

Abbozz ta' Liġi msejjah

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

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

1. It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2012 li Jemenda l-Att dwar l-Elezzjonijiet Ġenerali, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar l-Elezzjonijiet Ġenerali, hawn iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor.

Kap. 354.

2. L-artikolu 33 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 33 tal-Att prinċipali.

(a) is-subartikolu (5) tiegħu għandu jiġi mħassar; u

(b) is-subartikolu (6) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Minkejja d-disposizzjonijiet tal-aħħar subartikolu qabel dan, il-Kummissjoni għandha tara li jiġi pubblikat fil-Gazzetta, kemm jista' jkun malajr wara x-xoljiment tal-Parlament u f'kull każ mhux aktar tard minn tlett ijiem tax-xogħol wara l-pubblikazzjoni tar-*Writ* fil-Gazzetta, Reġistru Elettorali rivedut, li r-reviżjoni tiegħu tkun tinkludi:

(a) kull tibdil fil-konfini tad-distretti elettorali li jista' jkun ġie approvat mill-Kamra bis-saħħa tad-disposizzjonijiet tal-artikolu 61 tal-Kostituzzjoni fiż-żmien bejn il-pubblikazzjoni tal-aħħar Reġistru Elettorali rivedut u x-xoljiment tal-Parlament; u

(b) kull korrezzjoni, zieda, trasferiment jew taħsir li jkun sar mid-data tal-pubblikazzjoni tal-aħħar Reġistru Elettorali rivedut pubblikat skont is-subartikolu (1) ta' dan l-artikolu; u

(ċ) kull persuna li, wara l-pubblikazzjoni tal-aħħar Reġistru Elettorali rivedut, tkun għalqet jew tkun ser taghlaq l-età ta' tmintax-il sena sal-gurnata, u inkluża dik il-gurnata, li tiġi minnufih qabel id-data li fiha għandha ssir l-elezzjoni, hekk iżda li dawn il-persuni jkunu, minbarra l-fatt li mhumiex elenkati fl-aħħar Reġistru Elettorali rivedut ippubblikat skont is-subartikolu (1) ta' dan l-artikolu, jikkwalifikaw biex jiġu reġistrati bħala eletturi skont l-artikolu 57 tal-Kostituzzjoni ta' Malta."

Sostituzzjoni tal-artikolu 35 tal-Att prinċipali.

3. L-artikolu 35 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"35. (1) Kull meta għandha ssir elezzjoni, l-eletturi jkunu l-persuni li isimhom ikun jidher fir-Reġistru Elettorali rivedut li jkun ġie ppubblikat skont id-dispożizzjonijiet tal-artikolu 33(6), sugġett għal dawk iż-żidiet, taħsiriet 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 reġistrat sakemm dak l-elettur ma jkunx miet:

Iżda xejn milli jinsab f'dan l-artikolu ma għandu jagħti jedd lil xi persuna li tivvota meta din ma jkunx għad għandha l-kwalifiki 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-ħtiġijiet ta' dan l-Att.

(2) L-uffiċjali pubbliċi msemmija fl-artikolu 20, il-Kummissarju tal-Pulizija, ir-Reġistratur tal-Qrati ta' Malta u r-Reġistratur tal-Qrati ta' Ghawdex, ikunu meħtieġa li jagħtu lill-Kummissjoni kull informazzjoni li din tista' teħtieġ rigward jekk persuna tkunx intitolata li tiġi reġistrata bħala elettur jew le."

Emenda tal-artikolu 46 tal-Att prinċipali.

4. L-artikolu 46 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikoli (5) sa (11) tiegħu, it-tnejn inklużi,

għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (6) sa (12), it-tnejn inklużi, rispettivament;

(b) minnufih wara s-subartikolu (4) tiegħu, għandu jizjed is-subartikolu ġdid li ġej:

"(5) (a) Kull elettur li jkun registrat bħala elettur f'Għawdex jista', fil-perjodu bejn sitt xhur qabel id-data tal-votazzjoni u għaxart ijiem mill-pubblikazzjoni tar-*Writ*, jinforma lill-Kummissjoni li dak l-elettur jixtieq li d-dokument jingabar minnu stess mill-uffiċċju tal-Kummissjoni f'Malta fil-perjodu li jibda meta dokumenti għall-votazzjoni li ma jkunux ġew konsenjati jistgħu jingabru skont is-subartikolu (9) sal-ġurnata tal-Ħamis sew sew qabel il-ġurnata tal-elezzjoni.

(b) F'dan il-każ il-Kummissjoni għandha, sakemm dak id-dokument għall-votazzjoni ma jkunx ġie konsenjat qabel ma tkun irċeviet dik it-talba, tiżgura li dak id-dokument għall-votazzjoni jinżamm jew jinġieb lura, u jkun magħmul disponibbli biex jingabar mill-elettur personalment mill-uffiċċju tal-Kummissjoni f'Malta fil-granet stabbiliti għall-ġbir skont id-dispożizzjonijiet ta' dfan is-subartikolu.

(c) Il-Kummissjoni għanda żżomm registru bil-miktub tat-talbiet kollha li jsiru bis-saħħa ta' dan is-subartikolu u għandha tagħti lill-partiti lista ta' kull talba li hekk tirċievi, b'din il-lista tingħata l-ewwel darba fi żmien jumejn mill-pubblikazzjoni tar-*Writ* u aġġornata kull jumejn wara dik il-ġurnata.";

(c) fis-subartikolu (9) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "skont ma hemm fis-subartikolu (6)" għandhom jidhlu l-kliem "skont ma hemm fis-subartikolu (7)";

(d) is-subartikolu (10) tiegħu, kif enumerat mill-ġdid, għandu jiġi emendat kif ġej:

(i) minflok il-kliem "li tinsab fis-subartikoli (6), (7) u (8)", għandhom jidhlu l-kliem "li tinsab fis-subartikoli (7), (8) u (9)";

(ii) minflok il-kliem "msemmija fis-subartikolu (5)", għandhom jidhlu l-kliem "msemmija fis-subartikolu (6)"; u

(iii) minflok il-kliem "skond is-subartikolu (8)",

għandhom jidhlu l-kliem "skont is-subartikolu (9)".

Emenda tal-artikolu 77 tal-Att prinċipali.

5. L-artikolu 77 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fil-paragrafu (b) tas-subartikolu (3) tiegħu, minflok il-kliem "f' San Vinċenz de Paule.", għandhom jidhlu l-kliem "f' San Vinċenz de Paule;", u minnufih wara għandu jizdied il-paragrafu ġdid li ġej:

"(ċ) fl-Isptar Mater Dei, l-Imsida, fl-Isptar Karen Grech, Gwardamanga, fl-Isptar Monte Karmeli, H'Attard u fl-Isptar Ġenerali Ghawdex.";

(b) minnufih wara l-paragrafu (ċ) tas-subartikolu (4) tiegħu, għandu jizdied il-paragrafu ġdid li ġej:

"(d) L-eletturi kollha li, tliet ijiem qabel il-votazzjoni, ikunu reġistrati bħala pazjenti fl-Isptar Mater Dei, fl-Isptar Karen Grech, fl-Isptar Monte Karmeli, u fl-Isptar Ġenerali Ghawdex, għandhom jivvotaw fil-post indikat fis-subartikolu (3)(ċ) u jkun id-dmir tas-sotto kumitat stabbilit skont l-artikolu 81, li jiddetermina min għandhom ikunu dawn l-eletturi."; u

(ċ) is-subartikolu (6) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(6) Fil-każ ta' daww l-eletturi li jivvotaw fil-lokalitajiet indikati fis-subartikolu (3)(a) u (b), kopja ta' listi tal-persuni intitolati biex jivvotaw f'daww il-postijiet tal-votazzjoni mhallta għandha tingħata mill-Kummissjoni Elettorali lill-partiti politiċi mill-anqas erbat ijiem qabel il-ġurnata tal-elezzjoni. Il-lista tal-persuni intitolati biex jivvotaw fil-lokalità indikata fis-subartikolu (3)(ċ) għandha tingħata mill-Kummissjoni Elettorali lill-partiti politiċi mhux aktar tard minn nofs-il lejl tal-ġurnata tal-Ħamis qabel il-ġurnata tal-votazzjoni.".

Sostituzzjoni tal-intestatura tat-Taqsima XII tal-Att prinċipali.

6. Minflok l-intestatura tat-Taqsima XII tal-Att prinċipali, għandha tidhol l-intestatura ġdida li ġejja: "Votazzjoni fi Djar tal-Anzjani u fi Sptarijiet".

Sostituzzjoni tal-artikolu 80 tal-Att prinċipali.

7. L-artikolu 80 tal-Att prinċipali għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"80. Għall-finijiet ta' din it-Taqsima, 'dar tal-anzjani' tfisser dak il-post jew daww il-postijiet prinċipalment użati

għall-kura ta' persuni anzjani li fihom ikunu, mill-inqas, joqogħdu hamsin elettur u 'sptarijiet' tfisser l-Isptar Mater Dei, l-Isptar Karen Grech u l-Isptar Monte Karmeli f'Malta u l-Isptar Ġenerali f'Għawdex."

8. L-artikolu 81 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 81 tal-Att prinċipali.

(a) fis-subartikolu (1) tiegħu, minflok il-kliem "fid-djar ta' l-anzjani kollha", għandhom jidhlu l-kliem "fid-djar tal-anzjani u fl-isptarijiet kollha"; u

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "fi djar għan-nies avvanzati", għandhom jidhlu l-kliem "fid-djar tal-anzjani u fl-isptarijiet".

9. L-artikolu 82 tal-Att prinċipali għandu jiġi emendat kif ġej: Emenda tal-artikolu 82 tal-Att prinċipali.

(a) is-subartikoli (2), (3) u (4) tiegħu għandhom jiġu enumerati mill-ġdid bħala s-subartikoli (3), (4) u (5) rispettivament;

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

"(2) Fi żmien tliet ijiem mill-pubblikazzjoni tar-*Writ* il-persuna responsabbli mit-tmexxija ta' sptar għandha tibgħat lis-sotto kumitat:

(a) lista tal-pazjenti li f'dak iż-żmien ikunu fl-isptarijiet b'indikazzjoni tal-isem, numru tal-karta tal-identità, l-aħħar indirizz magħruf, numru tal-ward, l-isem u l-indirizz tal-eqreb qarib tal-pazjent. Il-persuna responsabbli mit-tmexxija għandha, kull jum, tibgħat lista aġġornata tal-pazjenti lis-sotto kumitat sal-ġurnata sew sew qabel l-elezzjoni; u

(b) lista tal-persunal kollu fl-isptar li turi l-isem, in-numru tal-karta tal-identità, l-indirizz, il-kariga u l-hinijiet tax-xogħol sal-għada tal-jum stabbilit għall-votazzjoni.";

(c) fis-subartikolu (4) tiegħu, kif enumerat mill-ġdid, minflok il-kliem "ta kull dar ta' l-anzjani", għandhom jidhlu l-kliem "ta' kull dar tal-anzjani u ta' kull sptar"; u

(d) fis-subartikolu (5) tiegħu, kif enumerat mill-ġdid,

minflok il-kliem "fi djar ta' l-anzjani", għandhom jidhlu l-kliem "fi djar tal-anzjani u fi sptarijiet".

Emenda tal-
artikolu 83 tal-
Att prinċipali.

10. L-artikolu 83 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi sostitwit bis-subartikolu ġdid li ġej:

"(1) Id-dokumenti għall-votazzjoni ta' eletturi li jkunu reġistrati fi djar tal-anzjani għandhom jitqassmu lill-eletturi personalment fid-dar tal-anzjani. Sakemm ma jkunx gew ikkonsenjati lill-eletturi qabel ma l-elettur ikun daħal fl-isptar bhala pazjent, id-dokumenti għall-elezzjoni ta' pazjenti fi sptarijiet għandhom jiġu konsenjati lill-elettur personalment fl-isptarijiet. L-elettur jista' jagħzel li jikkonsenja d-dokument għall-votazzjoni liċ-*Chairperson* tas-Sotto-kumitat sabiex jieħu hsiebu fiż-żgur, u dak iċ-*Chairperson* 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.";

(b) fis-subartikolu (2) tiegħu, minflok il-kliem "fi djar ta' l-anzjani", għandhom jidhlu l-kliem "fi djar tal-anzjani u fi sptarijiet";

(ċ) fis-subartikolu (4) tiegħu, minflok il-kliem "f'dawk id-djar", kull fejn jinsabu, għandhom jidhlu l-kliem "f'dawk id-djar u f'dawk l-isptarijiet";

(d) fil-paragrafu (a) tas-subartikolu (6) tiegħu, minflok il-kliem "fi djar ta' l-anzjani", għandhom jidhlu l-kliem "fi djar tal-anzjani u fi sptarijiet"; u

(e) fis-subartikolu (7) tiegħu, minflok il-kliem "f'dar ta' l-anzjani", għandhom jidhlu l-kliem "f'dar tal-anzjani u fi sptar".

Għanijiet u Raġunijiet

L-għanijiet ta' dan l-Abbozz ta' Ligi huma biex jiġu aġġornati d-dispożizzjonijiet tal-Att dwar l-Elezzjonijiet Ġenerali sabiex jittiehed f'konsiderazzjoni l-proċess tal-votazzjoni li għandu jsir fi sptarijiet u fi djar tal-anzjani. L-Abbozz ta' Ligi jipprovdi wkoll għal bidliet fil-pubblikazzjoni tar-Registru Elettorali, ir-reġistrazzjoni ta' eletturi u l-ġbir ta' dokumenti għall-vot.

**A Bill
entitled**

AN ACT to amend the General Elections Act.

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

1. The short title of this Act is the General Elections (Amendment) Act, 2012, and this Act shall be read and construed as one with the General Elections Act, hereinafter referred to as "the principal Act".

Short title.

Cap. 354.

2. Article 33 of the principal Act shall be amended as follows:

Amendment of article 33 of the principal Act.

(a) subarticle (5) thereof shall be deleted; and

(b) subarticle (6) thereof shall be substituted by the following new subarticle:

"(6) Notwithstanding the provisions of the last preceding subarticle, the Commission shall cause to be published in the Gazette as soon as possible after the dissolution of Parliament and in any case not later than three working days after the publication of the Writ in the Gazette, a Revised Electoral Register, the revision of which shall include:

(a) any alteration to the boundaries of the electoral divisions which may have been approved by the House under the provisions of article 61 of the Constitution in the interim between the

publication of the last Revised Electoral Register and the dissolution of Parliament; and

(b) all corrections, additions, transfers and cancellations effected from the date of the publication of the last Revised Electoral Register published in terms of subarticle (1) of this article; and

(c) any person who has since the publication of the last Revised Electoral Register attained or shall attain the age of eighteen years up to and including the day preceding the day on which the election is to be held provided that such persons are, except for the fact that they are not listed in the last Revised Electoral Register published in terms of subarticle (1) of this article, qualified to be registered as voters in accordance to article 57 of the Constitution of Malta."

Substitution of article 35 of the principal Act.

3. Article 35 of the principal Act shall be substituted by the following new article:

"35. (1) Whenever an election is to be held, the voters shall be those whose name appears in the Revised Electoral Register published in terms of article 33(6), 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:

Provided that nothing in this article shall entitle any person to vote, who has ceased to have the necessary qualifications to vote or relieve such person from penalties to which he may be liable for so voting. Nor shall anything in this article entitle any person to vote unless he satisfies the requirements of this Act.

(2) The public officers indicated in article 20, the Commissioner of Police, the Registrar of the Courts of Malta and the Registrar of the Courts of Gozo, shall be required to furnish the Commission with all information it may require to determine whether or not a person is entitled to be registered as a voter."

Amendment of article 46 of the principal Act.

4. Article 46 of the principal Act shall be amended as follows:

(a) subarticles (5) to (11) thereof, both inclusive, shall

be re-numbered as subarticles (6) to (12), both inclusive, respectively;

(b) immediately after subarticle (4) thereof, there shall be added the following new subarticle:

"(5) (a) Any voter who is registered as a voter in Gozo may, in the period between six months prior to the day of the voting and ten days from the publication of the Writ, inform the Commission that such voter desires that his document is collected by himself from the office of the Commission in Malta in the period starting from when undelivered voting documents can be collected in terms of subarticle (9) up to the Thursday before polling day.

(b) In such event the Commission shall, unless such voting document had already been delivered prior to the receipt of such request, ensure that such voting document is withheld or retrieved, and made available for collection by the voter personally from the office of the Commission in Malta on the days appointed for collection in terms of this subarticle.

(c) The Commission shall keep a written record of all requests made by virtue of this subarticle and shall provide the parties with a list of such requests received, with such list being supplied first within two days from the publication of the Writ and updated every two days thereafter.";

(c) in subarticle (9) thereof, as re-numbered, for the words "in terms of subarticle (6)" there shall be substituted the words "in terms of subarticle (7)";

(d) subarticle (10) thereof, as re-numbered, shall be amended as follows:

(i) for the words "contained in subarticles (6), (7) and (8)", there shall be substituted the words "contained in subarticles (7), (8) and (9)";

(ii) for the words "mentioned in subarticle (5)", there shall be substituted the words "mentioned in subarticle (6)"; and

(iii) for the words "in terms of subarticle (8)", there shall be substituted the words "in terms of subarticle (9)".

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Amendment of article 77 of the principal Act.

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

(a) in paragraph (b) of subarticle (3) thereof, for the words "at Saint Vincent de Paule.", there shall be substituted the words "at Saint Vincent de Paule;"; and immediately thereafter there shall be added the following new paragraph:

"(c) at Mater Dei Hospital, Msida, Karen Grech Hospital, Gwardamanga, Mount Carmel Hospital, Attard, and Gozo General Hospital.";

(b) immediately after paragraph (c) of subarticle (4) thereof, there shall be added the following new paragraph:

"(d) All voters who three days before polling shall be registered as patients at Mater Dei Hospital, Karen Grech Hospital, Mount Carmel Hospital, and at the Gozo General Hospital, shall vote in the place indicated in subarticle (3)(c) and it shall be the duty of the sub-committee set up under article 81, to determine who these voters shall be."; and

(c) subarticle (6) thereof shall be substituted by the following new subarticle:

"(6) In the case of those voters voting in the localities indicated in subarticle (3)(a) and (b), a copy of the list of persons entitled to vote in such mixed polling place shall be given by the Electoral Commission to the political parties, at least four days prior to polling day. The list of the persons entitled to vote in locality indicated in subarticle (3)(c) shall be given by the Electoral Commission to the political parties by not later than midnight of the Thursday preceding the polling date."

Substitution of heading in Part XII of the principal Act.

6. For the heading in Part XII of the principal Act, there shall be substituted the following new heading: "Voting in Retirement Homes and Hospitals".

Substitution of article 80 of the principal Act.

7. Article 80 of the principal Act shall be substituted by the following new article:

"80. For the purpose 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 and 'hospitals' means Mater Dei Hospital, Karen Grech Hospital and Mount Carmel Hospital in Malta, and the General Hospital

in Gozo."

8. Article 81 of the principal Act shall be amended as follows: Amendment of article 81 of the principal Act.

(a) in subarticle (1) thereof, for the words "retirement homes", there shall be substituted the words "retirement homes and hospitals"; and

(b) in subarticle (2) thereof, for the words "old age homes", there shall be substituted the words "retirement homes and hospitals".

9. Article 82 of the principal Act shall be amended as follows: Amendment of article 82 of the principal Act.

(a) subarticles (2), (3) and (4) thereof shall be re-numbered as subarticles (3), (4) and (5) respectively;

(b) immediately after subarticle (1) thereof there shall be added the following the new subarticle:

"(2) Within three days of the publication of the Writ the person responsible for the administration of hospitals shall send to the sub-committee:

(a) a list of all patients currently in the hospitals indicating the name, identity card number, last known address, ward number, name and address of the next of kin. The person responsible for the administration shall send updated lists of the patients on a daily basis to the sub-committee until the day preceding the election; and

(b) a list of all staff at the hospital indicating the name, identity card number, address, grade and working hours up to the day following the day fixed for voting.";

(c) in subarticle (4) thereof, as re-numbered, for the words "retirement home", there shall be substituted the words "retirement home and hospital"; and

(d) in subarticle (5) thereof, as re-numbered, for the words "retirement homes", there shall be substituted the words "retirement homes and hospitals".

10. Article 83 of the principal Act shall be amended as follows: Amendment of article 83 of the principal Act.

(a) subarticle (1) thereof shall be substituted by the following new subarticle:

"(1) The voting documents of voters registered in retirement homes shall be delivered to the voters personally in the retirement home. Unless delivered to the voter prior to admittance as a patient into a hospital, the voting documents of patients in hospitals shall be delivered to the voter personally in the hospitals. The voter may opt to deliver the voting document to the Chairperson of the Sub-Committee for safekeeping, and such Chairperson 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.";

(b) in subarticle (2) thereof, for the words "in retirement homes", there shall be substituted the words "in retirement homes and hospitals";

(c) in subarticle (4) thereof, for the words "at such homes" and "to such homes", there shall be substituted the words "at such homes and hospitals" and "to such homes and hospitals" respectively;

(d) in paragraph (a) of subarticle (6) thereof, for the words "retirement homes", there shall be substituted the words "retirement homes and hospitals"; and

(e) in subarticle (7) thereof, for the words "in a retirement home", there shall be substituted the words ""in a retirement home and hospital".

Objects and Reasons

The objects of this Bill are to update the provisions of the General Elections Act to take into consideration the voting process to be undertaken in hospitals and retirement homes. The Bill also provides for changes in the publication of the Electoral Register, the registration of voters and the collection of voting documents.
