person concerned resides and shall, if necessary, appoint another day for the hearing.

(7) If the applicant or appellant shall fail to appear on the day appointed for the hearing and is not represented by an advocate or legal procurator or other person, the application or appeal shall be considered as abandoned.

(8) In the case of an application for the removal of the name of a person from the Electoral Register, if such person shall fail to appear on the day appointed for the hearing and is not represented by an advocate or legal procurator or other person, the application may be decided in default.

(9) No fee shall be charged in the Registry on any application or appeal, for the service thereof, for any other proceeding in consequence thereof or for any decision thereon.

**Appointment of  
Medical Board**

**14.** (1) There shall be a Medical Board to whom shall be referred questions as to whether a person who has applied to be registered as a voter or is already registered is disqualified from being so registered in terms of paragraph (a) of section 58 of the Constitution.

(2) The Medical Board shall consist of a doctor appointed by the Commission, who shall act as Chairperson, and a doctor appointed by each of the political parties. The Medical Board shall be deemed to be validly constituted once the chairperson or any one of the members is appointed.

**PART III**  
*Voters*

**Qualification of voters**

**15.** Subject to the provisions of the next following section, a person shall be entitled to be registered as a voter for the election of Members of the House if, and shall not be entitled to be registered unless,

he has the qualifications required by section 57 of the Constitution and provided he is not so disqualified in terms of section 58 of the Constitution or in accordance with the provisions of this Act.

**16.** (1) Subject to the following provisions of this Act every person registered as a voter in an electoral division shall, while so registered, be entitled to vote at the election of Members of the House for that division.

Right to vote at elections

(2) No person shall vote at the election of Members of the House in any division other than a division in which he is registered as a voter.

#### PART IV

##### *Electoral Divisions and Method of Election*

**17.** (1) For the purpose of the election of members of the House, the Island of Malta and its Dependencies shall be divided into thirteen electoral divisions.

Electoral Divisions and number of Members of Parliament

(2) Subject to the provisions of subsection (1) of section 52 of the Constitution the House shall consist of sixty-five members, each electoral division returning five members.

(3) The boundaries of the electoral divisions referred to in subsection (1) of this section shall be those established in accordance with section 61 of the Constitution.

(4) Any change in the number of electoral divisions, or in the boundaries thereof, or in the number of Members of the House shall have effect as provided in subsections (2) and (3) of section 61 and subsection (6) of section 66 of the Constitution:

Provided that, where an alteration to the boundaries of the electoral divisions has been published under paragraph (d) of subsection (3) of section 61 of the Constitution, nothing in this subsection shall be construed as preventing the publication of a revised electoral register or preventing any other requirement under this Act connected with the registration of voters being carried out in accordance with such alteration, before the dissolution of Parliament upon which the alteration comes into effect.

**18.** The election of Members of the House shall be according to the principle of proportional representation, each voter having one transferable vote.

Method of Election

**PART V**  
*Registration of Voters*

Enquiries by  
Commission

**19.** (1) The Commission shall make all such enquiries, and require from any person such information, as it may deem necessary for the purpose of determining whether a person is entitled to be registered as a voter or to remain so registered.

(2) The Commission shall have the same duties and powers as are mentioned in subsection (1) of this section for the purpose of determining whether and where a person is entitled to vote at an election.

Duty of Government  
Officers to give  
information

**20.** (1) All public officers in the service of the Government of Malta are, notwithstanding the provisions of any other law, hereby authorised and required to furnish to the Commission all information that it may require in order to be able to determine whether a person is entitled to be registered as a voter or to remain so registered.

(2) The Commissioner of Police shall assist the Commission by causing enquiries to be made, information to be collected, and claims to be checked and in such other manner as may be necessary.

(3) The public officer or officers responsible for the Public Registries of Malta and Gozo 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 each person over eighteen years of age whose death has been registered during the preceding month.

(4) The Registrar of Superior Courts in Malta and the Registrar of the Courts of Gozo shall, each with regard to the Courts to which he is attached, 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 each person who has been interdicted for reasons of mental incapacity by a competent Court.

Application for  
registration

**21.** (1) Any person who has the requisite qualifications to vote at elections of members of the House may apply for registration to the Commission in the form set out in the Second Schedule to this Act; provided that the Commission shall register as a voter any person who is entitled to be so registered whether or not such an application has been made.

(2) The Commission shall refuse an application by a person to be registered as a voter and the Commission shall not, on its own initiative in accordance with subsection (1) of this section, register a person as a voter only if such person:

(a) has lost any of the qualifications necessary to be registered as a voter in accordance with section 57 of the Constitution; or

(b) has become disqualified for being so registered for any of the reasons mentioned in section 58 of the Constitution.

**22.** A person who is qualified to be registered as a voter shall only be registered in the division and under the address at which he ordinarily resides:

Method of registration

Provided that if it is proved to the satisfaction of the Commission that any person is not registered in the division and under the address at which he ordinarily resides, the Commission shall not have the right to cancel the registration of such person but shall apply the provisions of section 23 of this Act.

**23.** Any person registered as a voter and who requires any correction in his designation or other particulars or to have his name transferred to another address or electoral division may apply to the Electoral Commission in the form set out in the Third, Fourth or Fifth Schedule to this Act, as the case may be:

Transfers and corrections

Provided that such correction or transfer shall be made by the Commission whether or not any such application has been made, either on its own initiative or following the application by any other registered voter, hereinafter referred to as the applicant, if it is satisfied that such correction or transfer is justified and provided that it shall first communicate its decision in writing to the person to whom it relates and to the applicant, if any, either of whom shall have the right to appeal to a Revising Officer.

**24.** Where the Commission is satisfied following the application by any other registered voter, hereinafter referred to as the applicant, or on its own initiative, that any person who is registered as a voter and whose name appears on the Electoral Register is not qualified to be registered as a voter, the Commission shall, subject to the provisions of section 26 of this Act, cancel the registration of such voter and expunge his name from the Electoral Register.

Cancellation of registration

**25.** (1) The Commission shall inform the applicant and the voter concerned of its decisions on any application for registration as a voter or to correct, to transfer or cancel the registration of a voter and of any registration, correction, transfer or cancellation made on its own initiative.

Decision by Commission on application for registration, transfer, correction or cancellation

(2) The Commission shall effect the necessary changes in the Register in accordance with its decision and shall inform the voter

concerned and the applicant of his right to appeal to a Revising Officer.

Requirement of  
information by  
Commission

26. (1) Prior to proceeding to the cancellation of the registration of any voter in terms of section 24 of this Act the Commission shall by notice in writing require such person to provide such information or such proof or evidence as it may deem necessary to establish such person's right to remain registered as a voter and if such person fails, within ten days of the posting of such notice by the Commission, to provide in writing such information, proof or evidence to the satisfaction of the Commission, the Commission may cancel his registration or expunge his name from the Electoral Register:

Provided that in the case of a person's total failure to answer the aforesaid notice within the aforesaid period of time, the Commission shall not proceed to cancel his registration or expunge such person's name from the Electoral Register before it shall have served upon such person a further notice in writing to provide such information, proof or evidence to the satisfaction of the Commission within a period of seven days from the service of such further notice.

(2) Any written communication which the Commission requires to be made to it under this section may either be delivered at the Electoral Office or forwarded to the Commission free of any charge for posting.

(3) The further notice referred to in the proviso to subsection (1) of this section shall be served by a police officer or by any other person appointed for the purpose by the Commission and such notice shall be deemed to have been served by delivery of the notice to the person to whom it is addressed, or to a person who is or reasonably appears to be not under fourteen years of age and who is either a member of the family or household or in its service, at the address of the voter as shown in the Electoral Register.

Refusal or cancellation  
due to mental  
incapacity

27. (1) The Commission may not refuse an application by a person to be registered as a voter, or cancel the registration of a voter, or expunge his name from the Electoral Register in terms of paragraph (a) of section 58 of the Constitution before it obtains the decision of the Medical Board established in terms of section 14 of this Act or unless such person has been interdicted for mental incapacity by a competent court.

(2) The decision of the Medical Board shall be final and binding on the Commission and the voter and no appeal shall lie therefrom.

(3) Decisions of the Medical Board that a voter is of unsound mind shall be taken by unanimous vote and shall be communicated in writing to the Commission who shall thereupon inform the voter.

(4) Every public officer shall be in duty bound to provide the Board with any information it may require regarding the health of the person whose entitlement to be registered or to continue to be registered as a voter is being considered.

(5) The Medical Board shall regulate its own procedure.

28. The Commission shall, at least, every calendar month give to each party delegate a list showing new registrations, corrections, transfers and cancellations carried out by it in virtue of the preceding provisions of this Act indicating the name and all particulars of the person concerned and the reason for effecting any change.

Information regarding  
new registrations, etc.

29. The party delegates shall have the same powers granted to the Commission by virtue of section 19 of this Act to seek, through the Commission, information from public officers regarding the entitlement of a person to be registered as a voter and the duty of such public officers to give such information shall also apply in relation to the party delegates. The Commission shall give a copy of all requests for information and of all replies also to the other party delegates.

## PART VI

### *Publication of Electoral Register*

30. (1) The lists of all persons who are entitled to be registered as voters for the election of Members to the House in accordance with the provisions of this Act, shall constitute the Electoral Register.

Electoral Register

(2) The Electoral Register shall be compiled in accordance with the provisions of this Act.

(3) The Electoral Register shall be compiled in such manner that the public may be aware of the persons who are registered as voters, and in such manner to enable the identification of every voter and giving every voter the opportunity to object to the inclusion of any other voter in accordance with the provisions of this Act.

31. (1) The Electoral Register shall consist of as many parts as there are divisions, one for each division, and each division shall be subdivided into as many parts as the Commission shall consider necessary or convenient.

Compilation of  
Electoral Register

(2) The Electoral Register shall, in each section be drawn up in alphabetical order according to the name of each street and voters shall be shown in alphabetical order of surnames under the name of the street where they are registered and against the name of each voter his

ordinary place of residence and identity card number shall be shown.

(3) The Electoral Register may also include against the name of each voter any other particulars which may be considered necessary for the proper identification of each voter.

(4) Any printing error in any particular so shown shall not of itself affect a person's entitlement to vote.

Contents of Electoral Register

**32.** (1) The Electoral Register shall include all persons who are entitled to be registered as voters in accordance with the provisions of this Act, on the day mentioned in the following section.

(2) The Electoral Register shall not include any person who is not entitled to be registered as a voter in accordance with the preceding provisions of this Act, on the day mentioned in the following section.

Publication of Electoral Register

**33.** (1) The Commission shall cause a revised Electoral Register to be published in the Gazette twice a year, that is to say, in the month of April and in the month of October. Such Register shall contain all corrections, additions, transfers and cancellations as on the thirty-first day of March and the thirtieth day of September immediately preceding the publication thereof.

(2) The provisions of this section shall be and remain inoperative from the date of any dissolution of the House until the conclusion of the following general election.

(3) Notwithstanding the provisions of the last preceding subsection, where, prior to any dissolution of the House of Representatives —

(a) any alteration to the boundaries of the electoral divisions has been approved by the House under the provisions of section 61 of the Constitution; and

(b) such alteration has not been shown in a revised electoral register under subsection (1) of this section,

the Commission shall cause to be published in the Gazette, as soon as possible after the dissolution and in any case not later than three working days after the publication of the election Writ in the Gazette, a revised Electoral Register, the revision of which consisting in the name included in the Electoral Register last published being shown in accordance with such alteration.

Additions, cancellations and corrections by Revising Officer.

**34.** Any additions, cancellations or corrections to the Electoral Register ordered by a Revising Officer in accordance with the

provisions of this Act shall be published by the Commission in the Government Gazette and shall form part of the Electoral Register.

**35.** Whenever an election is to be held, the voters shall be those whose names appear in the revised Electoral Register last published, subject to such additions, cancellations or corrections ordered by the Revising Officer, and the Commission shall not have the right to withhold any voting document to any voter who is so registered unless such voter has died:

Voters at election to be those in last Electoral Register

Provided that nothing in this section shall entitle any person to vote who has ceased to have the necessary qualifications to vote or relieve such person from any penalties to which he may be liable for so voting. Nor shall anything in this section entitle any person to vote unless he satisfies the requirements of this Act.

## PART VII

### *Appeals to Revising Officer*

**36.** Any person who has his designation or other particulars in the Electoral Register corrected or his name transferred to another address or division by virtue of the power vested in the Commission by the proviso of section 23 of this Act may appeal to a Revising Officer not later than fourteen days from the day when he is officially informed of the decision of the Commission.

Appeals in case of forced correction or transfer

**37.** Any person whose application to be registered as a voter or for the correction of his designation or other particulars appearing in the Register or for the transfer of his name to another address or division is rejected by the Commission shall have the right to appeal to a Revising Officer not later than fourteen days from the day when he is officially informed of the decision of the Commission.

Appeals in case of refusal of application

**38.** Any person whose registration as a voter is cancelled from the Electoral Register by virtue of the power vested in the Commission in terms of section 24 of this Act shall have the right to appeal to a Revising Officer not later than fourteen days from the day he was officially informed of the decision of the Commission.

Appeals in the case of cancellation of registration

**39. (1)** Any person whose name has not been included in the Electoral Register and who claims that he has the necessary qualifications to vote, and, every voter who claims that his designation, address or other particulars have not been correctly shown in the Electoral Register may appeal to a Revising Officer to have his name included in the Electoral Register or to have his designation, address or other

Appeals following publication of Electoral Register

particulars corrected, as the case may be, not later than twenty-one days after the publication of the Electoral Register.

(2) A Revising Officer may order the inclusion of a person's name in the Electoral Register or the correction of the designation, address or other particulars in accordance with subsection (1) of this section, notwithstanding that no prior application may have been made to the Commission for such purpose.

Appeals by third person following publication of Electoral Register

**40.** (1) Any registered voter who claims that any other person whose name appears in the Electoral Register either is not entitled to be registered as a voter, or, that the relative designation, address or other particulars are not correctly shown in the Electoral Register in accordance with the provisions of this Act, shall have the right to appeal to a Revising Officer not later than fourteen days after the publication of the Electoral Register either to have the name of such voter expunged from the Electoral Register or to have the designation, address or other particulars correctly shown.

(2) A Revising Officer may order the cancellation of the registration of such voter or the correction of the designation, address or other particulars in accordance with subsection (1) of this section, notwithstanding no prior application may have been made to the Commission for such purpose.

Hearing of appeals

**41.** (1) A Revising Officer shall before determining any appeal hear the appellant, the Commission and the person, if any, against whom the appeal is made, and shall admit such other evidence and hear such other persons as he may consider necessary.

(2) Where the application is for the cancellation of the registration of a voter on the grounds of mental infirmity, the Revising Officer shall forthwith refer such application to the Medical Board referred to in section 27 of this Act.

(3) The provisions of subsection (1) of this section shall *mutatis mutandis* apply to proceedings before the Medical Board as they apply, to proceedings before a Revising Officer.

(4) The decision of the Medical Board shall be referred to the Revising Officer who shall determine the appeal in accordance with such decision.

Adjournment of pending appeals

**42.** Revising Officers shall adjourn *sine die* the consideration of all applications filed under the provisions of this Act and still pending fourteen days before the date fixed for the election.

Certificates to be forwarded to Commission

**43.** The Registrar of each of the Courts of Magistrates shall without delay forward to the Commission a certificate signed by the

Registrar personally giving the names, addresses and particulars of all persons who, by order of the Revising Officer are to be added to or expunged from the Electoral Register or whose designation, address or other particular are to be corrected and the Commission shall revise the Electoral Register accordingly.

## PART VIII

### *Notices, Voting Documents and Ballot Papers*

44. (1) Whenever an election is to be held, the President shall give notice thereof to the Commissioners by a Writ under his hand, hereinafter referred to as "the Writ" in the form set out in the Sixth Schedule to this Act.

Election Writ

(2) The Commissioners shall cause the Writ to be published in the Gazette.

45. Within eight days of the publication of the Writ, the Commissioners shall cause a notice or notices to be published in the Gazette stating:

Notice to be published  
by Commissioners

(a) the place where, and date and time when, the Commissioners will be in attendance to receive nominations of candidates for election as Members of the House, and any objections to such nominations, such place being referred to in this Act as the Electoral Office. The time during which nominations of candidates for election may be made shall not be less than three days and shall not commence to run before six days from the date of the publication of the notice referred to in this section, and the time during which objections to such nominations may be made shall not extend beyond two working days from the expiration of the time fixed for the receipt of nominations;

(b) the places where, and the days and hours when voting shall be held. Voting shall not take place before the expiration of three days from the date of the publication of the notice referred to in subsection (3) of section 54 of this Act;

(c) the place to which the ballot boxes shall be taken by the Assistant Commissioners after the close of voting, which shall also be the place where such boxes shall be kept until the counting of the votes;

(d) the place where, the date and time when the ballot boxes shall be opened and the counting of votes shall take place.

**46. (1)** Within fifteen days of the publication of the Writ, the Commission shall forward to each voter, whose name appears in the last revised Electoral Register, a document hereinafter referred to as the "voting document" in the form set out in the Seventh Schedule to this Act and made of such material and in such manner as in the opinion of the Commission provides adequate security against forgery. Voting documents shall be numbered consecutively, each document having such distinctive number stamped on the face of it:

Provided that wherever the Commission is satisfied that a person whose name appears on the Electoral Register is dead, the relative voting document shall not be forwarded, and where such voting document has been forwarded the Commission shall withdraw it.

Provided further that the Commission shall not forward a voting document to any voter in respect of whom the Commission does not possess a photograph, and in respect of such voters the Commission shall follow the following procedure:

(i) within seven days of the publication of the writ, the Commission shall publish in the Gazette a list of the said voters stating their name, surname, place of residence and identity card number;

(ii) the names of such voters shall not be published in the list mentioned in subsection (5) of this section;

(iii) the voting document of such voters shall only be issued if the voter satisfies the requirements of section 47 of this Act and shall be in accordance with the provisions of that section.

(2) The political parties shall be granted all reasonable facilities to watch the printing of all voting documents, to check the exactness thereof and generally to ensure that only voting documents of voters entitled to receive them are printed.

(3) The voting documents printed in accordance with the previous subsection of this section shall, until such time as they are forwarded to voters, be kept in boxes sealed with the seal of the Commission. The party delegates shall have the right to affix their own seals to such boxes and to be present whenever such seals are broken. This section shall *mutatis mutandis* also apply with regard to the voting documents which remain undistributed, in terms of subsection (4) of this section, when voting documents are issued in terms of subsection (6) of this section, and to the voting documents which remain undistributed.

(4) The voting document shall be served on each voter by a police officer or by any other person appointed for the purpose by the Commission, and such document shall be deemed to have been served by delivery to the person to whom it is addressed, or to an adult person, who either resides at the same address or is in his employment, at the address of the voter as shown in the Electoral Register. The political parties shall have the right to each nominate one representative to accompany each police officer or other person effecting service as aforesaid.

(5) When the Commissioners are unable to effect service of the document aforesaid they shall as soon as possible, and in no case later than fifteen days from the time established in subsection (1) of this section, publish in the Gazette a list containing the names, identity card number and addresses of the persons on whom the voting document has not been served, and shall state the reason why service has not been effected.

(6) Any person on whom the voting document has not been served and whose name appears in the list published in accordance with the preceding subsection, may up to the Thursday immediately preceding the day of the voting, appear personally before one of the Commissioners and claim delivery of the document.

(7) The Commissioner may examine on oath any person so appearing for the purpose of ascertaining his identity and of establishing his claim to receive the document:

Provided that the document aforesaid shall not be delivered to him unless he produces his identity card to the Commissioners.

**47.** Where a person whose name appears in the last revised Electoral Register, but does not appear in the list published under subsection (5) of section 46 of this Act, has not received the voting document or, after the receipt of such document, has lost or destroyed such document such person may not later than 6.00 p.m. of the Wednesday immediately preceding the commencement of voting, appear before one of the Commissioners, and if —

Special Voting  
Document

(a) he proves his identity by the production of his identity card; and

(b) makes a declaration on oath before any such Commissioner that he has not received the voting document or that, after the receipt of such document, he has lost or destroyed it, and such further declarations on oath as the Commissioner may require,

he shall be given a voting document issued specially for the purpose specifying as the polling booth where such person is to cast his vote, a polling booth designated for the purpose by the Commissioners; and in any such case:

(i) such person shall vote only at the polling booth specified in the voting document; and

(ii) if the name of such person appears on any list referred to in subsection (1) of section 64 of this Act other than that of the polling booth aforesaid, the Commissioners shall cause the name or such person to be struck off such list; and

(iii) a list of all the persons to whom a voting document is issued under this subsection shall be kept at the Electoral Office and shall be open to inspection by any candidate, election agent, party agent or party delegate at all reasonable times until the poll closes.

**Number of Voting Documents**

**48.** (1) Not later than the Friday before the start of the poll, the Commissioners shall cause to be published in the Government Gazette a list indicating the number of voting documents printed, the number distributed in terms of subsection (1) of section 46, the names and addresses of the persons who up to that time have claimed delivery thereof in terms of subsection (6) of section 46, the number of voting documents issued in terms of section 47 and the name, address and identity card number of the persons to whom such documents have been delivered, the polling booth where such persons were originally supposed to vote, and the polling booth where they are now to cast their vote, the number and reasons for voting documents withheld and the names, addresses and identity card numbers of the voters concerned and the number of voting documents remaining uncollected and the names, addresses and identity card numbers of the voters concerned.

(2) Any political party shall have the right to nominate representatives to be present during the issuing of the voting documents in terms of subsection (6) of section 46 and section 47 of this Act and for this purpose the said parties shall be provided by the Commission with all such information as is required by them and as they may deem necessary for the better performance of their duties.

**Ballot Paper**

**49.** (1) Not later than three days prior to the commencement of voting, the Commission shall cause to be published in the Government Gazette the number of ballot papers printed for each electoral division and the number to be distributed to each individual polling booth.

(2) The Commission shall ensure as far as is practically possible that ballot papers are made of such security paper and carry such markings as to ensure that they may not be duplicated.

(3) The ballot-paper of each voter shall consist of a paper in the form set out in the Eighth Schedule of this Act, containing a list of candidates described by the name (including any nickname), address and profession or occupation as given in their respective nomination paper and as approved by the Electoral Commissioners.

(4) Candidates shall be arranged by political party and, within each party group alphabetically in the order of their surname. If there are two or more candidates of one party with the same surname, they will be arranged in order of their other name or names.

(5) Every political party contesting the election shall provide the Commission with the names of the candidates contesting the election in its own interest. Such list shall be conclusive evidence as to whether a particular candidate belongs to that political party.

(6) If supplied by the party to which he belongs, there may be printed on the ballot paper opposite the name of each candidate belonging to that party any badge or device, approved by the Electoral Commission, indicating the political party, if any, to which the candidate belongs, or otherwise calculated to assist the identification of the candidate by the voter.

(7) Ballot-papers shall show different colours for parties contesting all electoral divisions and having not less than four candidates in each division. Such colours shall be assigned by the Electoral Commission:

Provided that any party may decline the colour so assigned to it, and in any such case the ballot paper shall not show any special colour for that party.

(8) Parties will be placed on the ballot paper in alphabetical order.

**50.** (1) On the day or days as near as practicable to the day of voting, the Commission shall prepare in different packets the ballot papers and all other documents and materials to be consigned to the Assistant Commissioners on the day of voting.

Distribution of Ballot  
Papers

(2) The Electoral Commission shall retain possession of all packets until the day of the poll when it shall deliver the same to the Assistant Commissioners prior to the start of voting.

(3) Representatives of the political parties shall be granted all reasonable facilities to oversee the printing and checking of all ballot papers, the packing thereof and their distribution to the Assistant Commissioners, and to affix their seals to all packets prepared by the Electoral Commission for delivery to the Assistant Commissioners.

PART IX  
*Nomination of Candidates*

Nomination of  
Candidates

**51.** (1) A candidate for election shall be nominated in writing. The nomination paper, which shall be in the form set out in the Ninth Schedule to this Act, shall be signed by the candidate himself, (or, in the event of his absence from these Islands, by a duly appointed representative), and by, at least, four voters registered in the electoral division for which the candidate is nominated. The nomination paper shall be delivered to one of the Commissioners at the Electoral Office by the candidate himself or if he is prevented by illness or absence from these Islands by his lawful representative within the period specified in the notice referred to in section 45.

(2) Immediately after a nomination paper has been delivered to the Commission the name of the candidate shall be posted at the entrance of the Electoral Office with an indication of the division for which the candidate was nominated.

(3) Objections may be made to a nomination on the ground that the description of the candidate is insufficient to identify the candidate, that the nomination paper does not comply with, or was not delivered in accordance with the provisions of this Act, that the deposit prescribed by section 52 of this Act has not been paid or that the candidate already stands nominated for two electoral divisions:

Provided that no such objection may be made after the expiration of the time fixed for the making of such objection in the notice referred to in section 45.

(4) Every objection shall be in writing and signed by the objector and shall specify the ground of the objection. The Commission itself may lodge an objection.

(5) The Commissioners shall, with the least possible delay and in any case not later than twelve working days before the day fixed for voting, decide on the validity of every objection and inform the candidate to whose nomination the objection relates or his lawful representative of their decision and, if the objection is allowed, of the ground of their decision. The decision of the Commissioners, if disallowing an objection, shall be final, but if allowing an objection shall be subject to appeal to the Court of Appeal by writ of summons filed in contestation with the Commissioners not later than ten working days before the day fixed for voting.

(6) For the purpose of this section, any voter may ask the Commissioners to be allowed to see and examine any nomination paper accepted by them.

**52.** (1) A candidate at any election shall deposit, or cause to be deposited on his behalf, with the Commission, before his nomination can be accepted, the sum of forty liri in respect of each nomination, and if he fails to do so, the nomination in respect of which no deposit is made shall not be accepted by the Commissioners.

Deposit by candidates  
at elections

(2) If after the deposit is made the candidature is withdrawn in pursuance of the provisions of this Act, the deposit shall be returned to the person by whom it was made; and if the candidate dies after the deposit is made and before the voting has commenced, the deposit, if made by him, shall be returned to his heirs and if not made by him, shall be returned to the person by whom it was made.

(3) If a candidate who has made the required deposit is not elected, and the number of votes polled by him does not exceed one-tenth of the number of votes polled divided by the number of members to be elected for that division, the amount deposited shall be forfeited and paid by the Commissioners into the Consolidated Fund but in any other case the amount shall be returned to the candidate, where the candidate is elected, as soon as he has taken the oath as a member, and where the candidate is not elected, as soon as practicable after the result of the election is declared.

(4) Where a candidate is nominated at an election in two divisions he shall not recover his deposit more than once unless he is elected in both divisions, and if such candidate fails to obtain, in either division, the minimum number of votes required in accordance with subsection (3) of this section he shall forfeit both deposits.

(5) For the purpose of this section the number of votes polled by a candidate shall be the highest number of votes credited to him at any time during the counting of the votes.

**53.** If at the expiration of the time fixed for the nominations of candidates, no candidate shall have been nominated for an electoral division, the Commissioners shall cause a report to that effect to be published in the Gazette on the following working day, and in such case the President may issue a new Writ for an election for that division.

Report by  
Commissioners if no  
candidates are  
nominated

**54.** (1) If at the expiration of the time fixed for the receipt of nomination, the number of candidates nominated for an electoral division is equal to or less than the number of candidates that the voters in such divisions are entitled to return, the Commissioners shall return to the President the names of the candidates nominated as members elected to the House to represent that division and such return shall be published in the Gazette.

Uncontested and  
contested elections

(2) If the number of candidates nominated for an electoral division be less than that which the voters in that division are entitled to return, the President on the return made to him in terms of subsection (1) of this section, shall issue a new Writ for the election of members to fill the remaining vacant seats in that electoral division, and if thereupon no candidates are nominated, or if the number of candidates nominated is less than the number of vacant seats, the seats thereafter remaining vacant may be filled by the co-option of a member or members by the House and the President shall not issue a new Writ in respect thereof.

(3) If more than such number of candidates as aforesaid be nominated for an electoral division, the Commissioners shall cause a notice to be published in the Government Gazette over their signature stating the names of the candidates and the division for which they have been nominated. No person whose name has not been published in the said notice may be elected to be a Member of the House.

Withdrawal of  
candidature

**55.** A candidate may, during the time prescribed for nomination, but not later than six hours before the expiration of the said time, withdraw his candidature by giving notice to the Commission to that effect. Such notice shall be signed by the candidate or if he is absent from these Islands, by his duly appointed representative.

## PART X *Assistant Commissioners*

Appointment of  
Assistant  
Commissioners

**56.** (1) Subject to the provisions of the following sections of this Act the Commission shall appoint as many Assistant Electoral Commissioners hereinafter referred to as "Assistant Commissioners" as may be necessary, to superintend the election in the manner herein prescribed. No Assistant Commissioner shall be appointed to superintend the poll in the electoral division in which he resides or where he habitually exercises his profession or calling.

(2) The Assistant Commissioners shall take the oath of office as set out in the Tenth Schedule to this Act, before one of the Commissioners and shall follow the instructions which they may receive from the Electoral Commission for the discharge of their duties.

Nomination of  
Assistant  
Commissioners

**57.** (1) Every political party shall, within ten days of publication of the Writ, be entitled to nominate a number of persons, equal to one and a half times the number of polling booths, to act as Assistant Commissioners, and to the extent that such persons have the necessary ability to perform the functions of Assistant Commissioner and are not

disqualified from so acting by the provisions of this Act, the Commission shall appoint Assistant Commissioners from amongst such persons.

(2) The Commission shall moreover itself nominate as Assistant Commissioners such number of persons as is necessary in order that in each of the polling booths there be in attendance at all times at least one person nominated by the Commission to act as Assistant Commissioner.

(3) In no case shall there be less than three Assistant Commissioners nominated to superintend the poll in each polling booth and should all or any of the political parties fail to nominate all or any Assistant Commissioners in terms of and within the time established in subsection (1) of this section, the Commission shall itself nominate other Assistant Commissioners in order to ensure that, at least, three Assistant Commissioners are in attendance in each polling booth.

(4) For the purpose of the time established in subsection (1) of this section, the Commission shall not later than two days after the publication of the Writ inform the parties of the number of Assistant Commissioners that each party will be required to nominate.

**58.** (1) A person shall not hold the office of Assistant Commissioner if he is a candidate for election to the House, or is a relative by consanguinity or affinity up to the second degree to any candidate for election, or is manifestly in the opinion of the Commission, after consulting the party delegates unsuitable to perform the functions of Assistant Commissioner.

Disqualifications and  
publication of names of  
Assistant  
Commissioners

(2) Within two days following the day mentioned in subsection (1) of section 57 the Commission shall deliver to the political parties a list of all persons nominated to act as Assistant Commissioners indicating their names, identity card numbers, addresses and occupation as well as the polling booth at which each will be in attendance.

**59.** (1) The political parties, not later than two days after the day mentioned in subsection (2) of section 58, shall have the right to object in writing to the Commission with respect to the appointment of any person as Assistant Commissioner on any of the grounds mentioned in subsection (1) of section 58.

Objections to Assistant  
Commissioners

(2) Where an objection is received by the Commission in terms of the preceding subsection of this section, it shall, not later than the next following day, call a meeting of the party delegates to discuss such objections.

(3) Any objection made in accordance with the preceding

subsections shall be determined by the Commission. The determination by the Commission shall be final and binding on all concerned. Where after hearing such objections the Commission determines that a person nominated by a political party to be appointed as an Assistant Commissioner shall not be so appointed, the political party which had nominated that person shall have the right to nominate another person in his stead.

(4) The fresh nominations mentioned in the preceding subsection of this section shall be made immediately after the determination of all the objections. The times mentioned in subsections (1) and (2) of this section shall apply to objections to persons nominated as Assistant Commissioners in terms of subsection (3) of this section, and if any objection is received and upheld by the Commission, the Commission itself shall appoint another person to be Assistant Commissioner in his stead and such appointment shall be final and no objection may be made in respect thereof.

(5) Upon final determination of all objections the Commission shall assign the Assistant Commissioners to the various polling booths; such distribution shall be made in such manner as to ensure that in each polling booth there is, at least, one Assistant Commissioner nominated by the Commission and one Assistant Commissioner nominated by each party contesting the election in that division:

Provided that where a political party has not nominated a sufficient number of persons to be appointed Assistant Commissioners, the Commission shall only be required to assign, in respect of that political party, such Assistant Commissioners as have been nominated by it and appointed Assistant Commissioners.

(6) The Commission shall, within two days of the final determination referred to in the preceding subsection, cause a list to be published in the Gazette showing the name, address, identity card number and occupation of each Assistant Commissioner appointed, the polling booths to which each has been assigned, and indicating the Assistant Commissioners who are assigned but held in reserve.

(7) After the final distribution of all Assistant Commissioners and up to the end of voting, the Commission alone shall have the right to substitute Assistant Commissioners and then only for grave and sufficient reasons and in such manner as to ensure that where the Assistant Commissioner substituted is one nominated by a political party, his substitute shall be a person nominated by the same party, provided a sufficient number of Assistant Commissioners have been nominated by that party.

PART XI  
*Voting*

**60.** (1) On or before the day of nomination at an election a person shall be named in writing by or on behalf of each candidate as his agent for such election and such person is in this Act referred to as the election agent.

Appointment of  
Election Agents

(2) A candidate may name himself as election agent, and thereupon shall, so far as circumstances admit, be subject to the provisions of this Act, both as a candidate and as an election agent, and any reference in this Act to an election agent shall be construed to refer to the candidate acting in his capacity of election agent.

(3) One election agent only shall be appointed for each candidate, but the appointment, whether the election agent appointed be the candidate himself or not, may be revoked, and in the event of such revocation or of the death of the election agent, whether such event is before, during, or after the election, then forthwith another election agent shall be appointed, and his name and address declared in writing to the Commissioners, who shall forthwith give public notice of the same.

**61.** (1) Every political party shall have the right to nominate as its agents such number of persons as is equal to the number of ballot boxes and such persons are in this Act referred to as party agents.

Appointment of Party  
Agents

(2) The party agents so nominated shall have the right to be present in the polling booths prior to the start and at the close of the poll for the purposes provided for in this Act.

(3) Political parties exercising the right granted to them by subsection (1) of this section shall forward a list to the Commission containing the names of the persons nominated by them as its agents not later than the day appointed for the nomination of Assistant Commissioners in terms of section 57 of this Act.

**62.** No person shall be appointed election agent or party agent who has within seven years previous to such appointment been found guilty of any corrupt practice under this Act or is determined by the Commission to be manifestly unsuitable to act as such.

Persons guilty of  
corrupt practices not to  
be appointed agents

**63.** (1) Together with the name, address and identity card number of the election or party agent, the candidate or political party as the case may be, shall forward to the Commission a passport size photograph of the agent, and the Commissioners shall not later than seven days before the start of the voting forward to such agent a tamper proof identity

Identification of  
Election and Party  
Agents

document bearing the photograph of the agent franked with the seal of the Commission and indicating the name, address and identity card number of the agent and by whom he has been nominated. The identity documents as issued shall be progressively numbered, shall be of a different colour so as to easily distinguish election and party agents and shall be worn in a conspicuous manner by the agent concerned in the exercise of his functions.

(2) Within the time established in the preceding subsection of this section, the Commission shall cause to be published in the Gazette a list of the names, addresses and identity card numbers of all election and party agents nominated indicating with respect to each one of them by whom he has been nominated, and whether he is an election or party agent and the progressive number of the identity document issued to him.

**Polling places and  
polling days**

**64.** (1) (a) In each polling booth a list of voters entitled to vote in that polling booth together with copies of the photograph of each voter shall be kept by the Assistant Commissioners. Every page of such list and every correction or cancellation thereon shall be signed by a Commissioner and a party delegate of each political party.

(b) Copies of such lists without photographs shall be forwarded by the Commission to all political parties contesting the election at least fifteen days prior to the day fixed for voting and the Commission shall keep the political parties informed of all changes effected to such lists. The lists shall identify the polling booth where each voter entitled to vote shall exercise his right to vote, shall list the voters who are to vote in each polling booth in alphabetical order according to the surnames of the voters, assigning to each voter a distinct and consecutive number and indicating the name, surname, address and identity card number of each voter as well as the registered number of the respective voting document of each voter.

(c) The name of every voter who delivers a valid voting document and to whom a ballot paper is delivered by the Assistant Commissioners shall be marked on such list kept for the purpose by the Assistant Commissioners and in such manner as is directed by the Commission.

(2) Voting shall be held on a Saturday. Voting shall start at 7.00 a.m. and shall close at 10.00 p.m.:

Provided that every voter, who at the close of time of

voting is present in a polling place for the purpose of voting shall be entitled to receive a ballot paper and to vote;

Provided further that, where the Commission are satisfied that the time allowed for voting has been, or will be, for any reason beyond their control, reduced at all or in any one or more of the places, they may, whether before or after the poll has commenced, extend the time fixed for the poll at such polling place or places so as to make good for the time lost, as aforesaid.

(3) The Commission shall, as far as possible, provide facilities so that handicapped persons, including persons in wheelchairs, may vote in comfort.

**65.** No public meeting or public demonstration shall be held on the day immediately preceding the commencement of voting and on the day fixed for voting.

Prohibition of public meetings and demonstrations

**66.** During the time fixed for voting at any polling place, no person, other than a person waiting to vote, shall loiter within a distance of fifty metres from that polling place nor shall any person within the said distance of fifty metres make political propaganda in any manner. Any club, shop or other public establishment within such distance shall be kept closed on polling day.

Maintenance of order within 50 metres of each polling place

**67.** No person shall congregate during voting, in any street, square or other place, leading from the place of residence of any voter to any polling place, in such numbers or otherwise in such manner as to be likely to intimidate any voter, or to obstruct his approach to or from a polling place, or to lead to a breach of the peace.

Maintenance of order outside 50 metres from polling place

**68.** The Commission shall deliver to the Assistant Commissioners for each polling booth one or more sealed ballot boxes, a sufficient number of ballot papers, lists of the voters entitled to vote at that polling booth and other relevant documents and materials.

Ballot boxes and documents for polling booths

**69. (1)** Not earlier than four days prior to the transportation of the ballot boxes to the polling place, the Commission shall proceed to seal all the openings of the ballot boxes after ascertaining that the ballot boxes are empty. The Commission shall at least three days before such sealing publish a notice in the Gazette stating the time and place where such sealing is to take place, the total number of ballot boxes available, the number to be used for polling and the place where the extra ballot boxes will be held. Candidates, election agents, party delegates and a number, previously determined by the Electoral Commission, of persons from each political party, shall have the right to attend at such sealing and place their personal seals on all the openings of the ballot boxes.

Sealing of ballot boxes prior to polling

(2) After the ballot boxes have been sealed in the manner aforesaid they shall be placed in a room which shall be sealed until the day immediately preceding to the day fixed for voting, on which day the room shall be opened and the ballot boxes transported to the various polling places. The room wherein the ballot boxes are kept until transportation shall be adequately lit at all times and shall have a small opening in the door to allow visual checking; so however for the purpose of transporting the ballot boxes to Gozo, such transportation may take place two days preceding the day of the poll, and transportation of the ballot boxes to the individual polling places in Gozo shall take place on the day immediately preceding the day of the poll.

Political parties, as well as candidates, election agents and the party delegates, shall be granted adequate facilities to seal all openings into the room, to physically check the ballot boxes through the opening in the outside door and to accompany the boxes in the transportation to the polling places:

Provided that for the purposes of overseeing the transportation of the ballot boxes from the room designated in subsection (1) of this section to the polling places the political parties shall have the right to nominate an adequate number of persons in proportion to the number of ballot boxes, provided that such persons are not considered manifestly unsuitable by the Commissioners.

(3) After transportation to the polling place all ballot boxes consigned to each polling place shall be sealed in one room which shall be adequately lit at all times and which shall allow visual checking through a small opening in the door. On the day fixed for voting and 30 minutes prior to the start thereof, the room shall be opened and the ballot boxes transported to the various polling booths.

Political parties as well as candidates, election agents and the party delegates shall be given adequate facilities to seal all openings into the room, to physically check the ballot boxes at all times through the opening in the outside door, to be present when the seals to the room are broken and to watch the transportation of the ballot boxes to the polling booths.

(4) Immediately prior to the start of voting the Assistant Commissioners in the presence of any candidate, election agent or party agent or party delegate as may be present shall, without breaking the seals, check that the ballot boxes consigned to them are empty by shaking the ballot box and shall thereupon break the seal or seals to the opening through which ballot papers shall be inserted. If the Assistant Commissioners or any one of them or any candidate or election agent or party agent or party delegate as may be present suspects that the ballot

box is not empty, the Assistant Commissioners shall not break the seal or seals as aforesaid but shall immediately notify the Commission which shall break open all seals in the presence of the party delegates and Assistant Commissioners concerned. The Commission shall ascertain that the ballot box is empty and reseal the ballot box before allowing the start of the voting and the party delegates shall have the right to place their personal seals thereon.

(5) Except in the eventuality provided for in the preceding subsection, the seals placed on the lid of the ballot boxes shall not be broken except when the ballot boxes are opened for the counting of votes.

(6) For the purpose of this section, where the Commission determines that because of lack of space, not all the seals may be conveniently placed, the Commission may direct that not all seals shall be so affixed ensuring however that each political party will be given the opportunity to affix at least one seal on each ballot box.

70. (1) Any voter wishing to vote shall attend at the polling booth, specified in the voting document received by him and shall deliver such document to an Assistant Commissioner at such polling booth during the hours appointed for voting.

Voting

(2) No person shall be allowed to vote unless he produces and delivers the voting document to the Assistant Commissioners.

(3) No inquiry shall be permitted at the time of voting as to the right of any person to vote, so long as the name of such person is included in the list referred to in subsection (1) of section 64 of this Act, but the Assistant Commissioners may, before the delivery of the ballot paper to a voter, put to him such questions as they may deem proper to satisfy themselves of the identity of such voter.

(4) The Assistant Commissioners, upon the production and delivery to them of the voting document and having satisfied themselves of the identity of the voter, shall strike out the name of the voter from the list aforesaid and shall deliver to him, after marking it with official marks, a ballot paper. For the purposes of this Act, "official mark" shall mean the stamp which the Commission shall direct the Assistant Commissioners to use; so however that each political party may direct the Assistant Commissioner nominated by it to use a stamp of its own to mark the ballot papers, provided that an imprint of the stamp so used is deposited with the Commission prior to the start of the poll; such stamp shall not be necessary for the validity of the ballot paper.

(5) The Assistant Commissioners may at their discretion administer an oath to any voter in the form set out in the Eleventh Schedule to this Act.

(6) Any person refusing to answer any questions put to him under subsection (3) of this section or to take the oath referred to in subsection (5) of this section shall not be permitted to vote.

(7) The Assistant Commissioners shall not refuse a ballot paper to any person whose name is included in the list referred to in subsection (1) of section 64 of this Act and otherwise satisfies the requirements of this section, unless the person so claiming to vote, upon being questioned under this section, appears to the Assistant Commissioners not to be the person whose name is on the aforesaid list or to have previously voted at the same election.

(8) The Assistant Commissioners shall keep a written record of the taking of any oath administered to any person under this section, and of their refusal to allow any person to vote.

(9) Saving the provisions of section 77 of this Act no voter shall be allowed to vote except at the polling booth specified in the voting document produced by him for purposes of voting.

(10) A voter, who has inadvertently spoilt his ballot-paper may, on delivering the spoilt ballot paper to the Assistant Commissioner, and proving the fact of inadvertence to the satisfaction of the Assistant Commissioner, obtain another ballot paper in its place and the spoilt ballot paper shall be immediately cancelled.

#### Method of Voting

**71.** (1) Each voter shall have one transferable vote.

(2) A voter, in recording his vote:

(a) must place on his ballot paper the figure 1 opposite the name of the candidate for whom he votes; and

(b) may in addition indicate the order of his choice or preference for as many other candidates as he pleases by placing against their respective names the figure 2, 3, 4, 5 and 6 and so on in consecutive numerical order.

(3) A ballot paper shall be invalid in which:

(a) the figure 1 standing alone indicating a first preference for one candidate is not placed; or

(b) the figure 1 standing alone indicating a first preference is set opposite the name of more than one candidate; or

(c) the figure 1 standing alone indicating a first preference and some other number is set opposite the name of the same candidate; or

(d) it cannot be determined with certainty for which candidate the first preference of the voter is expressed; or

(e) any writing or mark is made by which the voter can be identified; or

(f) the official mark as defined in subsection (4) of section 70 is not made.

(4) A voter shall record his vote secretly inside a cubicle in the booth provided for this purpose and constructed in such a manner as not to allow the voter to be seen when marking his ballot paper. After marking his ballot paper the voter shall fold the ballot paper so as to conceal his vote and shall then put the ballot paper in the ballot box in the presence of the Assistant Commissioners.

**72.** (1) Any voter who declares to, and shows to the satisfaction of, the Assistant Commissioners that he is unable by reason of blindness, other physical cause or illiteracy to mark his ballot paper, may request an Assistant Commissioner to mark the paper on his behalf indicating for which candidate or candidates he wishes to vote and the order in which he wishes to record his vote:

Illiterate or  
incapacitated voters

Provided that the voter may not ask for any particular Assistant Commissioner to mark the ballot paper on his behalf.

(2) The Assistant Commissioners are bound to secrecy with regard to the voting of persons whom they have assisted to vote.

(3) There shall be not less than two Assistant Commissioners present when the vote is being recorded under the provisions of subsection (1) of this section, but no other person shall be allowed in the room.

(4) When an Assistant Commissioner is authorised to assist a voter to record his vote, the Assistant Commissioner shall require such voter to confirm his declaration on oath, and on satisfying himself of the correctness of such declaration he shall record the vote of such voter on the ballot paper, in accordance with the indication made by such voter and following the procedure set down hereunder:

(a) The Assistant Commissioner shall ask the voter: "Which of the candidates do you most desire to see elected?" and shall place the figure 1 on the ballot paper opposite the name of the candidate indicated by the voter.

(b) The Assistant Commissioner shall then ask the voter: "For which of the candidates do you desire to express a second

choice?" and shall place the figure 2 on the ballot paper opposite the name of the candidate indicated by the voter.

(c) The Assistant Commissioner shall repeat the operation in reference to a third or any subsequent preference until the voter shall declare that he does not desire to express any further choice.

(d) In order to assist such voters in indicating their preferences, the Electoral Commissioners shall permit the display in the polling places of photographs of the candidates, if the same are supplied by the candidates themselves or by a political party on their behalf. Each photograph may bear, in addition to the name of the candidate represented, the badge and name of the party, if any, to which he belongs.

Such photographs shall be of such size and description as the Electoral Commissioners may require and shall be displayed in such manner as they shall direct and in the order in which the candidates' names appear on the ballot-paper.

(e) At the commencement of these operations and at any subsequent stage the Assistant Commissioner shall, if desired by the voter, read out in the order in which they appear on the ballot paper, the names of all candidates for whom a choice has not already been expressed by the voter.

(f) If any such voter, however, shall request the Assistant Commissioner to read out the names of the candidates of one particular political party only, the Assistant Commissioner shall do so by reading in alphabetical order the names of the candidates who have supplied an indication of their adhesion to that political party and omitting the names of the other candidates.

Assistant  
Commissioners not to  
see vote recorded

**73.** While a voter is recording his vote, the Assistant Commissioners shall keep at sufficient distance so as not to be able to see the vote recorded.

Ballot paper not to be  
removed from polling  
place

**74.** The Assistant Commissioners shall in no case permit any person to take his ballot paper out of the room or out of their sight until it is inserted into the ballot box.

Assistant  
Commissioners not to  
make suggestions as to  
manner of voting

**75.** Saving the provision of section 72, no Assistant Commissioner or any other person shall record the vote for any voter, or shall, at any polling place make any suggestion to him directly or indirectly regarding the candidate or candidates for whom he should vote or regarding his choice of preference.

No unauthorised person  
to enter polling place

**76.** Except where otherwise stated in this Act the Assistant Commissioners shall not allow any person not being a police officer on duty, or a person lawfully entrusted with some duty in connection with

the elections, or a person entitled to vote at that polling place, to enter such polling place; nor shall they permit any voter or other person to remain in the polling place longer than necessary.

77. (1) The Commissioners, the Assistant Commissioners, police officers and other persons lawfully entrusted with some duty at a specific polling place may, with the approval of the Commission and provided that they so inform the Commission at least forty eight hours prior to the start of voting, record their votes in the polling place in which they are performing such duty and which has been designated for this purpose by the Commission.

Voting in polling place  
other than specified in  
Voting Document

(2) Such persons shall cast their votes as early as practicable at the start of voting.

(3) A list of persons so entitled to vote shall be kept at the Electoral Office and in such polling place and shall be open to inspection by the party delegate at least twenty-four hours prior to the start of voting.

(4) Candidates for election may record their votes in one of the polling places designated for the purpose by the Commission and situated in the division in which they stand for election.

78. (1) After the expiration of the time fixed for voting, the Assistant Commissioners shall seal the opening of the ballot box, shall place in a packet all unused and spoilt ballot papers and all printed or written records kept by them, affixing their seal thereto, after stating and signing on the said packet the number thereof, and shall place in a separate packet all voting documents delivered to them. The official marks used by the Assistant Commissioners including those used by the Assistant Commissioners nominated by the political parties shall be put in a separate packet which shall be sealed with the seal of the Commission after all Assistant Commissioners have affixed their signature thereto.

Closure of Voting

(2) For the purposes of the previous subsection of this section the Assistant Commissioners shall physically count and reconcile the number of unused and spoilt ballot papers, the number of persons marked as having voted on the list referred to in subsection (1) section 64 and the number of voting documents delivered to them.

(3) After the close of the poll and before the ballot boxes are removed from the polling booths, the Assistant Commissioners shall affix a notice on the door of each polling booth and signed by all the Assistant Commissioners stating the number of voters entitled to vote at that polling booth, the number of ballot papers received by them from the Commission, the number of voting documents delivered to them distinguishing as to whether they are ordinary or special, the number of spoilt ballot papers and the number of unused ballot papers being

returned by them to the Commission and the number of persons who have voted in that polling booth. The said notice shall in this section be henceforth referred to as the "ballot paper account".

A copy of the ballot paper account shall be delivered by the Assistant Commissioners to each political party by handing it to any candidate, election or party agent representing such party as may be present, and shall also be delivered to the Commission at the place specified in paragraph (c) of section 45 of this Act and the Commission shall immediately thereon provide a copy to the party delegates.

(4) On completion of all the duties mentioned in the preceding subsection of this section, the Assistant Commissioners shall deliver the ballot box or boxes and all documents and packets entrusted to them to the Commission at the place specified in paragraph (c) of section 45.

(5) Party delegates, candidates, election agents and party agents shall have the right to attend at the reconciliation and sealing of papers and sealing of ballot boxes, mentioned in the preceding subsections of this section, to affix their own personal seals to the packages containing the papers and to the ballot boxes and shall, subject to the provision of the following subsections of the section, be granted facilities to watch and accompany the transportation of the ballot boxes from the polling place up to their delivery to the Commission.

(6) (a) No more than one party agent from each political party may be present in each polling booth at any one time during the procedure for the sealing of ballot boxes;

(b) The Assistant Commissioners shall ensure that candidates, election agents, party agents or party delegates as may be present shall be called in prior to their starting the procedures outlined in the previous subsections of this section for the sealing of ballot boxes and packets and reconciliation;

(c) The candidates, election agents, party agents and party delegates that may be present shall be granted all reasonable facilities to oversee, record and request recounts of all the operations undertaken by the Assistant Commissioners in terms of the previous subsections of this section and without prejudice to the generality of the above —

(i) to reconcile the number of persons who have voted as stated in the ballot paper account with the number of persons which the Assistant Commissioners have struck off the list referred to in section 64 of this Act and the number of voting documents received by the Assistant Commissioners;

(ii) to reconcile the names of the voters which the Assistant Commissioners have struck off the list referred to in section 64 of this Act with the names or the voting documents received by them;

(iii) to record the names of the persons who have not voted;

(d) After all the procedures indicated in the previous subsection of this subsection have been completed, the Assistant Commissioners shall keep the ballot box and all documents and packets in the polling booth until such time as the vehicle designated by the Commission for the transfer of the ballot boxes arrives at the polling place. Any candidate, election agent or party agent or party delegate as may be present shall also have the right to remain at such polling booth;

(e) During the transportation from the polling place to the place designated by the Commission for the delivery of ballot boxes in terms of subsection (3) of section 45 no more than one representative from each of the political parties may board the vehicle designated by the Commission for transportation;

(f) The representatives mentioned in the previous paragraph of this subsection shall be designated by the political parties and shall be duly authorised by the Commission and shall bear identification similar to that required by subsection (1) of section 63 and shall have these names publicised in terms of subsection (2) of section 63;

(g) The refusal by any Assistant Commissioner to sign any declaration or document shall not of itself invalidate the contents thereof.

**79.** The Assistant Commissioners shall keep order in the polling place under their charge and shall be responsible for any irregularity in the voting in that place in so far as such irregularity could have been prevented by them.

Assistant  
Commissioners  
responsible for the  
maintenance of order

## PART XII

### *Voting in Retirement Homes*

**80.** For the purposes of this Part, "a retirement home" means such place or places principally used for the care of elderly persons in which at least fifty voters reside:

Retirement Home

Provided that the provisions of paragraph (a) of subsection (3) of section 81, of paragraph (b) of subsection (1) of section 82 and of section 83 shall not apply to retirement homes not run or administered by the Government.

**Sub-committee for Retirement Homes**

**81. (1)** Within twenty-four hours of the publication of the Writ for the election of members to the House, the Commission shall form a sub-committee consisting of a Commissioner, who shall act as chairperson, and a representative of each of political parties and shall delegate to the sub-committee the running of the election in all retirement homes.

(2) The sub-committee shall have the duty to ensure that no undue pressure is brought to bear on voters in old age homes, that proper and adequate facilities are given to all political parties to canvass such voters, that adequate arrangements for voting are made in view of the special needs of such voters and that no political party enjoys any unfair advantage.

(3) Without prejudice to the generality of the above provisions, the sub-committee shall ensure that:

(a) immediate steps are taken to temporarily remove and substitute members of staff gravely suspected to have attempted to influence voters;

(b) arrangements are made for the receipt and proper delivery of propaganda material and for canvassing during visiting hours by candidates and political parties contesting that electoral division;

(c) complaints by political parties and or candidates are speedily investigated and rectified when found to be justified.

**Duties of persons responsible for the administration of retirement homes**

**82. (1)** Within three days of the publication of the Writ the person responsible for the administration of a retirement home shall send to the sub-committee:

(a) a list of all persons resident at such retirement home, indicating the name, identity card number, last known address, age, ward number, name and address of next of kin and whether registered as a voter in the home address or otherwise;

(b) a list of all staff at the retirement home indicating the name, identity card number, address, grade and working hours up to the day following the day fixed for voting.

(2) On receipt thereof the sub-committee shall immediately provide the political parties with copies of such lists.

(3) The administrator of every retirement home shall keep such lists updated and shall immediately send to the sub-committee any amendments thereto and the sub-committee shall immediately inform the political parties of such amendments.

(4) Members of the staff in retirement homes are expressly prohibited from engaging in propaganda for any political party or candidate and any employee contravening this section shall be guilty of an offence and shall on conviction be liable to the penalty of general interdiction for a period of ten years and the provisions of the Probation of Offenders Act and of section 22 of the Criminal Code shall not apply.

Cap 152  
Cap 9

**83.** (1) The voting documents of voters registered in retirement homes shall be delivered to the voters personally. The voter may opt to deliver the voting document to the administrator of the home for safe-keeping, and such administrator shall return the same to the voter on the day fixed for voting or on such earlier day as may be requested by the voter.

Voting at Retirement  
Homes

(2) Voters in retirement homes shall have the option to proceed to the polling place:

- (a) without the assistance of any person;
- (b) with the assistance of members of the staff;
- (c) with the assistance of members of their families;

and it shall be the responsibility of the sub-committee to ascertain the option chosen by each voter.

(3) Voters opting to be assisted by members of the staff shall be accompanied by members of the staff chosen from a pool thereof nominated in equal numbers by all the political parties. Political parties shall have the right to demand, and the Commission shall have the duty to ensure, that if the ordinary staff at such homes is not sufficient for the purposes of this section other persons are transferred to such homes for such purpose.

(4) Voters opting to be assisted by members of the staff or by members of their families shall, notwithstanding any other provision of this Act be so accompanied up to the door of the relative polling booth.

(5) During the day fixed for voting no person other than members of the sub-committee, members of the staff and relatives of patients who have been previously authorised to accompany voters to vote, shall without the express authority of the Commissions, be allowed to enter retirement homes.

(6) Except with the special authorisation of the sub-committee, no voter in a retirement home who has chosen the option to vote on his own or to be accompanied by members of his family may be taken to vote by members of the staff.

Direction by Electoral Commission

**84.** The sub-committee appointed in terms of section 81 of this Act shall function under the general direction of the Commission and shall be bound to implement the decisions of the Commission.

### PART XIII *Counting of Votes*

Start of counting of votes

**85.** The counting of votes shall take place at the place and time specified in notice referred to in paragraph (d) of section 45 of this Act and shall be conducted in accordance with the provisions of this Act. Counting shall not commence until all ballot boxes have been deposited in the room designated for the purpose by the Commission, all packets containing the papers and other material used by the Assistant Commissioners have been delivered to the Commission and neither ballot boxes nor packets have been declared to be in a state that gives rise to the suspicion that they have been tampered with.

Tampering with ballot boxes

**86. (1)** Political parties contesting the elections shall have the right to nominate a sufficient number of agents, to be determined by the Commission, to oversee at all times the receipt of the ballot boxes, documents and packets, by the Commission from the Assistant Commissioners and the storage of the said ballot boxes, documents and packets after the receipt thereof. These agents shall henceforth in this Act be referred to as "delivery agents".

(2) Party delegates, candidates and their agents as well as delivery agents shall have the right to monitor the receipt of the ballot boxes by the Electoral Commission from the Assistant Commissioners and to make representations thereon.

(3) If any of the Commissioners or any party delegate, candidate or delivery agent claims that any ballot box or package is received in a state that it gives rise to suspicion that may have been tampered with, the Commission shall order such box or packet to be dealt with separately from the other boxes or packets, and shall immediately call a meeting of the Commission and at such meeting the Commission shall have the power to hear such evidence under oath as it deems necessary.

(4) Where the Commission decides that there is no evidence that justifies the suspicion that the box or packet has been tampered with, its decision shall be final and no appeal shall lie therefrom.

(5) Any claim as is referred to in the previous subsections of this section shall be made as soon as the ballot box or packet is delivered by the Assistant Commissioners to the Commission and for this purpose the Commission shall ensure that the party delegates, candidates or delivery agents are given adequate facilities to attentively inspect the ballot boxes, documents or packets.

(6) It shall be the duty of the Commission to ensure the mathematical accuracy of the ballot paper account and that this tallies with the declared number of voting documents returned by the Assistant Commissioners. Political parties shall have the right to demand that the Commission shall for this purpose open all packets containing voting documents relative to not more than ten per cent of all ballot boxes in order to physically check the accuracy of such returns.

(7) Political parties shall select the ballot boxes in relation to which the packets containing voting documents are to be opened during delivery of the ballot boxes to the Commission and prior to the storage of the ballot boxes.

(8) As each ballot box is received and cleared by the Commission in terms of this section it shall be transferred to the room designated by the Commissioners for the storage of all ballot boxes in terms of section 45 of this Act.

(9) As soon as practicable after all ballot boxes have been received and cleared in terms of this section and prior to the start of the counting process the Electoral Commission shall publicly declare the total number of votes declared to be cast in accordance with the ballot paper accounts delivered by the Assistant Commissioners as well as the number of votes in each ballot box as resulting from the same account.

(10) The Commission shall preserve until the publication of the official results of the next following election all papers delivered to them by the Assistant Commissioners, as well as the unused ballot papers and the voting documents, in separate sealed packets indicating on each packet the nature of the documents contained therein, and the electoral division to which they appertain.

(11) On every packet as is referred to in the preceding subsection there shall be affixed the seal of the Electoral Commission and the signature of at least two Commissioners, and of any party delegate, candidate or delivery agent who may wish to sign it.

**87.** (1) The Commission shall appoint a number of persons to act as counters, supervisors and calculators to assist it in the counting and transfer of votes which shall be effected under the direct supervision of the Commission.

Counters, supervisors  
and calculators

(2) The provisions of subsection (1) of section 58 of this Act shall *mutatis mutandis* apply to the office of the counter, supervisor and calculator as it applies to the office of Assistant Commissioner.

(3) A list of the persons appointed as counters, supervisors and calculators shall be published by the Commission in the Gazette, together with the list of persons appointed as Assistant Commissioners and the procedure established for the nomination by political parties and for objections to Assistant Commissioners shall *mutatis mutandis* apply to supervisors and counters.

(4) All counters, supervisors and calculators shall be issued with identity documents specifying the details provided for election and party agents. The identity documents shall be worn at all times by the counters, supervisors and agents whilst in the precincts of the building where the counting of votes is held.

(5) The calculators shall perform all mathematical calculations connected with the counting of votes and the Commission shall ensure that the persons so chosen are proficient in mathematical calculations.

(6) Supervisors shall be responsible for a number of counters and shall oversee the opening of ballot boxes, and the sorting and counting of ballot papers for every electoral division. The Electoral Commission shall ensure that at all times during the counting of votes there are no less than two supervisors for each electoral division and that the political parties are adequately represented in the choice of persons to act as supervisors for each electoral division.

(7) Counters shall work under the direction of the supervisors; they shall physically sort and count the ballot papers. The Electoral Commission shall ensure that there are a sufficient number of counters in every electoral division to ensure a quick and efficient counting process and that the political parties are adequately represented at all times during the counting of votes in the choice of persons to act as counters in each electoral division.

Commissioners may  
appoint persons to assist  
them in the counting of  
votes

**88.** (1) The Commission may authorise any one or more of its members or any other person or persons appointed by it to do anything on its behalf in connection with the receipt and storage of ballot boxes and the counting and transfer of votes and anything done by virtue of such authority shall be deemed to have been done by the Commission.

(2) The Commissioners or any one or more of them shall administer to every person authorised to act for the Commission under the provisions of this section, an oath for the faithful discharge of the duties assigned to him.

**89.** (1) Unless this Act otherwise provides, candidates and election agents shall have free access to the building where the counting of votes will take place, and to the counting hall, at all times.

(2) Every political party shall moreover have the right to nominate a number of agents equal to the number of candidates presented by it to contest the election and such agents shall at all times have access to the said building and to the counting hall at all times. These agents shall henceforth in this Act be referred to as "counting agents".

The list of such agents shall be presented to the Commission at least twenty one days prior to the start of the poll; the Commission shall inform the political parties of all the agents so nominated so that the said political parties may have an opportunity to make representations to the Commission before the same accepts or rejects them; the agents so nominated are to be of good character and acceptable to the Commission and once nominated and accepted by the Commission, may not, for any reason, be changed by the political party nominating them.

The list of such agents shall, at least, seven days prior to the start of the poll, be published by the Commission in the Government Gazette indicating the name, address and identity card number of each agent and the party nominating him.

(3) The party delegates, candidates, election agents and counting agents shall be issued with an identity document indicating the details required for election agents and such identity document is to be worn at all times on entry into and inside the building or complex wherein the votes are counted.

**90.** With respect to the building designated by the Commission for the counting of votes the Commission shall ensure that:

Building where  
counting of votes will  
take place

(a) all roads of access at least within 500 metres of the said building are closed and patrolled by the Police who shall permit entry only to authorised persons and only after scrupulously having ascertained their identity;

(b) entry into the actual building or perimeter shall be checked by both the Police, the Commission and representatives of the political parties;

(c) a number of rooms as may be necessary either in or as near as possible to the building wherein the counting hall is situated shall be provided to ensure full press and broadcasting

coverage of the counting and transfer of votes provided that the entrance to such room shall at all times be guarded by the Police who shall only allow entry to *bona fide* broadcasting personnel and newspaper reporters who shall have been previously accredited by the Commission;

(d) an area adjacent and communicating with the counting hall shall be provided for the storage of the ballot boxes and that during the time the boxes are stored in such area they shall at all times be visible from all parts of the counting hall;

(e) a number of rooms as near as possible to the counting hall shall be provided for every political party contesting the election and shall be equipped with such facilities as the Commission, after consulting the political parties, thinks fit;

(f) in the counting hall itself counters shall be separated from the candidates and agents by a wall of unbreakable transparent material or similar sturdy transparent material except for some means, including any appropriate electronic device, of clear communication for the purpose of speaking through and except in the cases expressly provided for in this Act, access to the area designated by the Commission for the counting of votes shall only be allowed to candidates and agents with the express consent of the Commission; provided that the party delegates and six substitutes thereof, previously nominated by such delegates, shall have free access to the counting area at all times;

(g) the disposition of the counting area shall be such that as far as possible all the counting process can be closely viewed by candidates, agents and representatives of political parties;

(h) the room indicated in section 45 wherein the ballot boxes are stored until the start of the counting of votes is in full view of the representatives of the parties, candidates and their agents and that party delegates and their substitutes have a right of access thereto at all times;

(i) all rooms and corridors which are not being used for a purpose designated by the Commission shall be barred and all areas leading thereto closed;

(j) adequate back up facilities for services failure are provided especially with respect to lighting;

(k) there is strict security at all times in and around the building, that entry is restricted to authorised persons only and that

no lethal instruments or instruments which may be rendered lethal are introduced in the building;

(l) at least thirty days before the start of voting the Commissioners shall show the party delegates how they propose to allocate and separate the different areas of the said building and shall consider suggestions made by the said delegates in this regard;

(m) notwithstanding anything else contained in this Act, the party delegates and their substitutes, shall at all times have access to any part of the building for the purpose of ensuring that the provisions of this Act are being enforced.

**91.** The Commission shall ensure that as far as practicable full and constant broadcasting coverage is given of the counting and transfer of votes and for such purpose shall allow entry into the building to *bona fide* broadcasting personnel and apparatus.

Broadcasting coverage

**92.** In extraordinary circumstances the Commission may allow entry into the building and the counting hall to such other persons as they think fit but in no case shall entry be allowed to the public generally.

Extraordinary circumstances

**93.** Notwithstanding anything else contained in this Act, candidates, election agents and the counting agents shall at all times have access to the Commissioners for the purpose of making representations on their own behalf or on behalf of the candidate or party represented by them.

Representations to Commissioners

**94.** The Commission shall have the sole direction of the building designated for the counting and transfer of votes and shall have the right to give such orders as are necessary for the maintenance of order and security within the building.

Direction of building

#### PART XIV

##### *Ballot Paper Account Reconciliation*

**95.** The Commission shall proceed to ensure that the votes of all the electoral divisions are counted simultaneously in order to establish the total number of votes cast in the election.

Counting of votes

**96.** (1) Prior to the removal of each ballot box from the room designated by the Commission to hold all the ballot boxes in terms of section 45 of this Act, the party delegates or their substitutes shall have the right to examine the seals affixed to each ballot box.

Removal of ballot boxes from strong room

(2) Any objection raised by the party delegates or their substitutes as to the integrity of such seals shall be examined by the Commission whose decision thereon shall be final and not subject to appeal.

Opening of each ballot box

**97.** One ballot box at a time shall be opened in each division and prior to the opening of each ballot box the Commission shall cause the ballot paper account for that ballot box to be affixed in such a manner that it may be clearly seen by the candidates and agents and shall show the candidates and agents the seals on the ballot box in order that they may ascertain that such seals are intact.

Objections to opening of ballot box

**98.** Any party delegate, candidate or agent may, prior to the opening of the ballot box, make representations claiming that the seals of the box have been tampered with. Where such an objection is made the box shall not be opened until the Commission, after consulting the party delegates or their substitutes, shall have given such directions and taken such measures as it may consider necessary.

Checking of ballot paper account

**99.** Where no objections are made and where the Electoral Commission in terms of the previous section of this Act so directs, the ballot box shall be opened and the number of ballot papers contained therein shall be counted, face downwards, to ascertain that the number of votes in that ballot box corresponds to the ballot paper account.

When ballot papers do not tally with ballot paper account

**100.** Where the ballot papers in the ballot box do not tally with the ballot paper account the attention of the Commission shall be drawn to the fact and the Commission, after consultation with the party delegates, or their substitutes shall give such directions as it may deem fit and such decision shall be final.

When ballot papers and ballot paper account tally

**101.** Where the ballot papers in the ballot box and the ballot paper account tally, the votes shall be put together and placed in a pigeon hole indicating the number of the ballot box. The pigeon hole and ballot papers must at all times be clearly visible by parties, candidates and agents. The ballot papers in each pigeon hole shall be put in parcels of fifty ballot papers each with any remainder being put at the bottom of the pile and the supervisor shall ensure that each parcel is counted for accuracy by more than one counter.

All ballot boxes to be opened

**102.** The process described in sections 95 to 101 of this Act shall be repeated until all ballot boxes have been opened to ascertain that the ballot papers in each box tally with the ballot paper account relative to it.

Ballot papers belonging to other Electoral Divisions

**103.** Ballot papers belonging to a division other than that to which the ballot box pertains shall be treated in the manner established

in section 99 and shall be retained at the counting table of the division where the relative ballot box from which they originated was placed and shall not, at this stage, be transferred to the appropriate division.

**104.** (1) After all ballot boxes in all electoral divisions have been opened and reconciled with the relative ballot paper account the Electoral Commission shall prior to proceeding to the sorting of votes declare the total number of votes cast and their distribution by ballot box and electoral division.

Number of votes cast

(2) The Electoral Commission shall cause the papers held in each electoral division and belonging to other divisions to be transferred to the divisions to which they properly belong.

(3) The Electoral Commission shall declare the total number of votes which each electoral division will be transferring subdivided according to the electoral division it will be transferring them to.

(4) The physical transportation of the papers from one division to another shall be performed either by the Commissioners or by the supervisors and in such a manner as not to create confusion.

## PART XV

### *Sorting of Votes, Casual Elections and Co-options*

**105.** (1) Ballot papers shall be sorted in accordance with such regulations which the Prime Minister may make from time to time.

Sorting of ballot papers, casual elections and co-options

(2) Regulations made in accordance with this section shall also regulate casual elections and co-option of members to fill vacancies among the membership of the House.

(3) Regulations made in accordance with subsection (1) of this section shall not come into force unless and until the House so resolves by resolution. Notice of the approval of such resolution shall be published in the Gazette by the Clerk of the House.

(4) The regulations contained in the Thirteenth Schedule to this Act shall, until such time as regulations are made in accordance with subsections (1) to (3) of this section, regulate the sorting of ballot papers, casual elections and co-option of members to fill vacancies among the membership of the House.

**PART XVI**  
*Publication of Results*

Publication of result  
of election and of  
counting details

**106.** (1) The Commission shall, not later than on the working day following that on which the result of the counting of the votes has been ascertained, publish a declaration containing the names of the candidates elected and such other particulars as the Commission may consider necessary.

(2) The Commission shall deposit the declaration aforesaid with the Clerk of the House and shall cause a copy of such declaration to be published without delay in the Gazette.

(3) Every candidate whose name is published in the Gazette in accordance with the provisions of subsection (1) of section 54 or who is declared elected in accordance with the provisions of this section shall be considered to be a Member of the House of Representatives.

(4) The Commission shall publish in the Gazette not later than seven days after the end of counting a declaration of the result of the election which declaration shall include a record of the total votes cast, both on a national level and subdivided by polling booth the total valid and invalid votes, the total votes credited to each political party, the quota for each electoral division, the record and result in all stages of any transfer of votes between political parties, the first preference credited to each candidate, any transfer of votes made, and of the total number of votes credited to each candidate after any such transfer, and any such other information as the Electoral Commission may consider necessary. Such declaration shall be in such form as the Electoral Commission may determine as likely to impart easily all the information likely to be required by the public.

(5) Within three months of the publication of the official results of the election the Election Commission shall publish a report explaining in detail what steps were taken by them to perform the various duties imposed on them by this Act, to give all relevant statistics connected with the election including the publication of all statistics regarding eligible voters, printing and distribution of voting documents and ballot papers, voters per polling place, returns submitted by Assistant Commissioners and the like, and to make such suggestions as they consider necessary.

Preservations of  
documents

**107.** (1) The Commission shall preserve until the publication of the official result of the next following election all used ballot papers for each electoral division in separate sealed packets, as follows:-

(a) the spoilt ballot papers;

- (b) the invalid ballot papers;
- (c) the papers at the completion of the counting in the parcel of each elected candidate and of each non-elected candidate whose papers have not been transferred;
- (d) all the non-transferable papers not retained in the parcel of an elected candidate.

(2) The Commissioners shall endorse on each packet a description of its contents, the date of the election and the number of the electoral division to which they relate.

(3) The Commission shall further preserve for the same period for each electoral division a copy of the declaration of the result of the count and of any document showing the operations of the transfer of each surplus.

(4) Party delegates, candidates, election agents and counting agents shall have the right to affix their seals and signatures to such packets.

**108.** It shall be lawful for the Constitutional Court before which any question is brought as to the right of any person to be or to remain an elected Member of the House and for any Court before which any proceedings are commenced in accordance with the provisions of this Act to order the opening of the packets referred to in subsection (1) of section 78 and in section 107 and the production of one or more of the documents therein contained under such conditions and precautions as may be necessary to maintain the secrecy of the voting consistently with the due administration of justice.

Power of Court to order unsealing of packets

**109.** (1) If at an election any person is returned as a member for two divisions, such person shall, by a writing under his hand delivered to the Clerk of the House on or before appearing to take the oath or to make the affirmation prescribed by section 68 of the Constitution declare which of the two divisions he elects to represent.

Candidates returned in both divisions

(2) As soon as a person who is returned for two divisions declares which of the two divisions he elects to represent, he shall be deemed to have vacated his seat in the other division.

PART XVII  
*Penal Provisions*

Penalty for giving false information

**110.** Any person who knowingly makes or subscribes to a false declaration or otherwise gives false information in connection with the registration, transfer or cancellation of any voter shall be guilty of an offence against this Act and shall on conviction be liable to imprisonment for a term not exceeding one month or to a fine (*multa*) not exceeding fifty liri or to both such imprisonment and fine.

Penalty for misconduct in polling places, etc.

**111.** Every person who misconducts himself in any polling place or contravenes any of the provisions of section 66 or 67 of this Act or takes part in any public meeting or public demonstration held in contravention of any of the provisions of this Act, or fails to obey the lawful order of the Assistant Commissioners or other lawful authority in relation to an election, shall on conviction be liable to a fine (*multa*) not exceeding fifty liri.

Penalty for offences in respect of nomination, etc.

**112.** (1) Every person who:

(a) forges or fraudulently defaces or fraudulently destroys any nomination paper or delivers to the Commissioner any nomination paper knowing the same to be forged; or

(b) forges or counterfeits or fraudulently defaces or fraudulently destroys any voting document or ballot paper or the official mark on any ballot paper; or

(c) without due authority supplies any voting document or ballot paper to any person; or

(d) forges or counterfeits or is in unlawful possession of any stamp or seal used by the Chief Electoral Commissioner or the Election Commissioners or the Assistant Commissioners; or

(e) is in unlawful possession of any voting document or ballot paper; or

(f) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(g) fraudulently takes out of the polling place any ballot paper; or

(h) without due authority, destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purpose of the election,

shall be guilty of an offence and shall be liable, on conviction, to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Every person who aids or abets the commission of an offence under this section or attempts to commit any such offence shall be liable, on conviction, to the punishment provided for the offence.

**113.** Every Assistant Commissioner who shall reveal the manner of voting of any voter when such manner of voting shall have come to his knowledge in the course of the exercise of his functions under this Act shall be guilty of an offence, and shall, on conviction, be liable to a fine (*multa*) not exceeding one hundred liri or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.

Infringement of secrecy  
as to manner of voting

**114.** (1) During the day on which an election of Members of the House is held and during the day immediately preceding such an election, no person shall address any public meeting or any other gathering whatsoever in any place or building accessible to the public, or on the broadcasting media, on any matter intended or likely to influence voters in the exercise of the franchise, or publish or cause to be published any newspaper, printed matter or other means of communication to the public containing any matter aforesaid, or issue or cause to be issued any statement or declaration on any matter aforesaid or knowingly distribute any newspaper, printed matter, or other means of communication, or any statement or declaration as aforesaid, and any person acting in contravention of any of the provisions of this section shall be liable on conviction to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

Prohibition of activities  
capable of influencing  
voters immediately  
before the election

(2) Every person who aids or abets the commission of an offence under this section or attempts to commit any such offence, shall be liable on conviction to the punishment provided for the offence.

**115.** (1) All questions regarding the right of any person to be or remain a Member of the House shall be referred to and decided by the Constitutional Court.

Competent courts

(2) Any criminal proceedings for offences under this Act shall be brought before the Courts of Magistrates and subject to the following provisions of this section, the provisions of the Criminal Code shall apply to any such proceedings.

Cap 9

(3) Notwithstanding anything contained in the Probation of Offenders Act, a person who commits any offence under this Act shall

Cap 152

be convicted and sentenced in respect of that offence and may not be placed on probation or discharged under that Act.

(4) Every decision of the Courts of Magistrates in respect of an offence under this Act, may, in all cases, be appealed against by the Attorney General and by the party convicted.

Prohibition of Display of Posters, etc.

**116.** (1) Except as provided in subsection (2) of this section it shall not be lawful for any person, at any time in contemplation or in anticipation of an election, to display or cause to be displayed in a public place, or in a place accessible to the public or visible from any public place, any bill, poster or other advertisement intended or likely to influence voters in the exercise of the franchise, or to write or make or cause to be written or made on any wall or other place visible from a public place any word or sign intended or likely to influence voters in the exercise of the franchise.

(2) The provisions of subsection (1) of this section shall not apply to any bill, poster or other advertisement which

(a) is worn or carried by a person; or

(b) which is displayed on the inside of a private building even though it may be visible from a public place.

(3) Any person acting in contravention of any of the foregoing provisions of this section shall be liable on conviction in respect of each offence to a fine (*multa*) not exceeding five hundred liri or to imprisonment for a period of not more than six months, and in respect of any second or subsequent offence to both such fine and imprisonment.

(4) It shall be the duty of the Police to remove or otherwise cancel or delete anything displayed, written or made in contravention of any of the provisions of subsection (1) of this section.

PART XVIII  
*Saving and Repeal*

Right of action before Constitutional Court

**117.** Notwithstanding any other provision contained in this Act, whereby the decision of the Commission is declared as final and/or not subject to appeal such provision shall not exclude recourse to Constitutional Court by any person on an action to invalidate the election, whether in any or in all divisions.

Repeal  
Cap 249  
Cap. 99

**118.** Subject to the provisions of section 12 of the Interpretation Act, the Electoral (Franchise, Method of Election and Registration

of Voters) Ordinance, and the Electoral (Polling) Ordinance, except for sections 41 to 62 thereof, which sections are reproduced in the Fourteenth Schedule to this Act, are hereby repealed. Cap 102

**119.** The Electoral Register published in terms of the Electoral (Franchise, Method of Election and Registration of Voters) Ordinance and in force immediately before the coming into force of this Act, shall continue in force and be deemed to have been published under Part VI of this Act. Transitory  
Cap 99

## PART XIX

### *Saving as to Right of Political Parties*

**120.** The non-exercise by any political party, delegate, candidate, agent or any person nominated for appointment by a political party, of any right, power or privilege granted by this Act shall not of itself invalidate any action or procedure in respect of which the right, power or privilege has been granted by this Act. Non-exercise of certain  
rights.

FIRST SCHEDULE

(Section 8)

*Form of Oath of Office to be taken by the Election Commissioners*

I, \_\_\_\_\_, \*Chief Electoral Commissioner/Electoral Commissioner do swear / affirm that I will faithfully perform the duties of Commissioner to conduct the election of Members of the House of Representatives according to law. (So help me God.)

*\* delete where necessary*

SECOND SCHEDULE

(Section 21)

*Form of Application for Registration as a Voter*

To the Electoral Commission, Valletta, Malta

Surname ..... I.D. Card No.....

Name .....

Place of birth .....

Date of birth .....

Place of ordinary residence .....

Name of town or village.....

Street and number of premises .....

.....

.....

Name and surname of applicant's father .....

His place of birth .....His nationality\* .....

*\*(if applicant's father is dead, give his nationality at the 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 for the ..... (1) electoral division in accordance with the General Election Act, 1991, to be registered as a voter for the election of Members of the House of Representatives.

Date .....

.....

Signature or mark of applicant

(1) Insert number of electoral division.

FOR OFFICIAL USE ONLY

Remarks

...../...../.....

Vtd. ....

Chd.....

THIRD SCHEDULE

(Section 23)

*Form of Corrections or Transfers*

To the Electoral Commission:

I (1) ..... I.D. Card No. .... formerly residing at (2)  
....., do hereby give notice that I have transferred my residence to (3)

Date .....  
Signature or mark of applicant (4)

.....  
Signature and I.D. of witness

Address of witness .....

- (1) Name and surname (also nickname, if any)
- (2) Former address as shown on Electoral Register
- (3) Present address
- (4) Should applicant be unable to write, the person filling in the form is to affix his or her signature and furnish his or her full address and I.D. Card No. below applicant's mark.

FOURTH SCHEDULE

(Section 23)

*Form of Application for the Correction of Designation or Address*

To the Electoral Commissioner

My name (and/or my address\*) appearing in the Electoral Register under (1) ..... has been wrongly designated and I hereby apply that my name (and/or my address\*) be corrected as follows (2) .....

Date .....  
(3) Signature or mark of applicant

.....  
Signature and I.D. of witness

Address of witness .....

- (\*) Cancel the words which do not apply
- (1) Locality, full address and I.D. Card Number as shown on the Electoral Register
- (2) State correction desired to be made
- (3) Should applicant be unable to write, the person filling in the form is to affix his or her signature and furnish his or her full address and I.D. Card No. below applicant's mark.

FIFTH SCHEDULE

(Section 23)

*Application by female electors for the correction of surname and address in consequence of marriage*

To the Electoral Commission:

As (1) on the.....I married (2) .....I.D. Number..... I (3) .....I.D. Number ..... formerly residing at (4) ..... and registered as an elector under that address, do hereby apply that my surname (and/or address \*) be now shown as follows (5) .....

Date .....

.....  
(6) Signature or mark of applicant

.....  
Signature and I.D. of witness

Address of witness .....

\* Cancel the words which do not apply.

- (1) Date of marriage.
- (2) Name, surname in full and I.D. Number of applicant's husband.
- (3) Maiden surname (also nickname, if any) and I.D. Number of applicant.
- (4) Address as shown on Electoral Register.
- (5) Present address.
- (6) Should applicant be unable to write, the person filling in the form is to affix his signature and furnish his full address and I.D. Number below applicant's mark.

SIXTH SCHEDULE

(Section 44)

*Form of Writ to the Electoral Commissioners  
by the President of Malta*

To,  
Electoral Commissioners appointed for conducting the election of Members of the House of Representatives.

Whereas an election of Members of the House of Representatives is to be held for the electoral division;

You are hereby commissioned to cause an election of Members of the House of Representatives to be held according to the law.

Given at the Palace, Valletta

this      day      of      19

PRESIDENT

(Section 46)

## SEVENTH SCHEDULE

*Form of Voting Document*














<b>BIEX TIVVOTA</b>	
RITRATT	NUMRU TAL-KARTA TA' L-IDENTITÀ
	ISEM U INDIRIZZ
TWELID	SESS
Fejn Tivvota	DISTRETT ELETTORALI (Numru)
Nru. ta' Registrazzjoni	KUMMISSJONARJU ELETTORALI

## EIGHTH SCHEDULE

(Section 49)

*Form of Ballot Paper*

(A)

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

**( B )**

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

1. Vote by placing the figure 1 opposite the name of the candidate you most desire to see elected.
2. You are invited (and it is advisable) to place the figure 2 opposite the name of your second choice, the figure 3 opposite 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 opposite the same name, or if you place the figure 1 opposite 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 paper.

NINTH SCHEDULE

(Section 51)

*Form of Nomination Paper*

To the Election Commissioners

We, the undersigned, being voters entitled to vote at an election of Members of the House of Representatives and being registered on the Electoral Register for the (1) Electoral Division, do hereby nominate (2) as a candidate for the said division and in the interests of the (3)

I, (2) residing at consent to the above nomination.

Date

Signature of candidate  
(or of lawful representative as  
the case may be)

1. Number of division
2. Name, surname, address, and I.D. Card No. and occupation of person nominated.
3. Name of political party

TENTH SCHEDULE

(Section 56)

*Form of Oath to be taken by Assistant Electoral Commissioners*

I, \_\_\_\_\_, Assistant Election Commissioner duly appointed to superintend the taking of the poll at the election of the Members of the House of Representatives swear/affirm that I will faithfully perform the duties of such office according to the provisions of the law, and to report by letter addressed to the Clerk of the House of Representatives any irregularity observed by me in the conduct of the election.

I also swear/affirm to maintain secrecy regarding the vote given by any elector which may become known to me. (So help me God.)

Date ..... Signature.....

I.D. Card No .....

ELEVENTH SCHEDULE

(Section 70)

*Form of oath which an Assistant Commissioner may administer to a voter*

I, (1) \_\_\_\_\_ do swear/affirm that I am the same person whose name appears of (2) \_\_\_\_\_ as A.B. in the Electoral Register and that I have not already voted either here or elsewhere at this election for members of the House of Representatives. (So help me God.)

Date..... Signature or mark of voter.....

Sworn/Affirmed before me this \_\_\_\_\_ day of \_\_\_\_\_

Signature of Assistant Election  
Commissioner

1. Name in full
2. Address and I.D. Card Number of voter

TWELFTH SCHEDULE

(Section 118)

(Section 50, Cap. 102, vide Fourteenth Schedule)

*Return of election expenses*

1. Under the head of receipts there shall be shown the name and description of every person (including the candidate), club, society or association from whom any money, security, or equivalent of money was received in respect of expenses incurred on account of or in connection with or incidental to the election, and the amount received from each person, club, society or association separately.

2. Under the head of expenditure there shall be shown:

- a) the personal expenses of the candidate incurred or paid by him or his election agent;
- b) the name, the rate, and total amount of the pay of each person employed as an agent (including the election agent), clerk or messenger;
- c) the travelling expenses and any other expenses incurred by the candidate or his election agent on account of agents (including the election agent), clerks or messengers;
- d) the travelling expenses of persons, whether in receipt of a salary or not, incurred in connection with the candidature and whether paid or incurred by the candidate, his election agent, or the person so travelling;
- e) the cost whether paid or incurred, of:
  - i) printing;
  - ii) advertising;
  - iii) stationery;
  - iv) postage;
  - v) telegrams;
  - vi) rooms hired either for public meetings or as committee rooms;
- f) any other miscellaneous expenses, whether paid or incurred.

Note:

- 1) All expenses incurred in connection with the candidature whether paid by the candidate, his election agent or any other persons, or remaining unpaid on the date of the return, are to be set out.
- 2) For all items over twenty-five cents unless from the nature of the case (e.g. postage) a receipt is not obtainable, vouchers have to be attached.
- 3) All sums paid out, but for which no receipt is attached, are to be set out in detail with dates of payments.

4) All sums unpaid are to be set out in a separate list.

FORM OF DECLARATION BY AN ELECTION AGENT

I, \_\_\_\_\_, being election agent for \_\_\_\_\_, a candidate for election in the \_\_\_\_\_ Electoral Division, do hereby solemnly swear/affirm that the above return of election expenses is true to the best of my knowledge and belief and that, except the expenses therein set out, no expenses of any nature whatsoever have to my knowledge or belief, been incurred in connection with or for the purposes of \_\_\_\_\_ candidature.

Election Agent

Sworn/Affirmed before me

Magistrate/Commissioner of Oaths

FORM OF DECLARATION BY CANDIDATE

I, \_\_\_\_\_, being a candidate for election in the \_\_\_\_\_ Electoral Division, do hereby swear/affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses therein set out, no expenses of any nature whatsoever have to my knowledge or belief been incurred in connection with or for the purposes of my candidature.

Candidate

Sworn/Affirmed before me

Magistrate/Commissioner of Oaths

## THIRTEENTH SCHEDULE

(Section 105)

*The General Elections  
(Sorting of Ballot Papers, Casual Elections  
and Co-opting) Regulations, 1991*

PART I  
*Preliminary*

**Citation**                    1.            These regulations may be cited as the General Elections (Sorting of Ballot Papers, Casual Elections and Co-options) Regulations, 1991.

**Interpretation**            2.            In these regulations unless the context otherwise requires:

(1)    The expression "continuing candidate" means any candidate not elected and not excluded from the poll.

(2)    The expression "first preference" means the figure "1" standing alone opposite the name of a candidate; the expression "second preference" means the figure "2" standing alone opposite the name of a candidate; and the expression "third preference" means the figure "3" standing alone opposite the name of a candidate, and so on.

(3)    The expression "next available preference" means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences next in order on the ballot-paper for candidates already elected or excluded from the poll being ignored.

(4)    The expression "transferable paper" means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

(5)    The expression "non-transferable paper" means a ballot-paper on which no second or subsequent preference is recorded for a continuing candidate:

Provided that a paper shall be deemed to have become a non-transferable paper whenever:

(a)    the names of two or more candidates, (whether continuing or not) are marked with the same number, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked:

(i) by a number not following consecutively after some other number on the ballot-paper; or

(ii) by two or more numbers; or

(c) for any other reason it cannot be determined with certainty for which of the continuing candidates the next available preference of the voter is recorded.

(6) The expression "original vote" in regard to any candidate means a vote derived from a ballot-paper on which a first preference is recorded for that candidate.

(7) The expression "transferred vote" in regard to any candidate means a vote derived from a ballot-paper on which a second or subsequent preference is recorded for that candidate.

(8) The expression "surplus" means the number of votes by which the total number of the votes, original and transferred, credited to any candidate, exceeds the quota.

(9) The expression "count" means:

(a) All the operations involved in the counting of the first preferences recorded for candidates; or

(b) All the operations involved in the transfer of the surplus of an elected candidate; or

(c) All the operations involved in the transfer of the votes of an excluded candidate or of two or more candidates excluded together.

## PART II

### *Sorting of votes*

3. In any General election, after the stage referred to in Part XIV of the General Elections Act, 1991, the Commission shall cause the ballot papers to be sorted out into parcels according to their first preference recorded for each candidate, rejecting any that are invalid.

Sorting of ballot papers

4. The sorting of ballot papers indicated in the previous regulation shall be carried out in the following manner:

Method of sorting

(1) the supervisor of each counting table shall take the topmost bundle of ballot papers from each pigeon hole and, in full view of the candidates and agents, place the bundles on a rack to pass to the counters;

(2) when a parcel of ballot papers has been taken from each different pigeon hole and placed on the rack as provided in the previous subsection of this section, the supervisor shall pass to each counter one parcel at a time in order that the ballot papers may be sorted;

(3) the counters shall open each parcel with the ballot papers and ascertain whether each paper is valid or invalid;

(4) if the counters decide that there is a possibility that, for any reason according to the General Elections Act, 1991, a ballot paper may be invalid or if any candidate or agent for the same reason so claims, the counter shall place such ballot paper in a tray marked "dubious";

(5) if the ballot paper is considered as valid the counter shall place the ballot paper in a tray indicating the candidate to which the first preference has been given on that ballot paper.

Continuation of  
sorting process

5. (1) When a counter has so disposed of the parcel of ballot papers mentioned in the previous section he shall be given another parcel to sort in the same manner and so on and so forth until all the parcels on the rack have been counted.

(2) When all the parcels on the rack have been counted the supervisor shall take the next topmost parcel of ballot papers from each pigeon hole repeating the sorting process mentioned in regulation 4 and in paragraph (1) of this regulation and so on and so forth until all ballot papers have, in phases, been removed from the pigeon holes, put on the rack and sorted.

Dubious Votes

6. (1) Whenever the supervisor in charge of the sorting of votes of an electoral division determines that in the tray marked as "dubious" there are a sufficient number of ballot papers he shall call one of the Electoral Commissioners to collect such papers.

(2) The dubious ballot papers may only be removed from the tray by an Electoral Commissioner who shall take them to the table of the Electoral Commission personally.

(3) The Electoral Commission, or any number of members thereof not being less than three, shall, after hearing the representations of the party delegates, or their substitutes decide in respect of each paper, whether it is valid or invalid and if they decide that it is invalid they shall so stamp the paper on its face.

(4) The decision of the Electoral Commission in this regard shall be final and not subject to appeal.

(5) Once all the dubious ballot papers have been declared valid or invalid by the Electoral Commission, they shall be returned to the appropriate electoral division by an Electoral Commissioner who shall pass them on to a supervisor of that division.

(6) The supervisor shall cause the invalid ballot papers to be put in a tray marked Invalid and the valid ballot papers to be sorted in accordance with the preceding regulations.

7. (1) The Commission shall then count the number of papers in the tray of each candidate, and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate, and they shall ascertain the total number of valid papers in that division.

Counting papers

(2) When counting the number of papers placed in the tray of each candidate, the supervisor shall direct that such papers be bundled in packets of fifty papers each and that each packet is counted by at least two counters.

8. The Commission shall then divide the total number of valid papers in each division by a number exceeding by one the number of vacancies to be filled. The result increased by one, disregarding any fractional remainder, shall be the number of votes sufficient to secure the return of a candidate. This number is herein called the "quota".

Ascertainment of quota

9. If at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall thereupon be elected.

Candidate with quota elected

10. (1) If at the end of any count the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred, as in this regulation provided, to the continuing candidates for whom the next available preferences have been recorded on the ballot-papers in the parcel or sub-parcel received by the elected candidate at that count.

Transfer of surplus

(2) A surplus which arises from any count shall be transferred before a surplus which may arise from a subsequent count.

Priority of surplus

(3) If more than one candidate has a surplus arising from the same count, the largest surplus shall first be dealt with.

(4) If two or more candidates have each an equal surplus arising from the same count, the surplus of the candidate with the

Equality of surplus.

greatest number of votes at the first count at which the candidates in question had an unequal number of votes shall first be dealt with. Where the number of votes credited to such candidates were equal at all counts the Commission shall determine by lot which surplus they will first deal with.

Original votes only.

(5) (a) If the votes credited to an elected candidate consist of original votes only, the Commission shall examine all the papers in the parcel of the elected candidate whose surplus is to be transferred.

Original and transferred votes

(b) If the votes credited to an elected candidate consist of original and transferred votes, or of transferred votes only, the Commission shall examine the papers contained in the last sub-paragraph last received by the elected candidate whose surplus is to be transferred.

Papers sorted to next available preference

(c) In either case the Commission shall sort the transferable papers into sub-parcels according to the next available preference recorded thereon, shall make a separate sub-paragraph of the non-transferable papers and shall ascertain the number of papers in each sub-paragraph of transferable papers and in the sub-paragraph of non-transferable papers.

Transferable papers equal or less than surplus.

(6) If the total number of papers in the sub-parcels of transferable papers is not greater than the surplus, the Commission shall transfer the whole of each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next available preference, and shall set aside as a separate parcel so many of the non-transferable papers as are not required for the quota of the elected candidate. The particular papers set aside shall be those last filed in the sub-paragraph of non-transferable papers.

Transferable papers exceed surplus; proportionate transfer.

(7) (a) If the total number of transferable papers is greater than the surplus, the Commission shall transfer from each sub-paragraph of transferable papers to the continuing candidate indicated thereon as the voters' next available preference the number of papers which bears the same proportion to the number of papers in the sub-paragraph as the surplus bears to the total number of transferable papers.

Ascertainment of number of papers to be transferred.

(b) The number of papers to be transferred from each sub-paragraph shall be ascertained by multiplying the number of papers in the sub-paragraph by the surplus and dividing the result by the total number of transferable papers. A note shall be made of the fractional parts, if any, of each number so ascertained.

Treatment of fractional parts.

(c) If, owing to the existence of such fractional parts, the

number of papers to be transferred is less than the surplus, so many of these fractional parts taken in the order of their magnitude, beginning with the largest as are necessary to make the total number of papers to be transferred equal to the surplus, shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

(d) If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the the largest which arises from the largest sub-parcels and if the sub-parcels in question are equal in size, the fractional part credited to the candidate with the greatest number of votes at the first count at which the candidates in question had an unequal number of votes shall be deemed to be the largest. Where the numbers of votes credited to such candidates were equal at all counts the Commission shall determine by lot which fractional part shall be deemed to be the largest.

Equality of fractional parts.

(e) The particular papers transferred from each sub-parcel shall be those last filed in the sub-parcel, and each paper so transferred shall be marked with the number of the count at which the transfer took place.

Papers transferred from sub-parcels.

11. (1) If at the end of any count no candidate has a surplus and one or more vacancies remain unfilled, the Commission shall exclude from the poll the candidate credited with the lowest number of votes; shall examine all the papers of that candidate; shall sort the transferable papers into sub-parcels according to the next available preferences recorded thereon for continuing candidates; shall transfer each sub-parcel to the candidate for whom that preference is recorded; and shall make a separate sub-parcel of the non-transferable papers.

Exclusion of candidates. One candidate excluded.

(2) If the total of the votes of the two or more candidates lowest on the poll is less than the number of the votes credited to the next highest candidate the Commission may at the same count exclude those candidates from the poll and transfer their votes as in this regulation provided.

Two or more excluded.

(3) If, when a candidate has to be excluded, two or more candidates have each the same number of votes and are lowest on the poll, the candidate with the lowest number of votes at the first count at which the candidates in question had an unequal number of votes shall be excluded, and, where the numbers of votes credited to those candidates were equal at all counts, the Commission shall decide by lot which shall be excluded.

Selection of candidate for exclusion.

12. Notwithstanding anything in these regulations contained:

Last vacancies.

(1) If at the end of any count the number of elected candidates is equal to the number of vacancies to be filled, no further transfer of votes shall be made.

(2) If on the exclusion of a candidate or candidates the number of the then continuing candidates is equal to the number of vacancies to be filled, the continuing candidates shall thereupon be elected and no further transfer of votes shall be made.

Procedure in transferring votes. Papers transferred.

**13.** (1) Whenever any transfer is made each sub-parcel of papers transferred shall be placed on the top of the parcel, if any, of papers of the candidate to whom the transfer is made, and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.

Non-transferable papers set aside.

(2) Non-transferable papers, except such as in the transfer of a surplus may be required for the quota of the elected candidate, shall be set aside as a separate parcel together with any parcel of non-transferable papers already set aside.

Papers retained for quota.

(3) On the transfer of the surplus of an elected candidate, all papers not transferred to continuing candidates and not set aside as provided in the preceding paragraph shall be placed together in one parcel as the quota of the elected candidate and the parcel shall be marked with the name of the elected candidate.

Partial re-counts

**14.** Any candidate or agent may, at the end of any count, request the Commission to re-examine and re-count all or any of the papers dealt with during that count, and the Commission shall forthwith re-examine and re-count accordingly the papers indicated without making any alterations in the arrangements of the papers in the various parcels save where such alteration may be necessary in consequence of any error discovered in the re-count; the Commission may also at their discretion re-count papers either once or more often in any case in which they are not satisfied as to the accuracy of any previous count; provided that nothing herein shall make it obligatory on the Commission to re-count the same papers more than once.

Election petitions.

**15.** (1) Upon an election petition the court may direct the whole or any part of the ballot-papers to be re-counted, and the result of the election to be ascertained in accordance with these Regulations.

(2) On any re-count, subject to such modifications as may be necessary by reason of any order of the court, each paper originally declared valid shall, whenever any transfer of votes takes place, follow the same course as at the original counting of the votes.

16. (1) If any question shall arise in relation to any transfer of votes, the decision of the Commission whether expressed or implied by their acts, shall be final unless an objection is made in writing by any candidate or agent before the declaration of the poll, and in that event the decision of the Commission may be reversed upon an election petition.

Decision of returning officers on transfer.

(2) If any decision of the Commission is so reversed, the transfer in question and all operations subsequent thereto shall be void and the court shall direct what transfer is to be made in place of the transfer in question, and shall cause the subsequent operations to be carried out and the result of the election to be ascertained in accordance with these regulations.

17. The declaration of the result of the poll shall include a record of any transfer of votes made under these regulations, and of the total number of votes credited to each candidate after any such transfer, and shall be in the form shown in the Schedule to these regulations, or in a form to the like effect.

Result of poll.  
Form of declaration.

### PART III *Casual Vacancies*

18. In the event of a seat becoming vacant the Commission shall, within five working days from the date of the receipt of the President's Writ, give notice, to be published in the Gazette, of an election to fill the seat vacated.

Notice of vacancy.

19. Within five working days after the publication of such notice any person who:

Nominations.

(a) at the general election held immediately prior to the occurrence of the said vacancy was a candidate nominated for election as a Member of the House for the electoral division in respect of which the vacancy has arisen, and did not withdraw from the election and was not elected, and

(b) is still qualified to be so elected

may with his consent, be nominated as a candidate for the said vacancy.

20. Within three working days after the last day fixed for the receipt of nominations, the Commission shall decide on the validity of the nominations, and shall publish in the authorised form, the names, and description of the persons validly nominated, and the electoral division the seat whereof is to be filled.

Notice of valid nominations.

21. If there are any valid nominations, the Commission shall, within four working days, proceed to examine the ballot-papers in the

If two or more nominations, ballot-papers of vacating Member are examined.

sealed parcel of the vacating member and the following provisions shall apply:-

(1) All candidates for the electoral division at the general election shall be deemed to be candidates excluded from the poll except those who have been validly nominated for the vacant seat.

(2) The papers preserved under seal in accordance with the General Elections Act, 1991 in the parcel of the vacating Member shall be examined and transferred to the validly nominated candidates first available in order of preference shown upon such papers, and each validly nominated candidate shall be credited with one vote in respect of each paper transferred.

(3) In any case where there is only one validly nominated candidate, if such candidate is credited with votes in number equal to or exceeding half the number of papers in the parcel of the vacating Member, he shall be declared elected.

(4) In any case where there are two or more validly nominated candidates, the Commission shall exclude from the poll the candidate credited with the lowest number of votes and shall transfer his votes according to the next available preferences shown upon the ballot-papers for the continuing candidate or candidates. The process of excluding the candidate lowest in the poll and of transferring his votes according to the next available preferences shall be continued until there is only one candidate remaining. If such candidate shall have then been credited with votes in number equal to or exceeding half the number of papers in the parcel of the vacating Member, that candidate shall be declared elected:

Provided that if at any time any candidates shall have been credited with votes exceeding the combined total of votes of all other candidates, and at the same time equal to or exceeding half the number of papers in the parcel of the vacating Member, he shall be declared elected without further transfer.

Vacancy filled by co-option in special cases.

**22.** (1) If a vacancy occurs in a seat which has been filled in accordance with this Part of these Regulations, or in accordance with subsection (1) of section 54 of the General Elections Act, 1991, or if on a vacancy occurring no candidate is validly nominated, or if after examination of the ballot-papers of the vacating Member no candidate secures election, the vacancy shall be filled by co-option, by the Members of the House of a person duly qualified for membership of the House.

(2) In filling a vacancy by co-option, regard shall be had to the representation as nearly as may be of the interests and opinions represented and held by the vacating Member.

**SCHEDULE**  
*Declaration of Result of Poll*

*Name of Electoral Division*

Election of Members of the House of Representatives for the above Electoral Division in the year

We the undersigned, being the Electoral Commissioners at the poll for the election of Members of the House of Representatives for the said Electoral Division held on the day of \_\_\_\_\_ of the year \_\_\_\_\_, do hereby give notice that the result of the Poll and of the transfer of votes is as follows:

Number of valid votes .....

Number of members to be elected .....

Quota (number of votes sufficient to secure election of a candidate) .....

Names of Candidates	1st Count	2nd Count		3rd Count		4th Count		5th Count		6th Count		Names of Candidates Elected
	Votes	Transfer of	Result	Transfer of	Result	Transfer of	Result	Transfer of	Result	Transfer of	Result	
Non-transferable papers												
Total		—		—		—		—		—		

And we do hereby declare the said \_\_\_\_\_ duly elected Members of the House of Representatives for the said Electoral Division.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ of the year \_\_\_\_\_

.....  
*Electoral Commissioners*

**EXAMPLE OF THE METHOD OF COUNTING THE VOTES AT AN ELECTION  
CONDUCTED ON THE PROPORTIONAL REPRESENTATION SYSTEM  
OF THE SINGLE TRANSFERABLE VOTE.**

*(See Part I of Regulations)*

Let it be assumed that there are six members to be elected and that there are eleven candidates, A, B, C, D, E, F, G, H, I, K, L.

**FIRST COUNT.**

The ballot papers having been mixed and examined, the invalid papers being excluded, and the valid papers sorted into separate parcels under the names of the candidates marked with the figure 1, each separate parcel is counted, and each candidate is credited with a number of votes equal to the number of the papers on which a first preference has been recorded for him.

The results of the count may be supposed to be as follows:-

	Votes
B.....	140
F.....	62
H.....	50
C.....	25
L.....	24
G.....	14
I.....	12
D.....	10
A.....	7
E.....	4
K.....	—
Total .....	348

**THE QUOTA**

It is found that the total of all the valid votes is 348. This total is divided by seven (i.e. the number which exceeds by one the number of vacancies to be filled), and 50 (i.e. the quotient 49 increased by 1, neglecting the fraction) is the "quota", or the number of votes sufficient to elect a member.

The votes obtained by B, F and H exceed or equal the quota, and they are thereupon elected.

## SECOND COUNT

B has 90 surplus votes (i.e. B's total 140, less the quota 50), and it is necessary to transfer this surplus first as being the largest.

All B's 140 papers are examined and arranged in separate sub-parcels according to the next available preferences indicated thereon.

In general the next available preference will be the second preference. But any paper on which the second preference is given to either F or H, both already elected, passes to the next available preference after such candidates. A paper marked with 1 for B, 2 for H, 3 for F, 4 for I, is placed in the sub-parcel for I.

A separate sub-parcel is also formed of those papers on which no further available preference, i.e., no further preference for any continuing candidate is shown, and which are therefore not transferable.

The result is found to be as follows:

A next available preference is shown for D on	80 papers
" " " " " " E "	2 "
" " " " " " I "	25 "
" " " " " " K "	29 "
Total of <i>transferable</i> papers .....	136 papers
Total of <i>non-transferable</i> papers .....	4 "
	<hr/>
Total of B's papers.....	140
	<hr/>

Since the total number of transferable papers (136) exceeds the surplus (90), only a portion of each sub-parcel can be transferred, and the number of papers to be transferred from each sub-parcel must bear the same proportion to the total number of papers in the sub-parcels as that which the surplus bears to the total number of transferable papers.

In other words, the number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 90 (the surplus), and dividing the result by 136 (the total number of transferable papers).

In practice the calculation may be simplified by reducing the fraction  $90/136$  to the equivalent fraction  $45/68$ .

The process is as follows:

D's sub-parcel contains 80 papers, and his share of the surplus is therefore .....	$80 \times \frac{45}{68}$ or $52 \frac{64}{68}$
E's sub-parcel contains 2 papers, and his share of the surplus is therefore .....	$2 \times \frac{45}{68}$ or $1 \frac{22}{68}$
I's sub-parcel contains 25 papers, and his share of the surplus is therefore .....	$25 \times \frac{45}{68}$ or $16 \frac{37}{68}$
K's sub-parcel contains 29 papers and his share of the surplus is therefore .....	$29 \times \frac{45}{68}$ or $19 \frac{13}{68}$
Total .....	90

The numbers of papers to be transferred as determined by the preceding process contain fractions, and since only whole papers can be transferred, so many of the largest of these fractions, taken in order of their magnitude as will make the total number of papers to be transferred equal to the surplus are reckoned as of the value of unity.

Thus as the *whole* numbers determined above amount to only 88 viz. (52+1+16+19), or two short of the surplus, 90, the two largest fractions  $\frac{64}{68}$  and  $\frac{37}{68}$  are reckoned as unity, and the numbers of papers actually transferred are as follows:-

To D .....	53 papers
To E .....	1 paper
To I .....	17 papers
To K .....	19 papers
Total, being B's surplus .....	90 papers

The particular papers to be transferred to D, E, I and K are those last filed in their respective sub-parcels, and, therefore at the top of the sub-parcels. The papers transferred are marked with the number of the count at which the transfer is made.

These papers are added in separate sub-parcels to the parcels of D, E, I and K. (Note: K had no parcel of original votes).

The totals of the votes credited to these candidates then become:

D .....	$10+53=63$
E .....	$4+ 1= 5$
I .....	$12+17=29$
K .....	$0+19=19$

The remainders of the papers in the sub-parcels (i.e. those papers not transferred), together with the papers on which no further available preferences were marked are collected together and formed into one parcel, representing B's quota of votes (50).

The parcel is made up as follows:

The remainder of D's sub-parcel,	80 less 53 =	27
" " E's "	2 less 1 =	1
" " I's "	25 less 17 =	8
" " K's "	29 less 19 =	10
Non-transferable papers .....		4
Total, being B's quota .....		<u>50</u>

The operations involved in this transfer are summarised in the following table:

COUNT No. 2.

TRANSFER OF "B's" SURPLUS

Surplus .....	90
Number of transferable papers .....	136
Proportion to be transferred =	

$$\frac{\text{Surplus}}{\text{Number of transferable papers}} = \frac{90}{136} = \frac{45}{68}$$

Names of Candidates marked as the next available Preference	Numbers of papers examined	Number of Papers transferred			Number of Papers retained for B's Quota
		As calculated		Actual Numbers transferred (Largest Fractions treated as Whole Numbers)	
		Whole Numbers	Fractional Parts		
A					
C					
D .....	80	52	64/68	53	27
E .....	2	1	22/68	1	1
G					
I .....	25	16	37/68	17	8
K .....	29	19	13/68	19	10
L					
Total number of Transferable papers ..	136	88	136/68	90	46
Number of Non-Transferable papers ..	4	—	—	†	4
TOTAL	140 * (Total)	—	—	90 * (Surplus)	50 * (For quota)

*Notes for Electoral Commissioners*

\* It will be found convenient to begin filling in the transfer sheet by inserting the totals in the spaces marked with an asterisk. These totals are known before the count is commenced.

† When transferring a surplus *all* the non-transferable papers are usually retained as part of the quota, *but when the number of transferable papers is less than the surplus*, the difference should be inserted in the space marked with a dagger, and a corresponding number of non-transferable papers should be transferred to the non-transferable box. These papers should be taken from the top of the parcel of non-transferable papers and the number taken should be shown on the Result Sheet on the line provided for non-transferable papers.

The state of the poll on the conclusion of the count is as follows:—

	Votes
B .....	50 (elected)
F .....	62 (elected)
H .....	50 (elected)
D .....	63 (elected)
I .....	29
C .....	25
L .....	24
K .....	19
G .....	14
A .....	7
E .....	5
Total .....	348

D now has 63 votes, a number which is more than the quota. He is accordingly elected.

## THIRD COUNT

There are now two surpluses that of F (12) and that of D (13). F's surplus, though the smaller, is first dealt with as it arose on a prior count. F's surplus is distributed proportionately among the next available preferences on F's original 62 papers in exactly the same manner as in the case of B, with the result that 9 papers are transferred to L, 2 to C and 1 to A.

The papers forming F's quota are placed together in one parcel, which is marked with F's name.

The papers forming the quota of H (who obtained an exact quota at the first count) are likewise placed together in one parcel, which is marked with H's name.

## FOURTH COUNT

D's surplus (13) must now be distributed. For this purpose only the sub-parcel last transferred, containing 53 papers, is considered. These are examined and sorted into sub-parcels, according to the next available preferences, with the following result:-

A next available preference is shown for I on .....	42	papers
A next available preference is shown for K on .....	10	papers
	<hr/>	
Total of <i>transferable</i> papers .....	52	papers
No further preference is shown on .....	1	paper
	<hr/>	
Total .....	53	
	<hr/>	

The number of papers to be transferred from each sub-parcel is ascertained by multiplying the number of papers in the sub-parcel by 13 (the surplus) and dividing the result by 52 (the total number of transferable papers); therefore

$$\begin{aligned} \text{I's share of the surplus is .....,} & \quad 42 \times \frac{13}{52} = 10 \frac{1}{2} \\ \text{K's share of the surplus is .....,} & \quad 10 \times \frac{13}{52} = 2 \frac{1}{2} \end{aligned}$$

As the fractional parts above are equal, that which arises from the larger sub-parcel is deemed to be the larger. I's share of D's surplus is, accordingly, 11 votes, and K's share is 2 votes.

The number of votes transferred and retained are in accordance with the simplified transfer sheet following:

	COUNT No. 4
TRANSFER OF "D's" SURPLUS	
Surplus .....	13
Number of transferable papers .....	52
Proportion to be transferred =	
<hr/>	=
Surplus	$\frac{13}{52} = \frac{1}{4}$
Number of transferable papers	$\frac{1}{4}$

Names of Candidates marked as the next available Preference	Numbers of Papers examined	Numbers of Papers transferred	Numbers of Papers retained for D's Quota
I .....	42	(10 1/2) 11	31
K .....	10	(2 1/2) 2	8
Total number of Transferable papers..	52	(13) 13	39
Number of Non-Transferable papers ..	1	—	1
Totals .....	53 (Total)	13 (Surplus)	40 (For quota)

Sub-parcels of 11 papers and 2 papers marked with the number of the count at which the transfer took place are added to parcels of I and K respectively, and the remainders (31 and 8) together with the 1 non-transferable paper and the 10 papers received by D on the first count, making 50 papers altogether, are formed into one parcel, making D's quota of votes.

The state of the poll on the conclusion of the count is as follows:

	Votes
B .....	50 (elected)
F .....	50 (elected)
H .....	50 (elected)
D .....	50 (elected)
I .....	40
L .....	33
C .....	27
K .....	21
G .....	14
A .....	8
E .....	5
Total .....	<u>348</u>

#### FIFTH COUNT

There being now no surplus required to be dealt with, the Electoral Commissioner proceeds to transfer the votes of the candidate with the smallest total of votes. The candidate lowest on the poll is E, with 5 votes, but since the combined totals of E and A (5+8=13) are

less than 14, the total of G, the next highest candidate, the Electoral Commissioner transfers the papers of both E and A at the same count.

The papers in the parcels of E and A (total 13) are examined, and is found that:

C is marked next available preference on	...	...	1	paper
G	"	"	7	papers
I	"	"	4	papers
Non-transferable papers	...	...	1	paper
Total	...	...	<u>13</u>	<u>papers</u>

The operation is completed by the transfer of 1 paper to C, 7 papers to G, 4 papers to I, and the 1 non-transferable paper is set aside as a separate parcel.

The state of the poll is now as follows:-

	Votes
B.....	50 (elected)
F.....	50 (elected)
H.....	50 (elected)
D.....	50 (elected)
I.....	44
L.....	33
C.....	28
G.....	21
K.....	21
Non-transferable paper.....	1
Total.....	<u>348</u>

#### SIXTH COUNT

No candidate is elected as the result of the fifth count and the next operation has to be determined upon. Candidates G and K have each the same number of votes (21) and are lowest on the poll. K's papers are distributed, as he obtained fewer votes than G in the first count. From the distribution of K's papers (21), 3 papers are transferred to C, 15 to I, 1 to L, and 2 are non-transferable. I thereby reaches a total of 59 votes, and is elected.

The state of the poll is now as follows:

	Votes	
B .....	50	(elected)
F .....	50	(elected)
H .....	50	(elected)
D .....	50	(elected)
I .....	59	(elected)
L .....	34	
C .....	31	
G .....	21	
Non-transferable papers .....	3	
Total .....	348	

SEVENTH COUNT

I's surplus (9) must now be distributed.

For this purpose only the sub-parcel of papers last transferred to I (15 papers) is taken into account.

These are examined and arranged in sub-parcels for the continuing candidates, with the following result:

C is next available preference on	...	...	...	4	papers
L is next available preference on	...	...	...	3	papers
				7	
Total transferable papers	...	...	...	7	
Non-transferable papers	...	...	...	8	
				15	
	Total ...	...	...	15	

In this case the total number of transferable papers (7) is less than the surplus (9), therefore the Electoral Commissioner transfers the whole sub-parcels of transferable papers to the continuing candidates indicated thereon as next available preference. This accounts for 7 votes out of the surplus 9. There is a difference of 2 papers. The sub-parcel of non-transferable papers is therefore divided into two portions, one containing 2 papers (which form part of the surplus) the other containing 6 papers (which are required for I's quota). The portion of 2 papers is set aside as a separate parcel with the other parcels of non-transferable papers, and the portion of 6 papers is retained to make up I's quota (6+44=50).

The number of votes transferred and retained are in accordance with the transfer sheet following:

COUNT No. 7

## TRANSFER OF "I's" SURPLUS

Surplus ..... 9  
 Number of transferable papers ..... 7  
 Proportion to be transferred =

$$\frac{\text{Surplus}}{\text{Number of transferable papers}} = \frac{9}{7} \text{ (taken as 1).}$$

Names of Candidates marked as the next available Preference	Numbers of papers examined	Number of Papers transferred			Number of Papers retained for I's Quota
		As calculated		Actual Numbers transferred (Largest Fractions treated as Whole Numbers)	
		Whole Numbers	Fractional Parts		
C .....	4	4	—	4	—
L .....	3	3	—	3	—
Total number of Transferable papers ..	7	7	—	7	—
Number of Non-Transferable papers ..	8	—	—	† 2	6
<b>TOTALS</b>	15 * (Total)	—	—	9 * (Surplus)	6 * (For Quota)

*Notes for Electoral Commissioners*

\* It will be found convenient to begin filling in the transfer sheet by inserting the totals in the spaces marked with an asterisk. These totals are known before the count is commenced.

† When transferring a surplus *all* the non-transferable papers are usually retained as part of the quota, *but when the number of transferable papers is less than the surplus*, the difference should be inserted in the space marked with a dagger, and a corresponding number of non-transferable papers should be transferred to the non-transferable box. These papers should be taken from the top of the parcel of non-transferable papers and the number taken should be shown on the Result Sheet on the line provided for non-transferable papers.

The state of the poll after the seventh count is as follows:

	Votes
B .....	50 (elected)
F .....	50 (elected)
H .....	50 (elected)
D .....	50 (elected)
I .....	50 (elected)
L .....	37
C .....	35
G .....	21
Non-transferable papers .....	5
	<hr/>
Total .....	348
	<hr/>

#### EIGHTH COUNT

There being now no surplus, the votes of G, the candidate lowest on the poll, are distributed.

G's parcel of 21 papers is found to contain 7 papers on which C is the next preference, and 12 on which L is the next preference, and 2 papers which are non-transferable.

Therefore 7 papers are transferred to C, and 12 to L, and 2 are filed as a separate parcel with the other parcels of non-transferable papers.

The state of the poll is now as follows:

	Votes
B .....	50 (elected)
F .....	50 (elected)
H .....	50 (elected)
D .....	50 (elected)
I .....	50 (elected)
L .....	49
C .....	42
Non-transferable papers .....	7
	<hr/>
Total .....	348
	<hr/>



FOURTEENTH SCHEDULE

(Section 118)

*Sections 41 to 62 of the  
Electoral (Polling) Ordinance (Cap 102)*

Making of contracts in respect of election expenses.

**41.** A contract whereby any expenses are incurred on account of or in respect of the conduct or management of an election shall not be enforceable against a candidate at such election, unless made by the candidate himself or by his election agent; provided that the inability under this section to enforce such contract against the candidate shall not relieve the candidate from the consequences of any corrupt or illegal practice committed by his agent.

Payment of expenses through election agent.

**42.** (1) Except as permitted by or in pursuance of this Ordinance, no payment and no advance or deposit shall be made by a candidate at an election, or by any agent on behalf of the candidate, or by any other person, whether before, during or after such election, in respect of any expenses incurred on account of or in respect of the conduct or management of such election, otherwise than by or through the election agent of the candidate; and all money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of the election, whether as gift, loan, advance or deposit, shall be paid to the candidate or his election agent and not otherwise; provided that this section shall not be deemed to apply to any sum disbursed by any person out of his own money for any small expense legally incurred by himself, if such sum is not repaid to him.

(2) A person who makes any payment, advance, or deposit in contravention of this section or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

Periods for sending in claims and making payments for election expenses.

**43.** (1) Every payment made by an election agent in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall, except where less than twenty-five cents, be vouched for by a bill stating the particulars and by a receipt.

(2) Every claim against a candidate at an election or his election agent in respect of any expenses incurred on account of or in respect of the conduct or management of such election, which is not sent in to the election agent within the time limited by this Ordinance, shall be barred and shall not be paid; and subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who pays a claim in contravention of this section shall be guilty of an illegal practice.

(3) Except as by this Ordinance permitted, the time limited by this Ordinance for sending in claims shall be fourteen days after the day on which the candidate returned is declared elected.

(4) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Ordinance and not otherwise; and, subject to such exception as may be allowed in pursuance of this Ordinance, an election agent who makes a payment in contravention of this provision shall be guilty of an illegal practice.

(5) Except as by this Ordinance permitted, the time limited by this Ordinance for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidate returned is declared elected.

(6) Where it has been proved to the satisfaction of the court by a candidate that any payment made by an election agent in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Ordinance by reason only of such payment having been made in contravention of this section.

(7) If the election agent in the case of any claim sent in to him within the time limited by this Ordinance disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim.

(8) The claimant may, if he thinks fit, bring an action for a disputed claim in the competent civil court; and any sum paid by the candidate or his agent in pursuance of the judgment or order of such court shall be deemed to be paid within the time limited by this Ordinance, and to be an exception from the provisions of this Ordinance requiring claims to be paid by the election agent.

(9) On cause shown to the satisfaction of the competent civil court, the court on application by the claimant or by the candidate or his election agent may, by order, give leave for the payment by a candidate or his election agent of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in this section mentioned for sending in claims, or although the same was sent in to the candidate and not to the election agent.

(10) Any sum specified in any such order may be paid by the candidate or his election agent, and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Ordinance.

44. So far as circumstances admit, this Ordinance shall apply to a claim for his remuneration by an election agent and to the payment thereof in like manner as if he were any other creditor, and if any difference arises respecting the amount of such claim, the claim shall be

Remuneration of  
election agent.

a disputed claim within the meaning of this Ordinance, and be dealt with accordingly.

Personal expenses of candidate and petty expenses.

**45.** (1) The candidate at an election may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding twelve liri, but any further personal expenses so incurred by him shall be paid by his election agent.

(2) The candidate shall send to the election agent within the time limited by this Ordinance for sending in claims, a written statement of the amount of personal expenses paid as aforesaid by such candidate.

(3) The personal expenses of a candidate include his reasonable travelling expenses and the reasonable expenses of his living at hotels or elsewhere for the purposes of the election.

(4) Any person may, if so authorized in writing by the election agent of the candidate pay any necessary expense for stationery, postage, telegrams, and other petty expenses to a total amount not exceeding that named in the authority, but any excess above the total amount so named shall be paid by the election agent.

(5) A statement of the particulars of payments made by any person so authorized shall be sent to the election agent within the time limited by this Ordinance for the sending in of claims, and shall be vouched for by a bill containing the receipt of that person.

Expense in excess of maximum to be illegal practice.

**46.** (1) Subject to such exception as may be allowed in pursuance of this Ordinance, no sum shall be paid and no expense shall be incurred by a candidate at an election or his election agent, whether before, during, or after an election on account of or in respect of the conduct or management of such election, in excess of six hundred liri:

Provided that there shall not be included in such amount any expenditure incurred by the candidate for his personal expenses, nor the fee, if any, paid to the election agent not exceeding one hundred liri.

(2) In the case of candidates standing for election in the same division as members of the same political party, the expenses of such candidates may be added together and there shall not be deemed to have been a contravention of this section unless the aggregate expenses of such candidates, when added together, exceed either the sum of six hundred liri multiplied by the number of such candidates or the sum of three thousand liri, whichever is the smaller: provided that if the aggregate of such expenses exceeds either of the sums aforesaid, the expenses of each such candidate shall be separated from the expenses of the others and the provisions of subsection (1) of this section shall apply.

(3) Any candidate or election agent who knowingly acts in contravention of this section shall be guilty of an illegal practice.

47. (1) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at any election, be made—

Certain expenditure to be illegal practice.

- (a) on account of the conveyance of voters to or from the poll, whether for the hiring of vehicles, or otherwise; or
- (b) to or with a voter on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after an election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this section, shall also be guilty of an illegal practice:

Provided that where it is the ordinary business of a voter as an advertising agent or publisher to exhibit for payment bills and advertisements, a payment to or contract with such voter, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

48. (1) No person shall, for the purpose of promoting or procuring the election of a candidate at any election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except for the purposes or in the capacities following:

Certain employment to be illegal.

- (a) one election agent and no more;
- (b) a reasonable number of clerks and messengers, having regard to the area of the electoral division and the number of voters on the electoral register for such division.

(2) Subject to such exception as may be allowed in pursuance of this Ordinance, if any person is engaged or employed in contravention of this section, either before, during or after an election, the person engaging or employing him shall be guilty of an illegal practice.

49. The provisions of this Ordinance prohibiting certain

Saving for creditors.

payments and contracts for payments, and the payment of any sum, and the incurring of any expense in excess of a certain maximum, shall not affect the right of any creditor, who, when the contract was made or the expense was incurred, was ignorant of the same being in contravention of this Ordinance.

Return and declaration respecting election expenses.

**50.** (1) Within thirty-one days after the date of the publication of the result of an election in the Government Gazette, the election agent of every candidate at that election shall transmit to the commissioners a return of the election expenses of such person, containing the particulars specified in the Seventh Schedule to this Ordinance, signed both by the candidate and by his election agent. In the case of the candidate's absence from Malta the duties imposed on him may be performed by a duly appointed representative.

(2) Every such return shall contain a statement of all payments made by the candidate or by his election agent, or by any persons on behalf of the candidate, or in his interest, for expenses incurred on account of, or in respect of, the conduct and management of the election, and a further statement of all unpaid claims in respect of such expenses, of which he or his election agent is aware.

(3) The return shall be accompanied by declarations to be made on oath before a magistrate by the candidate and his election agent, in the form contained in the Seventh Schedule to this Ordinance.

(4) If any candidate or election agent acts in contravention of the requirements of this section, he shall, subject to the provisions of section 56, be guilty of an illegal practice.

Publication of notice in respect of return of election expenses.

**51.** When any return of election expenses and the declarations made in respect thereof have been lodged with the commissioners, the commissioners shall, as soon as may be, cause a notice of the date on which the return and the declarations have been lodged, and of the time and place at which they can be inspected to be affixed in some conspicuous place in the commissioners' office and to be published in the Government Gazette, and any person shall be entitled, on payment of a fee of five cents, to inspect any such return or declarations and, on payment of a fee of six cents for every folio of 120 words, to obtain a copy or copies of any part thereof.

Punishment on conviction for illegal practice.

**52.** (1) Any person committing an illegal practice shall, on conviction, be liable to a fine (*multa*) not exceeding two hundred liri and shall in consequence of such conviction become incapable, during a period of four years from the date of conviction, of being registered as a voter or voting at any election or of being elected a member, and if before that date he has been elected a member, his election shall, subject

to the provisions of section 55 of the Constitution of Malta, be vacated from the date of such conviction.

(2) No prosecution for an illegal practice shall be instituted without the sanction of the Attorney General.

## PART V CORRUPT PRACTICES

**53.** Any person who at an election held under this Ordinance applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person or, who having voted once at any such election, applies at the same election for a ballot paper in his own name, shall be guilty of the offence of personation.

Personation.

**54.** (1) Any person who corruptly by himself or by any other person, either before, during or after an election, directly or indirectly, gives or provides, or pays wholly or in part the expense of giving or providing any food, drink, entertainment, or provision to or for any person, for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting or being about to vote or refrain from voting at such election, shall be guilty of the offence of treating.

Treating.

(2) Every voter who corruptly accepts or takes any such food, drink, entertainment, or provision shall also be guilty of the offence of treating.

**55.** Every person who directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence, or restraint, or inflicts, or threatens to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who by abduction, duress, or any fraudulent device or contrivance, impedes or prevents the free exercise of the franchise of any voter or thereby compels, induces, or prevails upon any voter either to give or refrain from giving his vote at any election, shall be guilty of the offence of undue influence.

Undue influence.

**56.** The following persons shall be deemed guilty of the offence of bribery:

Bribery.

- (a) every person who, directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers, promises or promises to procure, or to endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any election under this Ordinance;
- (b) every person who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers, promises or promises to procure or to endeavour to procure any office, place or employment to or for any voter or to or for any person on behalf of any voter or to or for any other person in order to induce any voter to vote or refrain from voting, or corruptly does any such act as aforesaid on account of any voter having voted or refrained from voting at any election under this Ordinance;
- (c) every person who, directly or indirectly, by himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement, or agreement as aforesaid, to or for any person in order to induce such person to procure or endeavour to procure the return of any person as a member of the House, or the vote of any voter at any election under this Ordinance;
- (d) every person who, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procures or engages, promises or endeavours to procure, the return of any person as a member of the House or the vote of any voter at any election under this Ordinance;
- (e) every person who advances or pays or causes to be paid any money to or for the use of any other person, with the intent that such money or any part thereof shall be expended in bribery at any election under this Ordinance, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election;
- (f) every person being a voter who, before or during any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives,

agrees, or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or for any other person, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at any such election;

- (g) every person who, after any election under this Ordinance, directly or indirectly, by himself or by any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting or having induced any other person to vote or to refrain from voting at any such election.

57. (1) Any person who commits the offence of personation, treating, undue influence, or bribery or aids, abets, counsels, or procures the commission of the offence of personation, and any candidate or election agent who knowingly makes the declaration, as to election expenses required by section 50, falsely, shall be guilty of a corrupt practice and shall be liable, on conviction, in the discretion of the court, to a fine (*multa*) not exceeding five hundred liri, or to imprisonment for a term not exceeding six months, or to both such fine (*multa*) and imprisonment, and shall in consequence of such conviction become incapable, for a period of seven years from the date of his conviction of being registered as a voter or voting at an election under this Ordinance, or of being elected a member, and if at that date he has been elected member, his election shall, subject to the provisions of section 55 of the Constitution of Malta, be vacated from the date of such conviction.

Punishment and incapacities for corrupt practice.

(2) No prosecution for a corrupt practice shall be instituted without the sanction of the Attorney General.

(3) For the purposes of this Part of this Ordinance, references to “voting” or to “refraining from voting”, or to “giving” or “refraining from giving a vote”, shall include references to “voting” or “refraining from voting” in a particular way.

## PART VI

### EXCUSE FOR CORRUPT AND ILLEGAL PRACTICES

58. The election of a candidate, who has been guilty, by his agents, of the offence of treating and undue influence, and illegal practice, or of any such offences, in reference to such election shall not, by reason of such offences, be declared void, nor shall the candidate be subject to any incapacity under this Ordinance, if the court is satisfied after giving the Attorney General an opportunity of being heard that the candidate has proved —

Reasons exonerating candidates in certain cases of corrupt and illegal practice by agents.

- (a) that no corrupt or illegal practice was committed at such election by the candidate or his election agent and the offences aforesaid were committed contrary to the orders and without the sanction or connivance of such candidate or his election agent; and
- (b) that such candidate and his election agent took all reasonable means for preventing the commission of corrupt and illegal practices at such election; and
- (c) that the offences aforesaid were of a trivial, unimportant and limited character; and
- (d) that in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents.

Power of court to except innocent act from being illegal practice, etc.

**59.** Where, in any proceedings, it is shown to the court by such evidence as seems to the court sufficient —

- (a) that any act or omission of a candidate at any election, or of his election agent or of any other agent or person, would, by reason of being the payment of a sum or the incurring of expense in excess of any maximum amount allowed by this Ordinance, or of being a payment, engagement, employment, or contract in contravention of this Ordinance, or of otherwise being in contravention of any of the provisions of this Ordinance, be but for this section an illegal practice; and
- (b) that any such act or omission arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature, and in any case, did not arise from any want of good faith,

and under the circumstances it seems to the court, after giving the Attorney General an opportunity of being heard, to be just that the candidate at the said election and other agent and person or any of them, should not be subject to any of the consequences under this Ordinance, the court may allow such act or omission to be an exception from the provisions of this Ordinance which would otherwise make the same an illegal practice, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Ordinance of the said act or omission.

Authorised excuse for non-compliance with provisions as to return and declaration respecting election

**60.** (1) Where the return and declarations respecting election expenses of a candidate at an election have not been transmitted as

required by this Ordinance, or being transmitted contain some error or false statement, then —

- (a) if the candidate in any criminal or civil proceedings under this Ordinance proves to the satisfaction of the court that the failure to transmit such return and declarations, or any of them or any part thereof, or any error or false statement therein, has arisen by reason of his illness or of the absence, death, illness or misconduct of his election agent or of any clerk or officer of such agent, or by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the candidate; or
- (b) if the election agent of the candidate proves to the satisfaction of the court that the failure to transmit the return and declarations which he was required to transmit or any part thereof, or any error or false statement therein, arose by reason of his illness or of the death or illness of any prior election agent of the candidate or of the absence, death, illness or misconduct of any clerk or officer of an election agent of the candidate, or by reason of inadvertence or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the election agent,

the court may, after giving the Attorney General an opportunity of being heard, make such order for allowing an authorized excuse for the failure to transmit such return and declarations, or for an error or false statement in such return and declarations, as to the court seems just.

(2) Where in any proceedings it appears to the court that any person being or having been election agent has refused or failed to make such return or to supply such particulars as will enable the candidate and his election agent, respectively, to comply with the provisions of this Ordinance as to the return and declaration respecting election expenses, the court, before making an order allowing the excuse as in this section mentioned, shall order such person to appear, and shall, unless he attends, and shows cause to the contrary, order him to make the return and declaration, or to deliver a statement of the particulars required to be contained in the return, as to the court seems just, and to make or deliver the same within such time and to such person and in such manner as the court may direct, or may order him to be examined with respect to such particulars, and in default of compliance with any such order, such person shall be guilty of an illegal practice.

(3) The court may allow the excuse conditionally upon the

making of a return and declaration in a modified form or within an extended time, and upon the compliance with such other terms as to the court, seem best calculated for carrying into effect the objects of this Ordinance; and an order allowing an authorized excuse shall relieve the candidate or the election agent, as the case may be, from any liability or consequences under this Ordinance in respect of the matter excused by the order; and where it is proved by the candidate to the court that any act or omission of the election agent in relation to the return and declaration respecting election expenses was without the sanction or connivance of the candidate and that the candidate took all reasonable means for preventing such act or omission, the court shall relieve the candidate from the consequences of such act or omission on the part of his election agent.

(4) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Ordinance as the date of the allowance of the excuse.

## PART VII

### GROUNDS FOR AVOIDING ELECTIONS

Avoidance by conviction of candidates.

**61.** Subject to the provision of section 55 of the Constitution of Malta the election of a candidate as a member of the House is avoided by his conviction for any corrupt or illegal practice.

Avoidance of election on other grounds.

**62.** Subject to the provisions of section 55 of the Constitution of Malta where applicable, the election of a candidate as a member of the House shall be declared void on any of the following grounds which may be proved to the satisfaction of the court namely:

- (a) if by reason of general bribery, general treating, or general intimidation, or other misconduct, or other circumstances, the majority of electors were or may have been prevented from electing candidates whom they preferred;
- (b) non-compliance with the provisions of this Ordinance relating to election or of the polling regulations if it appears to the court that the election was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election;
- (c) that a corrupt practice or an illegal practice was committed in connection with the election by the candidate, or with his knowledge or consent, by any agent of the candidate;

- (d) that the candidate personally engaged a person as his election agent, or as a canvasser or agent knowing that such person had within seven years previous to such engagement been found guilty of a corrupt practice;
- (e) that the candidate was at the time of his election a person disqualified for election as a member.

Passed by the House of Representatives at Sitting No. 539 of the 26th June, 1991.

LAWRENCE GONZI  
*Speaker*

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