

ABBOZZ TA' LIĠI msejjah

*ATT biex jemenda l-Kostituzzjoni ta' Malta u Diversi Ligijiet
dwar l-Elezzjonijiet.*

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-2014 li Jemenda l-Kostituzzjoni ta' Malta u Diversi Ligijiet dwar l-Elezzjoni. Titolu fil-qosor.

TAQSIMA I Emenda għall-Kostituzzjoni ta' Malta

2. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw il-Kostituzzjoni ta' Malta u għandhom jinqraw u jinftiehm u waħda mal-Kostituzzjoni ta' Malta, hawn iżjed 'il quddiem f'din it-Taqsima msejja "il-Kostituzzjoni". Emendi għall-Kostituzzjoni ta' Malta.

3. Fil-paragrafu (b) tal-artikolu 58 tal-Kostituzzjoni, il-kliem ", jew ikun taht kundanna bħal dik ta' prigunerija li l-esekuzzjoni tagħha tkun ġiet sospiza" għandhom jiġu mħassra. Emenda tal-artikolu 58 tal-Kostituzzjoni.

TAQSIMA II Emenda għall-Att dwar l-Elezzjonijiet Ġenerali

4. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar l-Elezzjonijiet Ġenerali u għandhom jinqraw u jinftiehm u waħda mal-Att dwar l-Elezzjonijiet Ġenerali, hawn iżjed 'il quddiem f'din it-Taqsima msejja "l-Att principali". Emendi għall-Att dwar l-Elezzjonijiet Ġenerali. Kap. 354.

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Emenda tal-artikolu 20 tal-Att prinċipali.

5. Fis-subartikolu (4) tal-artikolu 20 tal-Att prinċipali, il-kliem "jew kundanna ta' prigunerija bħal dik li l-eskuzzjoni tagħha tkun ġiet sospiża" għandhom jiġu mhassra.

Emenda tal-artikolu 77 tal-Att prinċipali.

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

(a) fil-paragrafu (ċ) tas-subartikolu (3) tiegħu, minflok il-kliem "u fl-Isptar Ġenerali Għawdex." għandhom jidhlu l-kliem "u fl-Isptar Ġenerali Għawdex;", u minnufih wara għandu jiżdied il-paragrafu ġdid li ġej:

"(d) f'dawk il-postijiet oħra msemmija biex jintefgħu l-voti minn eletturi li jkunu residenti fi djar tal-anzjani kif imfisser fl-artikolu 80 fil-jum tas-Sibt ta' qabel il-jum tal-votazzjoni, kif il-Kummissjoni tista', b'avviż fil-Gazzetta ppubblikat fi żmien għaxart ijiem mill-pubblikazzjoni tar-*writ* għall-elezzjoni, tistabbilixxi.";

(b) fil-paragrafu (a) tas-subartikolu (3A) tiegħu minnufih wara l-kliem "li hija m'hijiex se tkun Malta" għandhom jiżdiedu l-kliem "jew li hija ser tkun rikoverata fi sptar"; u

(ċ) is-subartikolu (4) tiegħu għandu jiġi emendat kif ġej:

(i) fil-paragrafu (ċ) tiegħu, minflok il-kliem "sebat ijiem qabel il-jum tal-elezzjoni" għandhom jidhlu l-kliem "erbatax-il ġuranata qabel il-jum tal-votazzjoni";

(ii) fil-paragrafu (d) tiegħu, minflok il-kliem "tliet ijiem qabel il-votazzjoni" għandhom jidhlu l-kliem "erbat ijiem qabel il-jum tal-votazzjoni"; u

(iii) il-paragrafu (e) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(e) Minkejja d-dispożizzjonijiet l-oħra ta' dan l-Att:

(i) eletturi li jivvutaw fi sptar skont il-paragrafu (d) għandhom jivvutaw fil-jum tal-Ħamis qabel il-jum tal-votazzjoni bejn is-7.00 am u l-10.00 pm;

(ii) eletturi -

(aa) li huma residenti f'San Vincenz de Paule; jew

(bb) li huma residenti fi djar tal-anzjani kif imfisser fl-artikolu 80 u li għandhom id-dritt jivvotaw f'dawk il-postijiet imsemmija fis-subartikolu (3)(d),

għandhom jivvotaw fil-jum tas-Sibt qabel il-jum tal-votazzjoni bejn is-7.00 am u l-10.00 pm."

7. Fis-subartikolu (2) tal-artikolu 82 tal-Att prinċipali, minflok il-kliem "Fi żmien tliet ijiem mill-pubblikazzjoni tar-*Writ*" għandhom jidhlu l-kliem "Erbatax-il ġurnata qabel il-jum tal-votazzjoni"; u fil-paragrafu (a) tiegħu minflok il-kliem "l-elezzjoni" għandhom jidhlu l-kliem "il-jum tal-Ħamis ta' qabel il-jum tal-elezzjoni".

Emenda tal-artikolu 82 tal-Att prinċipali.

TAQSIMA III

Emendi għall-Att dwar Kunsilli Lokali

8. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar Kunsilli Lokali u għandhom jinqraw u jinftiehemu haġa waħda mal-Att dwar Kunsilli Lokali, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar Kunsilli Lokali. Kap. 363.

9. Fil-paragrafu (h) tal-artikolu 12 tal-Att prinċipali, il-kliem "jew ikun taħt sentenza bħal dik ta' prigrunerija li l-esekuzzjoni tagħha tkun giet sospiza" għandhom jiġu mħassra.

Emenda tal-artikolu 12 tal-Att prinċipali.

TAQSIMA IV

Emendi għall-Att dwar Elezzjonijiet għall-Parlament Ewropew

10. Id-dispożizzjonijiet ta' din it-Taqsima jemendaw l-Att dwar Elezzjonijiet għall-Parlament Ewropew u għandhom jinqraw u jinftiehemu haġa waħda mal-Att dwar Elezzjonijiet għall-Parlament Ewropew, hawn iżjed 'il quddiem f'din it-Taqsima msejjaħ "l-Att prinċipali".

Emendi għall-Att dwar Elezzjonijiet għall-Parlament Ewropew. Kap. 467.

11. Fil-paragrafu (b) tal-artikolu 12 tal-Att prinċipali, il-kliem ", jew ikun taħt kundanna bħal dik ta' prigrunerija li l-eżekuzzjoni tagħha tkun giet sospiza" għandhom jiġu mħassra.

Emenda tal-artikolu 12 tal-Att prinċipali.

12. Fil-paragrafu (e) tas-subartikolu (1) tal-artikolu 19 tal-Att prinċipali, il-kliem "jew ikun taħt sentenza bħal dik ta' prigrunerija li l-esekuzzjoni tagħha tkun giet sospiza" għandhom jiġu mħassra.

Emenda tal-artikolu 19 tal-Att prinċipali.

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Ghanijiet u Raġunijiet

L-ghanijiet u raġunijiet ta' dan l-Abbozz ta' Ligi huma l-allinjament tal-artikoli 54(1)(f) u 58(b) tal-Kostituzzjoni ta' Malta sabiex jintneħħa xi dubju u l-ghemil ta' diversi dispożizzjonijiet fir-rigward ta' votazzjonijiet minn persuni residenti fi sptarjiet u fi djar tal-anzjani.

**A BILL
entitled**

AN ACT to amend the Constitution of Malta and Various Electoral laws.

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 Constitution of Malta and Various Electoral Laws (Amendment) Act, 2014. Short title.

**PART I
Amendment of the Constitution of Malta**

2. The provisions of this Part amend the Constitution of Malta and they shall be read and construed as one with the Constitution of Malta, hereinafter in this Part referred to as "the Constitution". Amendment of the Constitution of Malta.

3. In paragraph (b) of article 58 of the Constitution, the words ", or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted. Amendment of article 58 of the Constitution.

**PART II
Amendment of the General Elections Act**

4. The provisions of this Part amend the General Elections Act and they shall be read and construed as one with the General Elections Act, hereinafter in this Part referred to as "the principal Act". Amendment of the General Elections Act. Cap. 354.

5. In sub-article (4) of article 20 of the principal Act, the words "or to such a sentence of imprisonment the execution of which has been suspended" shall be deleted. Amendment of article 20 of the principal Act.

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Amendment of
article 77 of the
principal Act.

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

(a) in paragraph (c) of sub-article (3) thereof, for the words "and Gozo General Hospital." there shall be substituted the words "and Gozo General Hospital;", and immediately thereafter there shall be added the following new paragraph:

"(d) at such places designated for the casting of votes by voters who are resident at retirement homes as defined in article 80 on the Saturday prior to polling day, as the Commission may, by notice in the Gazette published within ten days from the publication of the writ for the election, establish.";

(b) in paragraph (a) of sub-article (3A) thereof immediately after the words "that he will not be in Malta" there shall be added the words "or that he will be hospitalised in a hospital"; and

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

(i) in paragraph (c) thereof, for the words "seven days before polling day" there shall be substituted the words "fourteen days before polling day";

(ii) in paragraph (d) thereof, for the words "three days before polling" there shall be substituted the words "four days prior to polling day"; and

(iii) paragraph (e) thereof shall be substituted by the following:

"(e) Notwithstanding the other provisions of this Act:

(i) voters who vote in a hospital in accordance with paragraph (d) shall vote on the Thursday prior to polling day between 7.00 am and 10.00 pm;

(ii) voters -

(aa) who are residing at Saint Vincent de Paule; or

(bb) who are residing in retirement homes as defined

in article 80 and who are entitled to vote at such places designated in accordance with subarticle (3)(d),

shall vote on the Saturday prior to polling day between 7.00 am and 10.00 pm.

7. In sub-article (2) of article 82 of the principal Act, for the words "Within three days of the publication of the Writ" there shall be substituted the words "Fourteen days prior to polling day"; and in paragraph (a) thereof for the words "the election" there shall be substituted the words "the Thursday prior to polling day".

Amendment of article 82 of the principal Act.

PART III Amendment of the Local Councils Act

8. The provisions of this Part amend the Local Councils Act and they shall be read and construed as one with the Local Councils Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the Local Councils Act. Cap. 363.

9. In paragraph (h) of article 12 of the principal Act, the words "or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment to article 12 of the principal Act.

PART IV Amendment of the European Parliament Elections Act

10. The provisions of this Part amend the European Parliament Elections Act and they shall be read and construed as one with the European Parliament Elections Act, hereinafter in this Part referred to as "the principal Act".

Amendment of the European Parliament Elections Act. Cap. 467.

11. In paragraph (b) of article 12 of the principal Act, the words ", or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment to article 12 of the principal Act.

12. In paragraph (e) of sub-article (1) of article 19 of the principal Act, the words "or is under such a sentence of imprisonment the execution of which has been suspended" shall be deleted.

Amendment of article 19 of the principal Act.

Objects and Reasons

The objects and reasons of this Bill are the alignment of articles 54(1)(f) and 58(b) of the Constitution of Malta for the avoidance of doubt and the making of various provisions in respect of voting by persons resident in hospitals or in residential homes.