

Nru. 5

6. 6. 2003

MALTA

KAMRA TAD-DEPUTATI

ABBOZZ ta' Ligi mressaq mill-Onorevoli Eddie Fenech Adami, M.P., Prim Ministru, u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Mejju, 2003.

ATT biex jipprovdi dwar iż-żamma ta' elezzjonijiet għall-Parlament Ewropew.

RICHARD J. CAUCHI
Skrivan tal-Kamra tad-Deputati

HOUSE OF REPRESENTATIVES

A BILL introduced by the Honourable Eddie Fenech Adami, M.P., Prime Minister, and read the First time at the Sitting of the 26th May, 2003.

AN ACT to make provision for the holding of elections to the European Parliament.

RICHARD J. CAUCHI
Clerk of the House of Representatives

ABBOZZ TA' LIĠI msejjaħ

ATT biex jipprovi dwar iż-żamma ta' elezzjonijiet għall-Parlament Ewropew.

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

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew. Titolu fil-qosor u bidu fis-seħh.

(2) Id-disposizzjonijiet ta' dan l-Att għandhom jidhlu fis-seħh f' dik id-data li l-Prim Ministru jista' b' avviż fil-Gazzetta jstabbilixxi, u jistgħu jiġu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti u għanijiet differenti tiegħu.

2. F'dan l-Att kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ Tifsir. xort'ohra:

“l-Att” tfisser l-Att ta' l-Istati Membri tal-Komunitajiet Ewropej, dwar l-elezzjoni tar-rappreżentanti ta' l-Assemblea b' vot dirett u universali, anness mad-Deciżjoni 76/787/ECSE, KEE, Euratom publikat fil-Ġurnal Uffiċjali ta' l-Unjoni Ewropea, kif emendat minn żmien għal żmien;

“awtorità kompetenti” tfisser dak il-korp fi Stat Membru li jkun inkarigat mit-tmexxija ta’ l-elezzjonijiet ta’ membri tal-Parlament Ewropew u r-registrazzjoni ta’ elettori għall-istess;

“ċittadin ta’ l-Unjoni Ewropea” tfisser persuna li tkun ċittadin ta’ xi wiehed mill-Istati Membri;

“Elenku Elettorali” fir-rigward ta’ Malta tfisser ir-Registru Elettorali u r-Registru Elettorali ta’ l-Unjoni Ewropea u fir-rigward ta’ Stati Membri ohra tfisser ir-registru uffiċjali ta’ l-elettori kollha li jkollhom jedd jivvotaw f’xi kostitwenza jew lokalità partikolari, redatt u aġġornat mill-awtorità kompetenti taht il-liġi elettorali relattiva ta’ l-Istat Membru jew ir-registru tal-popolazzjoni meta dak ir-registru jkun jindika l-eligibilità għal vot;

“elezzjoni ta’ membri tal-Parlament Ewropew” tfisser elezzjonijiet ta’ membri tal-Parlament Ewropew miżmuma skond, u kif maħsub, fl-Att u fit-Trattat;

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

“Parlament Ewropew” tfisser il-Parlament Ewropew imsemmi fit-Trattat;

Kap. 354.

“Registru Elettorali” tfisser ir-Registru Elettorali pubblikat skond id-disposizzjonijiet ta’ l-Att dwar l-Elezzjonijiet Ġenerali;

“Registru Elettorali ta’ l-Unjoni Ewropea” tfisser ir-registru ta’ elettori li jinżamm skond l-artikoli 11 sa 14 ta’ dan l-Att;

“Stat Membru” tfisser Stat li jkun membru ta’ l-Unjoni Ewropea;

“Stat Membru ta’ Ċittadinanza” tfisser l-Istat Membru li persuna tkun ċittadin tiegħu;

“it-Trattat” għandha l-istess tifsira lilha mogħtija fl-artikolu 2 ta’ l-Att ta’ l-2003 dwar l-Unjoni Ewropea;

“Unjoni Ewropea” tfisser l-Unjoni Ewropea msemmija fit-Trattat.

- 3.** L-elezzjoni ta' membri tal-Parlament Ewropew ghandha ssir skond id-disposizzjonijiet ta' dan l-Att. Elezzjoni ta' membri tal-Parlament Ewropew f' Malta.
- 4.** L-ghadd ta' membri tal-Parlament Ewropew li ghandhom jigu eletti ghandu jkun dak stabbilit bit-Trattat jew tahtu. Ghadd ta' membri tal-Parlament Ewropew.
- 5.** (1) L-elezzjonijiet ta' membri tal-Parlament Ewropew ghandhom isiru kull hames snin bl-ewwel elezzjoni fl-2004, fit-tieni Sibta ta' Gunju jew f'dik id-data ohra li l-Prim Ministru jista' b'avviz fil-Gazzetta minn zmien ghal zmien jistabbilixxi. Data u hin ta' l-elezzjonijiet.
- (2) Il-votazzjoni tibda fis-7.00 ta' filghodu u ttemm fl-10.00 ta' billejl.
- 6.** Ir-registrazzjoni ta' elettori ghall-Elezzjonijiet ta' membri tal-Parlament Ewropew, it-tmexxija ta' l-elezzjonijiet relattivi u l-ghadd tal-voti jkunu r-responsabbiltà esklużiva tal-Kummissjoni Elettorali. Hi l-Kummissjoni Elettorali li tmexxi l-elezzjonijiet eċċ.
- 7.** L-elezzjoni ta' membri tal-Parlament Ewropew ghandha titmexxa skond il-principju ta' rappreżentanza proporzjonali permezz ta' vot wiehed trasferibbli, fejn kull elettur ikollu vot wiehed bhal dak. Metodu ta' l-Elezzjoni.
- 8.** Ghall-fini ta' l-elezzjoni ta' membri tal-Parlament Ewropew it-territorju ta' Malta tiffirma distrett elettorali wahdieni. Malta tiffirma distrett elettorali wiehed.
- 9.** Mill-inqas hamsa u tletin jum qabel il-ġurnata stabbilita ghall-elezzjoni ta' membri tal-Parlament Ewropew, il-Kummissjoni Elettorali ghandha tohrog u tippublika fil-Gazzetta avviz li jkollu l-ghamla murija fl-Ewwel Skeda li tinsab ma' dan l-Att. Avviz ta' Elezzjoni.
- 10.** Kull persuna li isimha jkun jidher fir-Registru Elettorali li jkun gie l-ahhar pubblikat qabel id-data stabbilita ghall-elezzjoni u kull persuna li jkollha isimha jidher fir-Registru Elettorali ta' l-Unjoni Ewropea u li f' kaz wiehed jew l-iehor ma tkunx, wara l-pubblikazzjoni ta' dak ir-Registru Elettorali jew ta' dak ir-Registru Elettorali ta' l-Unjoni Ewropea, insabet hatja ta' xi reat li jkollu x' jaqsam ma' l-elezzjoni ta' membri tal-Kamra tad-Deputati jew ma' l-elezzjoni ta' membri ta' Kunsilli Lokali jew ma' l-elezzjoni ta' membri tal-Parlament Ewropew, ikollha jedd tivvota fl-elezzjonijiet ta' membri tal-Parlament Ewropew. Persuni li jkollhom jedd jivvotaw.
- 11.** Bla hsara ghad-disposizzjonijiet ta' l-artikolu 12, persuna tkun kwalifikata sabiex tkun registrata fir-Registru Elettorali ta' l-Unjoni Ewropea jekk, u ma ghandhiex tkun hekk kwalifikata kemm-il darba - Kwalifika ta' elettori fir-Registru Elettorali ta' l-Unjoni Ewropea.

(a) ma tkunx Ċittadin ta' l-Unjoni Ewropea li isimha ma jkunx jidher fir-Registru Elettorali;

Kap. 258.

(b) ma tkunx mehtieġa jkollha, u hekk ikollha, karta ta' l-identità skond l-Att dwar il-Karti ta' l-Identità; u

(ċ) ma jkollhiex ir-rekwiziti elenkati fil-paragrafi (b) u (ċ) ta' l-artikolu 57 tal-Kostituzzjoni:

Iżda għall-finijiet ta' dan il-paragrafu residenza f'xi Stat Membru għandha titqies bhala residenza f'Malta;

(d) ma tiddikjarax li tkun se twettaq id-dritt tagħha li tivvota għall-elezzjonijiet ta' membri tal-Parlament Ewropew f' Malta biss; u

(e) ma tkunx giet imċahhda mid-dritt li tivvota fl-Istat Membru ta' ċittadinanza tagħha.

Skwalifika ta' eletturi mir-Registru Elettorali ta' l-Unjoni Ewropea.

12. Hadd ma jkun kwalifikat li jkun registrat fir-Registru Elettorali ta' l-Unjoni Ewropea jekk -

(a) ikun interdett jew inabilitat minhabba xi mard tal-mohh minn qorti fi Stat Membru jew ikun ġie xort' ohra stabbilit fi Stat Membru li jkun ta' mohh marid;

(b) ikun taht kundanna ta' priġunerija (tissejjah kif tkun imsejha) ta' iżjed minn tmax-il xahar li tkun giet imposta fuqu minn qorti fi Stat Membru jew sostitwita minn awtorità kompetenti għal xi kundanna ohra imposta fuqu minn qorti bhal dik, jew ikun taht kundanna bhal dik ta' priġunerija li l-eżekuzzjon tagħha tkun giet sospiza; jew

(ċ) ikun skwalifikat minn registrazzjoni bhala elettur minn jew skond xi liġi f'Malta minhabba li jkun ġie misjub hati ta' xi reat dwar l-elezzjoni ta' membri tal-Kamra tad-Deputati, membri tal-Kunsilli Lokali jew membri tal-Parlament Ewropew.

Pubblikazzjoni tar-Registru Elettorali ta' l-Unjoni Ewropea.

13. (1) Il-Kummissjoni Elettorali għandha tippubblika r-Registru Elettorali ta' l-Unjoni Ewropea li jkun fih elenku tal-persuni kollha kwalifikati biex ikunu registrati hemm fih skond l-artikolu 11.

(2) Id-disposizzjonijiet ta' l-Att dwar l-Elezzjonijiet Ġenerali dwar il-pubblikazzjoni u t-tiswija tar-Registru Elettorali u t-thassir ta' ismijiet minn fuqu, għandhom kemm-il darba ma jiġix provdut

xort' ohra f'dan l-Att japplikaw ghar-rigward tar-Registru Elettorali ta' l-Unjoni Ewropea.

(3) Ċittadin ta' Malta li jkun registrat fir-Registru Elettorali ta' l-Unjoni Ewropea u li jkun kwalifikat biex jiġi registrat fir-Registru Elettorali għandu jkollu ismu mhassar mir-Registru Elettorali ta' l-Unjoni Ewropea meta huwa jiġi registrat fir-Registru Elettorali.

(4) Ċittadin ta' Malta li għal xi raġuni jkollu ismu mhassar mir-Registru Elettorali imma li jkun kwalifikat biex jiġi registrat fir-Registru Elettorali ta' l-Unjoni Ewropea għandu, meta jkollu ismu mhassar mir-Registru Elettorali, jiġi registrat fir-Registru Elettorali ta' l-Unjoni Ewropea.

14. (1) Persuna li titlob li tiġi registrata fir-Registru Elettorali ta' l-Unjoni Ewropea għandha tiġi hekk registrata biss u jkollha jedd li tibqa' hekk registrata biss jekk, minbarra li tkun tissodisfa l-htigiet ta' l-artikolu 11, tiddikjara lill-Kummissjoni Elettorali:

Registrazzjoni fir-Registru Elettorali ta' l-Unjoni Ewropea.

- (a) li tkun residenti f'Malta;
- (b) xi tkun iċ-ċittadinanza tagħha;
- (ċ) id-data meta tkun bdiet toqghod f'Malta jew f'xi Stat Membru iehor;
- (d) l-indirizz tagħha f'Malta;
- (e) il-lokalità jew kostitwenza fl-Istat Membru ta' ċittadinanza tagħha, jekk ikun il-każ, li fl-Elenku Elettorali tagħha isimha jkun gie l-aħhar registrat;
- (f) li tkun se teżercita l-jedd tagħha li tivvota f'Malta biss;
- (g) li ma tkunx giet imcaħhda mid-dritt tagħha li tivvota fl-Istat Membru ta' ċittadinanza tagħha;

u tippreżenta lill-imsemmija Kummissjoni dokument ta' identità validu.

(2) Meta persuna tkun tissodisfa l-htigiet tas-subartikolu (1) ta' dan l-artikolu, il-Kummissjoni Elettorali għandha tniżżel isimha fir-Registru Elettorali ta' l-Unjoni Ewropea jekk hija tkun sodisfatta li dik il-persuna tkun hekk kwalifikata skond l-artikolu 11.

Skambju ta' informazzjoni konnessa mar-registrazzjoni ta' eletturi.

15. (1) Il-Kummissjoni Elettorali għandha tavża lill-awtorità kompetenti ta' l-Istat Membru ta' ċittadinanza dwar kull dikjarazzjoni magħmula minn xi persuna skond l-artikolu 14, għall-uniku skop li jiġi verifikat il-kontenut tagħha; u meta skond informazzjoni li tasal mingħand l-Istat Membru ta' Ċittadinanza jkun jirriżulta li l-kontenut tad-dikjarazzjoni ma jkunx veru, il-Kummissjoni Elettorali ma għandhiex tirreġistra lil dik il-persuna fir-Registru Elettorali ta' l-Unjoni Ewropea, jew, jekk dik il-persuna tkun diġà registrata, thassrilha isimha minn fuqu.

(2) Il-Kummissjoni Elettorali għandha tivverifika il-kontenut ta' dikjarazzjonijiet simili li jsiru lill-awtoritajiet kompetenti fi Stati Membri oħra u għandha twasslilhom kull informazzjoni rilevanti li jista' jkollha f'idejha.

(3) L-informazzjoni skambjata skond dan l-artikolu għandha tiġi pprovduta malajr u f'forma u mod adatti u tista' tinkludi biss dawk id-dettalji li huma strettament meħtieġa għall-implimentazzjoni tad-disposizzjonijiet ta' dan l-artikolu u tista' tintuża biss għal dawk l-għanijiet.

Tnehhija ta' isem mir-Registru Elettorali ta' l-Unjoni Ewropea.

16. Persuna li isimha ikun jidher fur ir-Registru Elettorali ta' l-Unjoni Ewropea tista' f'kull waqt, bil-miktub titlob lill-Kummissjoni Elettorali tnehhilha isimha minn fuq dak ir-Registru u malli jsir dan isimha għandu jithassar mir-Registru Elettorali ta' l-Unjoni Ewropea.

Eliminazzjoni ta' votazzjoni doppja.

17. (1) Hadd ma għandu f'elezzjoni għal membri tal-Parlament Ewropew jitfa' l-vot tiegħu f'Malta u f'xi Stat Membru ieħor.

(2) Kull persuna li tikser id-disposizzjonijiet tas-subartikolu (1) ta' dan l-artikolu tkun hatja ta' reat u tista', meta tinsab hatja, tehel prigunerija għal żmien mhux iżjed minn sitt xhur jew multa ta' mhux iżjed minn għaxart elef lira jew dik il-multu u prigunerija flimkien.

(3) Biex tiġi żgurata konformità mas-subartikolu (1) ta' dan l-artikolu, il-Kummissjoni Elettorali għandha, fi żmien biżżejjed qabel il-ġurnata stabbilita għall-votazzjoni, tgharraf lill-awtorità kompetenti fl-Istat Membru ta' Ċittadinanza ta' persuna elenkata fir-Registru Elettorali ta' l-Unjoni Ewropea li tkun għażlet li tivvota f'Malta.

(4) Meta l-Kummissjoni Elettorali tkun irċeviet informazzjoni mingħand l-awtorità kompetenti ta' Stat Membru ieħor li xi persuna, li isimha jkun imniżżel fir-Registru Elettorali jew fir-Registru Elettorali ta' l-Unjoni Ewropea, tkun għet registrata fl-Elenku Elettorali ta' dak l-Istat, hija għandha għall-finijiet ta' l-elezzjoni ta' membri tal-Parlament Ewropew thassar isem dik il-persuna mir-Registru

Elettorali, jew mir-Registru Elettorali ta' l-Unjoni Ewropea, skond il-każ.

18. Bla hsara ghad-disposizzjonijiet ta' l-artikolu 19, persuna tkun kwalifikata tikkontesta elezzjoni għal membri tal-Parlament Ewropew jekk dik il-persuna tkun registrata bhala elettur fir-Registru Elettorali jew fir-Registru Elettorali ta' l-Unjoni Ewropea:

Persuni kwalifikati biex jikkontestaw l-elezzjonijiet.

Izda ufficjali pubbliċi jew xi klassi jew klassijiet tagħhom jistgħu jkunu ristretti milli jikkontestaw elezzjoni għal membri tal-Parlament Ewropew mill-Kodiċi dwar il-*Management* tas-Servizz Pubbliku jew regolamenti, regoli jew normi oħra bhal dawk applikabli minn żmien għal żmien għas-Servizz Pubbliku.

19. (1) Bla hsara ghad-disposizzjonijiet ta' l-Att, hadd ma jkun ikkwalifikat li jikkontesta elezzjoni għal membru tal-Parlament Ewropew jew, jekk ikun elett, li jibqa' membru ta' dak il-Parlament jekk, sew f'Malta sew f'xi Stat Membru iehor -

Persuni li mhux kwalifikati jikkontestaw elezzjoni.

(a) ikun membru ta' xi korp dixxiplinat kif imfisser fl-artikolu 47 (1) tal-Kostituzzjoni jew ta' xi korp korrispondenti ta' xi Stat Membru iehor;

(b) ikollu kariga li l-funzjonijiet tagħha jkunu jinvolvu xi responsabbiltà għal jew b'konnessjoni mat-tmexxija ta' l-elezzjonijiet ta' membri tal-Parlament Ewropew jew mal-kompilazzjoni jew revizzjoni ta' xi Elenku Elettorali;

(c) ikun fallut mhux rijabilitat, wara li jkun ġie ġudikat jew xort'oħra dikjarat fallut skond xi liġi li tkun fis-seħh;

(d) ikun interdett jew inabilitat minhabba xi mard mentali jew minhabba prodigalità minn qorti jew ikun xort'oħra deċiż li jkun ta' mohh marid;

(e) ikun qed jiskonta kundanna ta' prigunerija (tkun kif tkun imsejha) ta' aktar minn tnax-il xahar imposta fuqu minn qorti fi Stat Membru jew ikun taht sentenza bhal dik ta' prigunerija li l-esekuzzjoni tagħha tkun giet sospiza;

(f) ikun membru tal-ġudikatura;

(g) ikun ġie skwalifikat milli jikkontesta għall-elezzjoni ta' membri tal-Parlament Ewropew skond xi liġi li tkun fis-seħh;

(h) ikun qiegħed jikkontesta bhala kandidat għall-elezzjoni ta' membri tal-Parlament Ewropew fl-istess elezzjoni f'xi Stat Membru iehor.

Inkompatibilità ta' ċerti uffiċjali.
Kap. 363.

(2) Il-kariga ta' membru tal-Parlament Ewropew hi inkompatibbli ma' dik ta' membru tal-Kamra tad-Deputati jew ta' membru ta' xi Kunsill Lokali taħt l-Att dwar Kunsilli Lokali jew xi istituzzjoni oħra simili jew organu iehor simili f'xi Stat Membru iehor, u meta persuna li jkollha xi wahda mill-karigi msemmija tiġi eletta għal xi kariga oħra bħal dik, dik il-persuna għandha, fi żmien hamest ijiem tax-xogħol mill-pubblikazzjoni tar-riżultati ta' l-elezzjoni għal dik it-tieni kariga, tiffinunzja għal xi wahda minn dawk il-karigi:

Iżda meta persuna tonqos milli tiffinunzja għal xi wahda minn dawn il-karigi fiż-żmien imsemmi ta' hamest ijiem tax-xogħol, hija għandha titqies bhala li tkun irrinunzjat il-kariga ta' membru tal-Parlament Ewropew.

Disposizzjonijiet dwar kandidat reġistrat fir-Registru Elettorali ta' l-Unjoni Ewropea.

20. (1) Kandidat li ismu jkun jidher fir-Registru Elettorali ta' l-Unjoni Ewropea, għandu meta jkun qiegħed jipprezenta n-nomina tiegħu bhala kandidat jagħmel ukoll dikjarazzjoni formali bil-miktub lill-Kummissjoni Elettorali fejn jiddikjara:

(a) xi tkun iċ-ċittadinanza tiegħu;

(b) id-data minn meta jkun ilu ċittadin ta' l-Istat Membru ta' Ċittadinanza tiegħu;

(ċ) il-lokalità jew kostitwenza fl-Istat Membru ta' Ċittadinanza tiegħu, jekk ikun hemm, li fl-elenku elettorali tiegħu ikun l-aħħar reġistrat;

(d) li ma jkunx qiegħed jikkontesta bhala kandidat f'xi Stat Membru iehor:

u għandu wkoll juri lill-Kummissjoni Elettorali dokument ta' identità validu;

Iżda fir-rigward ta' persuna bħal dik li tkun ċittadin ta' Malta:

(i) il-paragrafu (b) ma għandux japplika; u

(ii) il-paragrafu (ċ) għandu japplika b'riferenza għall-aħħar Stat Membru, minbarra Malta, fejn dik il-persuna kienet residenti qabel ma tkun bdiet toqgħod f'Malta.

(2) Kandidat li ismu jidher fir-Registru Elettorali ta' l-Unjoni Ewropea u li ma jkunx ċittadin ta' Malta ghandu wkoll jipproduci lill-Kummissjoni Elettorali dikjarazzjoni minghand l-awtorità kompetenti ta' l-Istat Membru ta' Ċittadinanza tieghu li tkun tiċċertifika li ma jkunx, hliet ghaliex huwa jkun gie registrat fir-Registru Elettorali ta' l-Unjoni Ewropea, gie m'caħhad mid-dritt li jikkontesta l-elezzjoni f' dak l-Istat Membru jew li dik l-Awtorità ma tkun taf b'ebda skwalifika bhal dik.

(3) Il-Kummissjoni Elettorali ghandha tavża lill-awtorità kompetenti ta' dak l-Istat Membru ta' Ċittadinanza bid-dikjarazzjonijiet magħmulin skond is-subartikolu (1) bil-ghan waħdieni li jiġi verifikat il-kontenut tagħhom u jekk mill-informazzjoni li tasal mill-Istat Membru ta' Ċittadinanza jirriżulta li l-kontenut tad-dikjarazzjoni mhumiex veri, il-Kummissjoni Elettorali ma ghandhiex tirreġistra lill-persuna bhala kandidat, jew jekk hija tkun diġà registrata, ghandha thassarlu ismu mil-lista ta' kandidati:

Iżda dak it-thassir ghandu jsir qabel ma jiġu stampati l-poloż ta' votazzjoni:

Iżda wkoll ghar-rigward ta' xi persuna bhal dik li tkun ċittadin ta' Malta id-disposizzjonijiet ta' dan is-subartikolu ghandhom japplikaw bhallikieku riferenza hemm fih ghal Stat Membru ta' Ċittadinanza kienet riferenza għall-aħhar Stat Membru fejn dik il-persuna kienet toqghod qabel ma tkun bdiet toqghod f'Malta.

(4) Il-Kummissjoni Elettorali ghandha tivverifika dikjarazzjonijiet simili li jiġu lilha notifikati mill-awtorità kompetenti ta' Stati Membri ohra u ghandha tipprovdi lil dawk l-awtoritajiet kompetenti b'kull informazzjoni rilevanti.

(5) Informazzjoni skambjata skond dan l-artikolu ghandha tiġi pprovdata malajr u b'mod adatt u tista' tinkludi biss dawk id-dettalji li jkunu strettament meħtieġa għall-implimentazzjoni tad-disposizzjonijiet ta' dan l-artikolu u tista' tinhareġ biss ghal dak l-ghan.

21. (1) Salv kif xort'ohra provdut fit-Tieni Skeda li tinsab ma' dan l-Att u salv meta dawk id-disposizzjonijiet huma inkompatibbli mad-disposizzjonijiet ta' dan l-Att, id-disposizzjonijiet ta' l-Att dwar l-Elezzjonijiet Ġenerali u ta' l-Ordinanza Elettorali dwar il-Votazzjoni, ghandhom japplikaw għat-tmexxija ta' elezzjonijiet, u għall-ghadd ta' voti f'elezzjonijiet, ta' membri tal-Parlament Ewropew.

Tmexxija ta' l-Elezzjonijiet.

Kap. 354.
Kap. 102

(2) Il-Kummissjoni Elettorali tista', minn żmien għal żmien, tohroġ direttivi li jkunu jinterpretaw skond ma jkun meħtieġ id-

disposizzjonijiet ta' l-Att dwar l-Elezzjonijiet Ġenerali u l-Ordinanza Elettorali dwar il-Votazzjoni fl-applikazzjoni tagħhom għall-elezzjoni ta' membri tal-Parlament Ewropew taħt dan l-Att. Dawk id-direttivi għandhom ikunu minnufih applikabbli u għandhom jiġu ppubblikati fil-Gazzetta fl-iqsar żmien prattikabbli.

(3) L-għadd ta' voti ma jistax jinbeda hlief wara l-gheluq tal-votazzjoni fl-Istati Membri kollha.

(4) Il-Prim Ministru jista' b'regolamenti taħt dan is-subartikolu jistabbilixxi l-oghla nfiq li jista' jsir minn kandidat f'elezzjoni ta' membri tal-Parlament Ewropew jew mill-aġent elettorali tiegħu sew qabel, matul, jew wara elezzjoni minhabba jew għar-rigward tat-tmexxija ta' elezzjoni bħal dik.

Mili ta' vakanzi.

22. Kull meta l-kariga ta' xi membru tal-Parlament Ewropew elett taħt dan l-Att isir vakanti, dik il-vakanza għandha timtela bil-mod provdut bi jew taħt il-liġi li f'dak iż-żmien tkun fis-seħh f'Malta għall-mili ta' vakanzi ta' membri tal-Kamra tad-Deputati:

Izda meta vakanza għandha timtela permezz ta' elezzjoni bil-għażla, dik l-elezzjoni bil-għażla għandha ssir mill-Kamra tad-Deputati.

Skop ta' dan l-Att.

23. Id-disposizzjonijiet ta' dan l-Att, hlief meta l-kontenut ikun jehtieg xort'ohra japplikaw biss għar-rigward ta' membri tal-Parlament Ewropew li għandhom jiġu eletti f'Malta.

Emendi
konsegwenzjali
fl-Att dwar Kunsilli
Lokali,
Kap. 363.

24. L-Att dwar Kunsilli Lokali qiegħed b'dan jiġi emendat kif ġej:

(a) fl-artikolu 2 tiegħu, minnufih wara t-tifsira “Reġistru Elettorali” għandha tidhol din it-tifsira ġdida li ġejja:

““Reġistru Elettorali ta' l-Unjoni Ewropea” għandha l-istess tifsir mogħti lilha bl-artikolu 2 ta' l-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew;”;

(b) fis-subartikolu (4) ta' l-artikolu 3 u fl-artikoli 7 u 11 tiegħu minflok il-kliem “Reġistru Speċjali” kull fejn dawn jinsabu għandhom jidhlu l-kliem “Reġistru Elettorali ta' l-Unjoni Ewropea”;

(ċ) minflok is-subartikolu (2) ta' l-artikolu 5 tiegħu għandu jidhol dan li ġej:

“(2) Kull persuna li tkun Ċittadin ta’ Stat Membru ta’ l-Unjoni Ewropea li isimha jidher fir-Registru Elettorali ta’ l-Unjoni Ewropea li jkun ġie l-aħħar pubblikat u li ma tkunx insabet hatja ta’ xi reat konness ma’ l-elezzjoni ta’ membri tal-Kunsilli Lokali għandu jkollha jedd tivvota fl-elezzjonijiet tal-Kunsilli Lokali.”;

(d) l-artikolu 6 tiegħu għandu jithassar;

(e) minflok is-subartikoli (5) u (6) ta’ l-artikolu 8 tiegħu għandu jidhol dan li ġej:

“(5) Jekk l-elezzjonijiet għall-kunsillieri jkunu se jsiru fi żmien erba’ xhur minn meta jsiru l-elezzjonijiet ġenerali, l-elezzjonijiet tal-Parlament Ewropew jew ir-referenda, l-elezzjoni tal-kunsillieri tista’ tiġi posposta jew tiġi avanzata għal data li tiġi stabbilita mill-Ministru, iżda f’kull każ mhux iżjed tard jew iżjed kmieni minn erba’ xhur minn meta jkunu saru dawk l-elezzjonijiet ġenerali, elezzjonijiet tal-Parlament Ewropew jew referenda:

Iżda, jekk l-elezzjonijiet jiġu hekk posposti jew avanzati, iż-żmien tal-kariga ta’ kunsillieri li jkunu qegħdin iservu fil-waqt ta’ dak il-posponiment jew avanzament għandu jittawwal jew jitnaqqas bl-istess perjodu daqskemm jiġu posposti jew avanzati bih l-elezzjonijiet u iż-żmien tal-kunsillieri li jiġu sussegwentement eletti għandu jitnaqqas jew jittawwal bl-istess perjodu daqskemm ikun ittawwal jew tnaqqas iż-żmien tal-kariga tal-kunsillieri ta’ qabel.

(6) L-elezzjonijiet għandhom isiru fit-tieni Sibta ta’ Marzu jew f’dik id-data li tista’ tiġi stabbilita mill-Prim Ministru fil-Gazzetta:

Iżda l-Ministru jista’ b’ordni fil-Gazzetta jistipula li elezzjoni tista’ tiddewwem jew tingieb ’il quddiem b’ġimghatejn mid-data hawn qabel stipulata.”;

(f) fl-artikolu 11 tiegħu minflok il-kelma “Estacode” kull fejn tinsab għandhom jidhlu l-kliem “Kodiċi ta’ *Management* tas-Servizz Pubbliku”;

(g) fl-artikolu 12 tiegħu:

(a) minnufih wara l-kliem “membru tal-Kamra tad-Deputati” fil-paragrafu (a) tiegħu, għandhom jiżdiedu l-kliem

“jew ta’ xi istituzzjoni simili f’xi Stat Membru iehor ta’ l-Unjoni Ewropea”;

(b) minnufih wara paragrafu (a) tieghu ghandu jidhol dan li ġej:

“(aa) tkun membru tal-Parlament Ewropew”; u

(ċ) fil-paragrafu (ċ) tieghu minnufih wara l-kliem “membru ta’ Kunsill Lokali iehor” ghandhom jiżdiedu l-kliem “jew ta’ xi istituzzjoni simili fi Stat Membru iehor”;

(h) fis-subartikoli (1) u (2) ta’ l-artikolu 47A, fis-subartikolu (2) ta’ l-artikolu 72 u fl-artikolu 78, tieghu minflok il-kliem “l-Hdax-il Skeda” ghandhom jidhlu l-kliem “d-Disa’ Skeda”;

(i) fit-Tielet Skeda, dan il-proviso li ġej ghandu jizdied mas-subartikolu (2) ta’ l-artikolu 34:

“Izda wkoll meta elezzjoni bħal dik tkun tikkoinċidi ma’ xi elezzjoni ġenerali, referendum jew elezzjoni tal-Parlament Ewropew, il-hin ta’ l-gheluq tal-votazzjoni ghandu jiġi estiż u jkun l-istess bħall-hin ta’ l-gheluq tal-votazzjoni għall-elezzjonijiet ġenerali, referenda jew elezzjonijiet tal-Parlament Ewropew skond il-każ.”;

(j) id-Disa’ Skeda li tinsab miegħu ghandha tithassar; u

(k) il-Hdax-il Skeda li tinsab miegħu ghandha tiġi enumerata mill-ġdid bħala d-Disa’ Skeda li tinsab miegħu, u ghandha tidher fl-ordni numeriku adatt kif enumerata mill-ġdid.

L-Ewwel Skeda

(Artikolu 9)

Forma ta' Avviż mill-Kummissjoni Elettorali.

Il-Kummissjoni Elettorali mwaqqfa skond l-artikolu 60 tal-Kostituzzjoni qeghda b'dan tavża li bis-sahha ta' dak provdut fl-Att ta' l-2003 dwar Elezzjonijiet għall-Parlament Ewropew, sejra ssir elezzjoni nhar is-Sibt,.....

It-Tieni Skeda

(Artikolu 21)

Disposizzjonijiet li Jirregolaw it-Tmexxija ta' Elezzjonijiet għal Membri tal-Parlament Ewropew

1. Applikazzjoni ta' l-Att dwar l-Elezzjonijiet Ġenerali, Kap. 354.

L-Att dwar l-Elezzjonijiet Ġenerali, inklużi l-Iskedi li jinsabu miegħu u r-regolamenti magħmulin tahtu, għandhom japplikaw għall-elezzjoni ta' membri tal-Parlament Ewropew bħallikieku:

(a) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att għal elezzjoni, elezzjoni ġenerali jew elezzjoni tal-membri tal-Kamra tad-Duputati kienu referenzi għal elezzjonijiet tal-membri tal-Parlament Ewropew;

(b) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att għal kandidati kienu referenza għal kandidati għall-elezzjoni bhala membri tal-Parlament Ewropew;

(ċ) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att għat-trasferiment tar-registrazzjoni ta' elettur f'Taqsimi II ta' l-Att tinkludi t-trasferiment ta' registrazzjonijiet bejn ir-Registru Elettorali u r-Registru ta' l-Unjoni Ewropea u viċi-versa;

(d) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att għal distretti jew distretti elettorali kienu referenzi għat-territorju ta' Malta bhala distrett elettorali wahdieni taht dan l-Att;

(e) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att ghar-Registru Elettorali kienu referenzi ghar-Registru Elettorali ta' l-Unjoni Ewropea, jew skond ir-rabta tal-kliem, ukoll ghar-Registru Elettorali ta' l-Unjoni Ewropea;

(f) kemm-il darba ma jiġix xort'ohra determinat mill-Kummissjoni Elettorali minhabba fir-rabta tal-kliem tagħhom, referenzi fl-Att ghal eletturi u eletturi registrati tinkludi eletturi registrati fir-Registru Elettorali ta' l-Unjoni Ewropea;

(g) in-numru ta' aġenti distrettwali li għandhom jiġu nominati minn kull partit politiku skond l-artikolu 61A (1) ta' l-Att kien numru daqs l-għadd ta' distretti elettorali li Malta kienet maqsuma fihom fl-aħhar elezzjoni ġenerali li tkun saret minnufih qabel ma ssir l-elezzjoni ta' membri tal-Parlament Ewropew;

(h) in-numru ta' aġenti għall-għadd li għandhom jiġu nominati mill-partiti politiċi skond l-artikolu 89 (2) ta' l-Att kien dak in-numru daqs l-għadd ta' persuni li jgħoddu li jintużaw mill-Kummissjoni Elettorali fil-waqt inkwistjoni;

(i) referenza ghar-*Writ* fl-Att kienet referenza għall-Avviz mahruġ mill-Kummissjoni Elettorali skond l-artikolu 9 ta' dan l-Att;

(j) l-artikoli 15 sa 18, 77(2), 103, 104(2) sa 104(4), u 109 ta' l-Att kienu mhassra; u

(k) fit-Tleltax-il Skeda li tinsab ma' l-Att kull referenza għat-trasferiment tal-voti bejn id-distretti kienet imhassra.

2. Kif tapplika l-Ordinanza Elettorali dwar il-Votazzjoni, Kap. 102.

L-Ordinanza Elettorali dwar il-Votazzjoni għandha tapplika għall-elezzjoni ta' membri tal-Parlament Ewropew bhallikieku r-referenzi fl-Ordinanza għal elezzjoni u elezzjoni tal-Kamra tad-Deputati kienu referenzi għall-elezzjoni ta' membri tal-Parlament Ewropew:

Iżda għall-finijiet ta' l-elezzjonijiet ta' membri tal-Parlament Ewropew ir-referenza għal sitt mitt lira u tliet elef lira fl-artikolu 46 ta' l-Ordinanza kienu referenza għal dik is-somma li l-Prim Ministru jista' minn żmien għal żmien jistabbilixxi taht l-artikolu 21 (4) ta' dan l-Att.

Għanijiet u Raġunijiet

L-għan ta' l-Abbozz hu sabiex jipprovdi dwar il-metodu ta' elezzjoni u r-registrazzjoni ta' eletturi għall-elezzjoni ta' membri tal-Parlament Ewropew.

**A BILL
entitled**

AN ACT to make provision for the holding of elections to the European Parliament.

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

1. (1) The short title of this Act is the European Parliament Elections Act, 2003. Short title
and
commencement.

(2) The provisions of this Act shall come into force on such date as the Prime Minister may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes thereof.

2. In this Act unless the context otherwise requires: Interpretation.

“the Act” means the Act of the member States of the European Communities concerning the election of the representatives of the Assembly by direct universal suffrage annexed to Decision 76/787/ECSE, EEC, Euratom published in the Official Journal of the European Union, as from time to time amended;

“Citizen of the European Union” means a person who is a citizen of one of the member States;

“competent authority” means the body in a Member State charged with the conduct of elections of members of the European Parliament and the registration of voters therefor;

“election of members of the European Parliament” means elections of members of the European Parliament held in accordance with, and pursuant to, the Act and the Treaty;

“Electoral Commission” means the Electoral Commission established by article 60 of the Constitution;

Cap 354.

“Electoral Register” means the Electoral Register published in accordance with the provisions of the General Elections Act;

“Electoral Roll” in relation to Malta means the Electoral Register and the European Union Electoral Register and in relation to other Member States means the official register of all voters entitled to vote in a particular constituency or locality, drawn up and kept up to date by the competent authority under the applicable electoral law of the Member State or the population register where such register indicates eligibility to vote;

“European Parliament” means the European Parliament referred to in the Treaty;

“European Union” means the European Union referred to in the Treaty;

“European Union Electoral Register” means the register of voters kept in accordance with articles 11 to 14 of this Act;

“Home Member State” means the Member State of which a person is a citizen;

“Member State” means a State which is a member of the European Union;

“the Treaty” has the same meaning assigned to it in article 2 of the European Union Act, 2003.

Election of
members of the
European
Parliament
in Malta.

3. The election of members of the European Parliament shall be held in accordance with the provisions of this Act.

- 4.** The number of members of the European Parliament to be elected shall be that established by or under the Treaty. Number of members of the European Parliament.
- 5.** (1) Elections of members of the European Parliament shall be held every five years commencing in 2004, on the second Saturday in June or on such other date as the Prime Minister may by notice in the Gazette from time to time establish. Date and time of elections.
- (2) Voting shall start at 7.00 a.m. and close at 10.00 p.m.
- 6.** The registration of voters for Elections of members of the European Parliament, the conduct of the relevant elections and the counting of votes shall be the sole responsibility of the Electoral Commission. Electoral Commission to conduct elections etc.
- 7.** The election of Members of the European Parliament shall be conducted according to the principle of proportional representation by means of the single transferable vote, each voter having one such vote. Method of Election.
- 8.** For the purpose of election of Members of the European Parliament the territory of Malta shall constitute one single electoral division. Malta to constitute one electoral division.
- 9.** At least thirty five-days before the day fixed for election of Members of the European Parliament, the Electoral Commission shall issue and publish in the Gazette a notice in the form set out in the First Schedule to this Act. Election Notice.
- 10.** Every person whose name appears in the Electoral Register last published before the date fixed for the election and every person whose name appears in the European Union Electoral Register and who in either case has not, following the publication of the said Electoral Register or the said European Union Electoral Register, been convicted of any offence connected with the election of members to the House of Representatives or with the election of members of Local Councils or with the election of members of the European Parliament shall be entitled to vote in elections of members of the European Parliament. Persons entitled to vote.
- 11.** Subject to the provisions of article 12, a person shall be qualified to be registered in the European Union Electoral Register if, and shall not be so qualified unless - Qualification of voters in the European Union Electoral Register.
- (a) he is a citizen of the European Union whose name does not appear in the Electoral Register;

Cap 258.

(b) he is required to be, and is, in possession of an identity card in accordance with the Identity Card Act; and

(c) he fulfills the requirements listed in paragraphs (b) and (c) of article 57 of the Constitution:

Provided that for the purposes of this paragraph residence in any Member State shall be deemed to be residence in Malta;

(d) he declares that he will exercise his right to vote for elections of members of the European Parliament in Malta only; and

(e) he has not been deprived of the right to vote in his home Member State.

Disqualification of voters in the European Union Electoral Register.

12. No person shall be qualified to be registered in the European Union Electoral Register if -

(a) he is interdicted or incapacitated for any mental infirmity by a court in a Member State or is otherwise determined in a Member State to be of unsound mind;

(b) he is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by a court in a Member State or substituted by competent authority for some other sentence imposed on him by such court, or is under such a sentence of imprisonment the execution of which has been suspended; or

(c) he is disqualified for registration as a voter by or under any law in Malta by reason of his having been convicted of any offence connected with the election of members of the House of Representatives, members of Local Councils or members of the European Parliament.

Publication of European Union Electoral Register.

13. (1) The Electoral Commission shall publish the European Union Electoral Register which shall contain the list of all persons qualified to be registered therein in accordance with article 11.

(2) The provisions of the General Elections Act relating to the publication and correction of, and the striking off of names from, the Electoral Register shall unless otherwise provided in this Act apply in relation to the European Union Electoral Register.

(3) A citizen of Malta who is registered in the European Union Electoral Register who is qualified to be registered in the Electoral Register shall have his name cancelled from the European Union Electoral Register upon being registered in the Electoral Register.

(4) A citizen of Malta who for any reason has his name struck off the Electoral Register but who is qualified to be registered in the European Union Electoral Register shall, on his name being struck off from the Electoral Register, be registered in the European Union Electoral Register.

14. (1) A person desiring to be registered in the European Union Electoral Register shall only be so registered and shall only be entitled to remain so registered if, besides satisfying the requirements of article 11, he declares to the Electoral Commission:

Registration in the European Union Electoral Register.

- (a) that he is resident in Malta;
- (b) his nationality;
- (c) the date on which he took up residence in Malta or in any other Member State;
- (d) his address in Malta;
- (e) the locality or constituency in his home Member State, if any, on the Electoral Roll of which his name was last registered;
- (f) that he will exercise his right to vote in Malta only;
- (g) that he has not been deprived of his right to vote in his home Member State;

and he produces to the said Commission a valid identity document.

(2) Where a person satisfies the requirements of subarticle (1) hereof, the Electoral Commission shall enter his name in the European Union Electoral Register if it is satisfied that he is so qualified in accordance with article 11.

15. (1) The Electoral Commission shall notify the competent authority of the Home Member State of any declaration made by any person in accordance with article 14, for the sole purpose of verifying the contents thereof; and where upon information received from the home Member State it results that the contents of the declaration are not true, the Electoral Commission shall not register such person in the

Exchange of information in connection with registration of voters.

European Union Electoral Register, or, if such person is already registered, it shall strike off his name.

(2) The Electoral Commission shall verify the contents of similar declarations made to the competent authorities in other Member States and shall communicate to them any relevant information in its possession.

(3) Information exchanged in terms of this article shall be provided in good time and in an appropriate form and manner and may only include details that are strictly necessary for the implementation of the provisions of this article and may only be used for such purposes.

Deregistration from European Union Electoral Register.

16. A person whose name appears on the European Union Electoral Register may at any time, in writing, request the Electoral Commission to remove his name from such Register and thereupon his name shall be struck for the European Union Electoral Register.

Elimination of double voting.

17. (1) No person shall in an election of members of the European Parliament cast his vote in Malta and in another Member State.

(2) Any person who acts in contravention of the provisions of subarticle (1) hereof shall be guilty of an offence and shall upon conviction be liable to imprisonment for not more than six months or to a fine (*multa*) of not more than ten thousand liri or to both such fine and imprisonment.

(3) For the purpose of ensuring compliance with subarticle (1) of this article the Electoral Commission shall, sufficiently in advance of the day fixed for voting, inform the competent authority in the Home Member State of any person listed in the European Union Electoral Register who has opted to cast his vote in Malta.

(4) Where the Electoral Commission received information from the competent authority of another Member State that a person, whose name is entered in the Electoral Register or the European Union Electoral Register, has been registered in the Electoral Roll of such state, it shall for the purposes of the election of members of the European Parliament strike off that person's name from the Electoral Register, or the European Union Electoral Register, as the case may be.

Persons qualified to stand for elections.

18. Subject to the provisions of article 19, a person shall be qualified to stand for election as a member of the European Parliament if such person is registered as a voter in the Electoral Register or in the European Union Electoral Register:

Provided that public officers or any class or classes thereof may be restricted from standing for election as members of the European Parliament by the Public Service Management Code or such other regulations, rules or norms applicable from time to time to the Public Service.

19. (1) Without prejudice to the provisions of the Act, no person shall be qualified to stand for election as a member of the European Parliament or, if elected, to remain a member thereof if, whether in Malta or in any other Member State –

Persons not qualified to stand for election.

(a) he is a member of any disciplined force as defined in article 47 (1) of the Constitution or of a corresponding force of another Member State;

(b) he holds any office the functions of which involve any responsibility for or in connection with the conduct of elections of members of the European Parliament or the compilation or revision of any Electoral Roll;

(c) he is an undischarged bankrupt having been adjudged or otherwise declared bankrupt under any law in force;

(d) he is interdicted or incapacitated for any mental infirmity or for prodigality by a court or is otherwise determined to be of unsound mind;

(e) he is serving a sentence of imprisonment (by whatever name called) exceeding twelve months imposed on him by a court in a Member State or is under such a sentence of imprisonment the execution of which has been suspended;

(f) he is a member of the judiciary;

(g) he has been disqualified for standing for the election of members of the European Parliament in terms of any law in force;

(h) he is standing as a candidate for the election of members of the European Parliament in the same election in another Member State.

(2) The office of member of the European Parliament shall be incompatible with that of member of the House of Representatives or of member of a Local Council under the Local Councils Act or of any other similar institution or organ in another Member State, and where a person who holds one of the said offices is elected to a second

Incompatibility of certain officers
Cap. 363.

such office that person shall, within five working days of the publication of the results of the election to such second office, renounce one of these offices:

Provided that where a person fails to renounce one of these offices within the said term of five working days, he shall be deemed to have renounced the office of member of the European Parliament.

Provisions with regard to candidate registered in the European Union Electoral Register.

20. (1) A candidate whose name appears on the European Union Electoral Register, shall when filing his nomination as a candidate also make a formal declaration in writing to the Electoral Commission stating:

- (a) his nationality;
- (b) the date from which he has been a national of his home Member State;
- (c) the locality or constituency on his Home Member State, if any, on the electoral roll of which his name was last entered;
- (d) that he is not standing as a candidate in any other Member State;

and shall also produce to the Electoral Commission a valid identity document:

Provided that with regard to any such person who is a citizen of Malta:

- (i) paragraph (b) shall not apply; and
- (ii) paragraph (c) shall apply with reference to the last Member State, other than Malta, in which that person was resident prior to taking up residence in Malta.

(2) A candidate whose name appears in the European Union Electoral Register and who is not a citizen of Malta shall also produce to the Electoral Commission a declaration from the competent authority of his Home Member State certifying that he has not, otherwise than because of his having been registered in the European Union Electoral Register, been deprived of the right to stand for election in that Member State or that no such disqualification is known to that authority.

(3) The Electoral Commission shall notify the competent authority of the Home Member State the declarations made in

accordance with subarticle (1) for the sole purpose of verifying the contents thereof and if upon information received from the Home Member State it results that the contents of the declaration are not true, the Electoral Commission shall not register the person as a candidate, or if he is already registered, shall strike off his name from the list of candidates;

Provided that such striking off is effected before the ballot papers are printed:

Provided further that with respect to any such person who is a citizen of Malta the provisions of this subarticle shall apply as if any reference therein to Home Member State were a reference to the last Member State in which such person resided before taking up residence in Malta.

(4) The Electoral Commission shall verify similar declarations notified to it by the competent authority of other Member States and shall supply such competent authorities with the relevant information.

(5) Information exchanged in terms of this article shall be provided in good time and in an appropriate manner and may only include details that are strictly necessary for the implementation of the provisions of this article and may only be issued for such purpose.

21. (1) Save as otherwise provided in the Second Schedule to this Act and save where such provisions are incompatible with the provisions of this Act, the provisions of the General Elections Act and of the Electoral Polling Ordinance shall apply to the conduct of elections, and to the counting of votes in elections, of members of the European Parliament.

Conduct of Elections.

Cap. 354.

Cap. 102.

(2) The Electoral Commission may, from time to time, issue directives interpreting as may be necessary the provisions of the General Elections Act and of the Electoral Polling Ordinance in their application to the election of members of the European Parliament under this Act. Such directives shall be immediately applicable and shall be published in the Gazette in the shortest time practicable.

(3) The counting of votes may not commence until after the close of polling in all the Member States.

(4) The Prime Minister may by regulations under this subarticle establish the maximum expenses that may be incurred by a candidate at an election of members of the European Parliament or his

election agent whether before, during, or after an election on account of or in respect of the conduct of such election.

Filling
of vacancies.

22. Wherever the seat of any Member of the European Parliament elected under this Act becomes vacant, the vacancy shall be filled in the manner provided by or under any law for the time being in force in Malta for the filling of vacancies of members of the House of Representatives:

Provided that where a vacancy is to be filled by means of co-option, that co-option shall be made by the House of Representatives.

Scope of this
Act.

23. The provisions of this Act, except where the content otherwise requires apply only in relation to members of the European Parliament who fall to be elected in Malta.

Consequential
amendments to the
Local Councils
Act, Cap. 363.

24. The Local Councils Act is hereby amended as follows:

(a) in article 2 thereof, immediately after the definition “Electoral Register” there shall be inserted the following new definition:

“ “European Union Electoral Register” has the same meaning assigned to it by article 2 of the European Parliament Elections Act, 2003;”;

(b) in subarticle (4) of article 3 and in articles 7 and 11 thereof for the words “Special Register” wherever they occur there shall be substituted the words “European Union Electoral Register”;

(c) subarticle (2) of article 5 thereof shall be substituted by the following:

“(2) Every person who is a national of a Member State of the European Union whose name appears in the last published European Union Electoral Register and who has not been convicted of any offence connected with the election of members of Local Councils shall be entitled to vote in elections of Local Councils.”;

(d) article 6 thereof shall be deleted;

(e) subarticles (5) and (6) of article 8 thereof shall be substituted by the following:

(5) If elections for councillors are due to be held within four months of the holding of general elections, European Parliament elections or referenda, the election of councillors may be postponed or brought forward to a date determined by the Minister, but in any case not later or earlier than four months of the holding of such general elections, European Parliament elections or referenda:

Provided that, in the event that the elections are so postponed or brought forward, the term of office of councillors in office at the time of such postponement or bringing forward shall be extended or reduced by the same period by which the elections are postponed or brought forward and that of the councillors subsequently elected shall be reduced or extended by the same period by which the term of office of the previous councillors has been extended or reduced.

(6) Elections shall be held on the second Saturday of March or on such a date as may be established by the Prime Minister in the Gazette:

Provided that the Minister may by order in the Gazette stipulate that an election may be delayed or brought forward by two weeks from the date stipulated above.”;

(f) in article 11 thereof for the word “Estacode” there shall be substituted the words “Public Service Management Code”.

(g) in article 12 thereof:

(a) immediately after the words “Member of the House of Representatives” in paragraph (a) thereof, there shall be added the words “or of any similar institution in another Member State of the European Union”;

(b) immediately after paragraph (a) thereof there shall be inserted the following:

“(aa) he is a member of the European Parliament”;

and

(c) in paragraph (c) thereof immediately after the words “a member of another Local Council” there shall be added the words “or of any similar institution in another Member State”;

(h) in subarticles (1) and (2) of article 47A, in subarticle (2) of article 72 and in article 78, thereof for the words “Eleventh Schedule” there shall be substituted the words “Ninth Schedule”;

(i) in the Third Schedule, the following proviso shall be added to subarticle (2) of article 34:

“Provided further that where such election shall coincide with a general election, referendum or European Parliament election, the time of closure of voting shall be extended and be the same as the time of closure of voting for general elections, referenda or European Parliament elections as the case may be.”;

(j) the Ninth Schedule thereto shall be deleted; and

(k) the Eleventh Schedule thereto shall be renumbered as the “Ninth Schedule thereto, and shall appear in the appropriate numerical order as renumbered.

First Schedule

(Article 9)

Form of Notice by the Electoral Commission.

The Electoral Commission established in terms of article 60 of the Constitution hereby notifies that in virtue of the provision of the European Parliament Elections Act, 2003, an election is being held on Saturday,

Second Schedule

(Article 21)

Provisions Regulating the Conduct of Elections of Members to the European Parliament

1. Application of the General Elections Act, Cap. 354.

The General Elections Act, including the Schedules attached thereto and any regulations made thereunder, shall apply to the election of members of the European Parliament as if:

- (a) unless otherwise determined by the Electoral Commission because of their context, references therein to election, general election or election of the members of the House of Representatives were references to elections of the members to the European Parliament;
- (b) unless otherwise determined by the Electoral Commission because of their context, references therein to candidates were a reference to candidates for election as members to the European Parliament;
- (c) unless otherwise determined by the Electoral Commission because of their context, references therein to the transfer of the registration of a voter in Part II thereof include the transfer of registrations between the Electoral Register and the European Union Register and vice-versa;
- (d) unless otherwise determined by the Electoral Commission because of their context, references therein to divisions or electoral divisions were references to the territory of Malta as a single electoral division under this Act;
- (e) unless otherwise determined by the Electoral Commission because of their context, references therein to the Electoral Register were references to the

European Union Electoral Register, or according to the context, also to the European Union Electoral Register;

(f) unless otherwise determined by the Electoral Commission because of their context, references therein to voters and registered voters include voters registered in the European Union Electoral Register;

(g) the number of district agents to be nominated by each political party in terms of article 61A (1) thereof was a number equal to the number of electoral divisions in which Malta was divided in the last general election held immediately before the holding of the election of members of the European Parliament;

(h) the number of counting agents to be nominated by the political parties in terms of article 89 (2) thereof was such number as is equal to the number of counters being used by the Electoral Commission at the time in question;

(i) reference to the Writ therein were a reference to the Notice issued by the Electoral Commission in terms of article 9 of this Act.

(j) articles 15 to 18, 77(2), 103, 104(2) to 104(4), and 109 thereof were deleted; and

(k) in the Thirteenth Schedule thereto all references to the transfer of votes between divisions were deleted

2. Application of the Electoral Polling Ordinance, Cap. 102.

The Electoral Polling Ordinance shall apply to the election of members of the European Parliament as if the references therein to election and election of the House of Representatives were references to the election of members of the European Parliament:

Provided that for the purposes of elections of members of the European Parliament the reference to six hundred liri and three thousand liri in article 46 thereof were a reference to such sum as the Prime Minister may from time to time establish under 21 (4) of this Act.

Objects and Reasons

The object of the Bill is to provide for the method of election and the registration of voters for election of members of the European Parliament.