

# Nru. 187

23. 6. 81

## MALTA

### **KAMRA TAD-DEPUTATI**

### **HOUSE OF REPRESENTATIVES**

ABBOZZ ta' Liġi mressaq mill-Onorevoli Joseph Cassar, M.P., Ministru tal-Finanzi, Dwana u Investimenti Finanzjarji tal-Poplu u moqri għall-Ewwel darba fis-Seduta tat-22 ta' Ġunju, 1981.

A BILL introduced by the Honourable Joseph Cassar, M.P., Minister of Finance, Customs and People's Financial Investments and read the First time at the Sitting of the 22nd June, 1981.

**ATT** biex ikompli jemenda l-Ordinanza Elettorali dwar il-Votazzjoni, Kap. 163.

**AN ACT** further to amend the Electoral (Polling) Ordinance, Cap. 163.

C. MIFSUD

*Skrivan tal-Kamra tad-Deputati*

C. MIFSUD

*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex ikompli jemenda l-Ordinanza Elettorali dwar il-Votazzjoni, Kap. 163.*

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

Titolu fil-qosor.

1. Dan l-Att jista' jissejjaħ l-Att ta' l-1981 li jemenda l-Ordinanza Elettorali dwar il-Votazzjoni, u għandu jinqara u jiftiehem ħaġa waħda ma' l-Ordinanza Elettorali dwar il-Votazzjoni, hawnhekk iżjed 'il quddiem imsejjaħ "il-liġi prinċipali".

Emenda ta' l-artikolu 2 tal-liġi prinċipali.

2. Fis-subartikolu (1) ta' l-artikolu 2 tal-liġi prinċipali, minnufih wara t-tifsira ta' "karta ta' l-identità" għandha tiżdied it-tifsira ġdida li ġejja:

"dokument għall-votazzjoni" tfisser id-dokument għall-votazzjoni li għandu jintbagħat lill-eletturi taħt l-artikolu 11 ta' dan l-Att;".

Emenda ta' l-artikolu 10 tal-liġi prinċipali.

3. Fis-subartikolu (b) ta' l-artikolu 10 tal-liġi prinċipali minflok il-kliem "il-ġranet" għandhom jidhlu l-kliem "il-ġurnata".

Emenda ta' l-artikolu 11 tal-liġi prinċipali.

4. L-artikolu 11 tal-liġi prinċipali għandu jiġi emendat kif ġej:  
(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

"(1) Il-Kummissjonarji għandhom, f'xi żmien mhux aktar tard mill-ħmistax-il jum wara l-pubblikazzjoni tar-*Writ*, jibgħatu lil kull elettur li ismu jkun jidher fl-aħħar Regjistru Elettorali rivedut u li dwaru tkun inħarġet karta ta' l-identità li tkun għadha valida, dokument, f'dan l-Att imsejjaħ "dokument għall-votazzjoni", skond il-forma u li jkun fih il-partikolaritajiet imsemmija fit-Tielet Skeda li tinsab ma' din l-Ordin-

nanza, u jkun ta' dak il-materjal u magħmul b'dak il-mod kif fil-fehma tal-Kummissjonarji jipprovdi ħarsien biżżejjed kontra falsifikazzjoni:

Iżda kull meta l-Kummissjonarji jkunu sodisfatti li dak l-elettur ma jkunx għad għandu l-kwalifiki meħtieġa biex jivvota, dawn m'għandhomx jibagħtulu d-dokument għall-votazzjoni.”;

(b) fis-subartikoli (2), (3), (4) u (5) tiegħu, minflok il-kliem “bl-avviż lill-eletturi”, kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem “bid-dokument għall-votazzjoni” u minflok il-kliem “l-avviż” kull fejn jinsabu x'imkien ieħor, għandhom jidhlu f'kull każ il-kliem “id-dokument”; u

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem “l-ewwel jum tal-votazzjoni” għandhom jidhlu l-kliem “il-ġurnata ta' l-elezzjoni”.

5. Fis-subartikolu (5) ta' l-artikolu 12 tal-liġi prinċipali —

Emenda ta' l-artikolu 12 tal-liġi prinċipali.

(a) minflok il-kliem “l-ewwel ġurnata iffissata għall-votazzjoni” kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem “il-ġurnata iffissata għall-votazzjoni”;

(b) minflok il-kliem “sebat ijiem tax-xogħol” għandhom jidhlu l-kliem “tnax-il jum tax-xogħol”, u

(ċ) minflok il-kliem “ħamest ijiem tax-xogħol” għandhom jidhlu l-kliem “għaxart ijiem tax-xogħol”.

6. Minflok l-artikolu 18 tal-liġi prinċipali għandu jidhol dan li ġej:

Sostituzzjoni ta' l-artikolu 18 tal-liġi prinċipali.

“Postijiet u ħinijiet tal-votazzjoni.

18. (1) F'kull post ta' votazzjoni għandu jkun hemm lista tal-eletturi li jistgħu jivvutaw f'dak il-post ta' votazzjoni. Din il-lista tkun prova konklużiva biex turi jekk persuna tistax jew le tivvota f'dak il-post ta' votazzjoni.

(2) Il-votazzjoni għandha ssir f'jum li jkun is-Sibt. Il-votazzjoni għandha tibda fis-7 a.m. u tispicċa fl-10.00 p.m.:

Iżda kull elettur illi fl-eqgħluq tal-votazzjoni ikun f'post ta' votazzjoni sabiex jivvota, għandu jedd li jirċievi l-polza tal-votazzjoni u li jivvota:

Iżda wkoll, meta l-Kummissionarji jkunu sodisfatti li l-ħin tal-votazzjoni jkun tnaqqas jew ikun se jtnaqqas, għal xi raġunijiet li fuqhom ma jkollhomx kontroll fil-postijiet tal-votazzjoni kollha jew f'wieħed minnhom iew iktar, huma jistgħu jtawwlu l-ħin stabbilit għall-votazzjoni f'dak il-post jew f'dawk il-postijiet tal-votazzjoni sabiex jagħmlu tajjeb għall-imsemmi ħin mitluf.”.

7. L-artikolu 21 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 21 tal-liġi prinċipali.

(a) minflok is-subartikolu (1) tiegħu għandu jidhol dan li ġej:

“(1) Kull elettur li ikun irid jivvota għandu jmur fil-post tal-votazzjoni speċifikat fid-dokument għall-votazzjoni li huwa jkun irċieva u għandu jikkonsenja dak id-dokument lil Assistent Kummissjonarju f'dak il-post tal-votazzjoni fil-ġurnata u matul il-ħinijiet stabbiliti għall-votazzjoni.”;

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “l-avviż lill-eletturi” kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem “id-

dokument għall-votazzjoni” u minflok il-kliem “l-avviż” kull fejn jinsabu x’imkien ieħor, għandhom jidhlu l-kliem “id-dokument”;

(ċ) minflok is-subartikolu (3) tiegħu għandu jidhol dan li ġej:

“(3) Ebda persuna ma tithalla tivvota jekk ma tippro-  
duċix u ma tikkonsenjax id-dokument għall-votazzjoni lill-  
Assistent Kummissjonarju.”;

(d) minflok is-subartikolu (4) tiegħu għandu jidhol dan li ġej:

“(4) Ma tithalla li ssir ebda 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 18 ta’ din l-Ordinanza; iżda l-Assistenti Kummis-  
sjonarji jistgħu, qabel ma jagħtu l-polza tal-votazzjoni lil elet-  
tur, jagħmlulu dawk il-mistoqsijiet li jidhirlhom xierqa sabiex  
jissodisfaw ruħhom mill-identità ta’ dak l-elettur.”;

(e) fis-subartikolu (5) tiegħu, minflok il-kliem “ta’ l-avviż  
imsemmi fis-subartikoli ta’ qabel dan” għandhom jidhlu l-kliem  
“tad-dokument għall-votazzjoni, u wara li jkun issodisfaw ruħhom  
mill-identità ta’ l-elettur”;

(f) fis-subartikolu (8) tiegħu, minnufih wara l-kliem “ta’  
l-artikolu 18 ta’ din l-Ordinanza” għandhom jidhlu l-kliem “u li  
xort’ohra tissodisfa l-htigiet ta’ dan l-artikolu”;

(g) minflok is-subartikolu (10) tiegħu għandu jidhol dan li  
ġej:

“(10) Bla ħsara għad-disposizzjonijiet ta’ din l-Ordi-  
nanza, ebda elettur ma jithalla jivvota flief fil-post tal-votaz-  
zjoni speċifikat fid-dokument għall-votazzjoni ipprezentat  
minnu sabiex jivvota.”; u

(ħ) is-subartikolu (11) tiegħu għandu jithassar.

Sostituzzjoni  
ta’ l-artikolu 29  
tal-liġi  
prinċipali.

8. Minflok l-artikolu 29 tal-liġi prinċipali għandu jidhol dan li ġej:

“Votaz-  
zjoni  
f’post  
tal-votaz-  
zjoni li  
ma jkunx  
speċifi-  
kat fid-  
dokument  
għall-  
elezzjoni.

29. (1) Il-Kummissjonarji, l-Assistenti Kummissjo-  
narji, l-Uffiċjali tal-Pulizija u persuni oħra legittimament inka-  
rigati mill-esekuzzjoni ta’ servizz f’post ta’ votazzjoni, jistgħu  
jivvotaw f’dak il-post ta’ votazzjoni li jiġi msemmi għal dan  
l-għan mill-Kummissjonarji.

(2) L-Assistenti Kummissjonarji u l-Uffiċjali tal-  
Pulizija inkarigati mill-esekuzzjoni ta’ servizz f’post ta’  
votazzjoni għandhom jivvotaw kemm jista’ jkun kmieni  
malli tibda l-votazzjoni.

(3) Il-kandidati għall-elezzjoni jistgħu jivvotaw  
f’wieħed mill-postijiet imsemmija għal dan l-għan mill-  
Kummissjonarji u li jkun qiegħed fid-distrett li għalih  
joħorgu għall-elezzjoni.

(4) Lista tal-persuni li għandhom il-jedd li jiv-  
votaw f’post ta’ votazzjoni skond id-disposizzjonijiet ta’  
qabel ta’ dan l-artikolu għandha tinzamm f’dak il-post ta’  
votazzjoni.”;

9. L-artikolu 30 tal-liġi prinċipali għandu jithassar.

Thassir ta' l-artikolu 30 tal-liġi prinċipali.

10. Minflok is-subartikoli (2) u (3) ta' l-artikolu 31 tal-liġi prinċipali għandhom jidhlu dawn li ġejjin:

Emenda ta' l-artikolu 31 tal-liġi prinċipali.

“(2) L-Assistenti Kummissjonarji għandhom iqiegħdu d-dokumenti għall-votazzjoni kollha ikkunsinnati lilhom f'kaxxa u għandhom iqiegħdu l-poloż kollha tal-votazzjoni mhux użati jew imħassrin u n-noti kollha bil-miktub miżmumin minnhom skond id-disposizzjonijiet ta' din l-Ordinanza f'pakkett, u għandhom jissigillaw dik il-kaxxa u dak il-pakkett separatament u jikkunsinnawhom lill-Kummissjonarji flimkien mal-kaxex tal-voti.

(3) Il-kandidati għal elezzjoni jew l-aġenti tagħhom jistgħu jidhlu fil-post li fih ikunu qed jinżammu l-kaxex tal-voti sakemm jiġu biex jingħaddu l-voti, sabiex iwahħlu s-sigill tagħhom fuq il-kaxex tal-voti u fuq il-pakketti msemmija fis-subartikolu (2) ta' dan l-artikolu.”.

11. L-artikolu 45 tal-liġi prinċipali għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 45 tal-liġi prinċipali.

(a) fis-subartikolu (1) tiegħu minflok il-kliem “tliet mitt lira” għandhom jidhlu l-kliem “sitt mitt lira” u minflok il-kliem “erbgħin lira” għandhom jidhlu l-kliem “mitt lira”; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem “tliet mitt lira” għandhom jidhlu l-kliem “sitt mitt lira” u minflok il-kliem “elf u hames mitt lira” għandhom jidhlu l-kliem “tlett elef lira”.

12. Fl-artikolu 63 tal-liġi prinċipali minflok il-kliem “avviż lill-eletturi” kull fejn jinsabu, għandhom jidhlu f'kull każ il-kliem “dokument għall-votazzjoni”.

Emenda ta' l-artikolu 63 tal-liġi prinċipali.

13. Minnufih wara l-artikolu 65 tal-liġi prinċipali għandu jizjed l-artikolu ġdid li ġej:

Zieda ta' artikolu ġdid 65A mal-liġi prinċipali.

“Projbizzjoni ta' wiri ta' kartelluni eċċ.

65A. (1) 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 avviż, 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 haġt 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) Kull persuna li tmur kontra xi waħda mid-disposizzjonijiet ta' qabel ta' dan l-artikolu teħel meta tinsab haġta 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-multu u prigunerija flimkien.


(3) Ikun id-dmir tal-Pulizija li tneħħi jew xort'oħra tikkanċella jew tħassar kull haġa għall-wiri, miktuba jew magħmula bi ksur ta' xi waħda mid-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu.”.

Sostituzzjoni  
tat-Tielet Skeda  
li tinsab  
mal-liġi  
prinċipali.

**14.** Minflok it-Tielet Skeda li tinsab mal-liġi prinċipali għandha tidhol l-Iskeda li ġejja:

**“IT-TIELET SKEDA**

(Artikolu 11)

<b>BIEX TIVVOTA</b>	
	Numru tal-Karta ta' l-Identità
(Isem u Indirizz)	(Ritratt)
TWELID (Meta)	(Sess)
DISTRETT ELETTORALI Fejn Tivvota	(Numru)  Kummissjonarju Elettorali”.

**Għanijiet u Ragunijiet**

L-Għanijiet ta' dan l-Abbozz huma murija fil-*white paper* ippubblikata illum.

**A BILL**  
**entitled**

*AN ACT further to amend the Electoral (Polling) Ordinance, Cap. 163.*

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

1. This Act may be cited as the Electoral (Polling) (Amendment) Act, 1981, and shall be read and construed as one with the Electoral (Polling) Ordinance, hereinafter referred to as "the principal law". Short title.
  
2. In subsection (1) of section 2 of the principal law, immediately after the definition of "identity card" there shall be added the following new definition: Amendment of section 2 of the principal law.

"“voting document” means the voting document which is to be forwarded to voters under section 11 of this Act;”.
  
3. In subsection (b) of section 10 of the principal law for the words "the days" there shall be substituted the words "the day". Amendment of section 10 of the principal law.
  
4. Section 11 of the principal law shall be amended as follows: Amendment of section 11 of the principal law.
  - (a) for subsection (1) thereof there shall be substituted the following:

“(1) The Commissioners shall, at any time not later than the fifteenth day after the publication of the Writ, forward to each voter whose name appears in the last revised Electoral Register and in respect of whom an identity card has been issued and is currently valid, a document, in this Act referred to as the “voting document”, made out in the form and containing the particulars set out in the Third Schedule to this Ordinance, and consisting of such material and made out in such manner as in the opinion of the Commissioners provides adequate security against forgery:

Provided that whenever the Commissioners are satisfied that such voter has ceased to have the necessary qualifications to vote, they shall not forward to him the voting document.”;

(b) in subsections (2), (3), (4) and (5) thereof, for the words “notice to voters”, wherever they occur, there shall be substituted in each case the words “voting document” and for the word “notice” wherever it otherwise occurs, there shall be substituted in each case the word “document”; and

(c) in subsection (4) thereof, for the words “the first day of the poll” there shall be substituted the words “the day of the poll”.

Amendment of section 12 of the principal law.

5. In subsection (5) of section 12 of the principal law :

(a) for the words “the first day fixed for the poll” wherever they occur, there shall be substituted in each case the words “the day fixed for the poll”;

(b) for the words “seven working days” there shall be substituted the words “twelve working days”; and

(c) for the words “five working days” there shall be substituted the words “ten working days”.

Substitution of section 18 of the principal law.

6. For section 18 of the principal law there shall be substituted the following :

“Polling places and polling time.

18. (1) At each polling place there shall be kept a list of voters entitled to vote in that polling place. Such list shall be conclusive evidence for determining whether a person is or is not entitled to vote at that polling place.

(2) The poll shall be held on a Saturday. The poll shall start at 7 a.m. and shall close at 10.00 p.m.:

Provided that every voter who at the close of the poll is present in a polling place for the purpose of voting shall be entitled to receive a ballot paper and vote :

Provided further that, when the Commissioners are satisfied that the time allowed for the polling has been, or will be, for any reason beyond their control, reduced at all or any one or more of the polling places, they may extend the time fixed for the poll at such polling place or places so as to make good for time lost as aforesaid.”.

Amendment of section 21 of the principal law.

7. Section 21 of the principal law shall be amended as follows :

(a) for subsection (1) thereof there shall be substituted the following :

“(1) Any voter wishing to vote shall attend at the polling place, specified in the voting document received by him and shall deliver such document to an Assistant Commissioner at such polling place on the day and during the hours appointed for the poll.”;

(b) in subsection (2) thereof, for the words “notice to voters” wherever they occur, there shall be substituted in each case the words “voting document” and for the word “notice” wherever it otherwise occurs, there shall be substituted the word “document”;

(c) for subsection (3) thereof there shall be substituted the following :

"(3) No person shall be allowed to vote unless he produces and delivers the voting document to the Assistant Commissioners.";

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

"(4) No inquiry shall be permitted at the time of the poll 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 18 of this Ordinance; 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.";

(e) in subsection (5) thereof, for the words "of the notice mentioned in the preceding subsections" there shall be substituted the words "of the voting document, and having satisfied themselves of the identity of the voter";

(f) in subsection (8) thereof, immediately after the words "section 18 of this Ordinance" there shall be inserted the words "and otherwise satisfies the requirements of this section";

(g) for subsection (10) thereof there shall be substituted the following:

"(10) Saving the provisions of section 29 of this Ordinance, no voter shall be allowed to vote except at the polling place specified in the voting document produced by him for the purposes of voting."; and

(h) subsection (11) thereof shall be deleted.

8. For section 29 of the principal law there shall be substituted the following:

Substitution of section 29 of the principal law.

"Voting in polling place other than that specified in voting document.

29. (1) The Commissioners, the Assistant Commissioners, the Police Officers and the other persons lawfully entrusted with some duty at a polling place may record their vote at such polling place as is designated for the purpose by the Commissioners.

(2) Assistant Commissioners and Police Officers on duty at a polling place shall cast their vote as early as practicable at the beginning of the poll.

(3) Candidates for election may record their vote in one of the polling places designated for the purpose by the Commissioners and situated in the division in which they stand for election.

(4) A list of the persons entitled to vote in a polling place in accordance with the foregoing provisions of this section shall be kept in such polling place."

9. Section 30 of the principal law shall be deleted.

Deletion of section 30 of the principal law.

Amendment of section 31 of the principal law.

10. For subsections (2) and (3) of section 31 of the principal law there shall be substituted the following:

"(2) The Assistant Commissioners shall place all the voting documents delivered to them in a box and shall place all unused or spoilt ballot papers and all written records kept by them in accordance with the provisions of this Ordinance in a packet, and shall seal such box and packet separately and deliver them to the Commissioners together with the ballot boxes.

(3) Candidates for election or their agents shall be entitled to have access to the place in which the ballot boxes are kept until the counting of the votes, for the purpose of affixing their seal to the ballot boxes and to the boxes and packets referred to in subsection (2) of this section."

Amendment of section 45 of the principal law.

11. Section 45 of the principal law shall be amended as follows:

(a) in subsection (1) thereof, for the words "three hundred pounds" there shall be substituted the words "six hundred pounds" and for the words "forty pounds" there shall be substituted the words "one hundred pounds"; and

(b) in subsection (2) thereof, for the words "three hundred pounds" there shall be substituted the words "six hundred pounds" and for the words "one thousand five hundred pounds" there shall be substituted the words "three thousand pounds".

Amendment of section 63 of the principal law.

12. In section 63 of the principal law for the words "notice to voters", wherever they occur, there shall be substituted in each case the words "voting document".

Addition of new section 65A to the principal law.

13. Immediately after section 65 of the principal law there shall be added the following new section:

"Prohibition of display of posters etc.

65A. (1) 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) 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 pounds 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.


(3) 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.

14. For the Third Schedule to the Ordinance there shall be substituted the following schedule:

Substitution  
of Third  
Schedule to  
the principal  
law.

"THIRD SCHEDULE

(Section 11)

BIEX TIVVOTA	
	Numru tal-Karta ta' l-Identità
(Isem u Indirizz)	(Ritratt)
TWELID (Meta)	(Sess)
DISTRETT ELETTORALI (Numru)	
Fejn Tivvota	
Kummissjonarju Elettorali".	

**Objects and Reasons**

The Objects of the Bill are set out in a white paper published to-day.