

**THIRD SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 4530 of 20 December, 2018

B. 28/18

BILL

FOR

AN ACT to amend the provisions of the Parliament Act to provide for an open register of electors.

ENACTED by the Legislature of Gibraltar.

Short Title.

1. This Act may be cited as the Parliament (Amendment) Act 2019.

Commencement.

2. This Act comes into operation on the day of publication.

Amendment of the Act.

- 3.(1) The Parliament Act (“the Act”) is amended in accordance with the provisions of this section.

- (2) For the second proviso to section 3(1) of the Act substitute-

“Provided further that a person who has not attained the age of eighteen years and/or not complied with the qualifying period requirements shall, if he will have attained such age and/or qualifying period requirements on or before the date fixed for an election, be entitled to be included in the register and to vote at any election which takes place after he has attained the age of eighteen and after he has complied with the qualifying period requirements.”.

- (3) After sub-section 3(1B) insert -

“(1C) For the purposes of sub-section (1)(i) the registration officer shall have the power to require the applicant applying for registration in the register for such documentation and proof as the registration officer shall deem fit showing that the applicant has lived in Gibraltar during the whole of the qualifying period.”.

(4) For section 3(2) substitute-

“(2) An applicant wishing to be included in the register of electors must have been continuously living in Gibraltar for a period of not less than six months prior to the date on which his application for registration in the register of electors is received by the registration officer (in this Act referred to as ‘the qualifying period’).”.

(5) Section 3(3) and (4) are deleted.

(6) For section 5(1) substitute-

“5(1) It shall be the duty of the registration officer to prepare and publish a register of electors in the year 2019 and such a register shall-

- (a) be prepared and maintained in accordance with the provisions of this Act and with any rules made under the provisions of this Act;
- (b) be published not later than the 1st June 2019; and
- (c) come into force immediately upon publication.”.

(7) After section 5(1) insert-

“(1A) The register of electors published pursuant to the provisions of section 5(1)(b) shall be amended after the date of its publication as and when-

- (a) the registration officer receives an application for registration in the register from an applicant who the registration officer deems is entitled to be registered in the register of electors pursuant to the provisions of section 3; or

- (b) the registration officer receives and accepts from a person registered in the register of electors a duly completed form notifying the registration officer of their change of particulars;

Provided always that any application for registration or amendment received 5 days or less before an election shall be disregarded by the registration officer until after the election has been held.”.

(8) Section 5(2) is amended by-

- (a) inserting “published pursuant to the provisions of section 5(1)(b) and thereafter whenever deemed necessary by the registration officer” after “with a view to the preparation of the register”;
- (b) deleting “by virtue of a non-residence qualification” in paragraph (b); and
- (c) deleting “and all objections to any person’s registration duly made by another person appearing from the electors list to be himself entitled to be registered” in paragraph (d).

(9) Section 5 is amended by the insertion of the following after section 5(2)-

“(3) The registration officer must on or before the 1st June 2020 and on or before the 1st June each year thereafter prepare and publish the register of electors by making copies available at any of the place or places which he may deem fit.

(4) The register published in accordance with the provisions of section 5(3) shall include all additions to and changes of particulars made to the register of electors during the period from and including the date on which the register was previously published to the date of the next publication of the register.

(5) The register published pursuant to the provisions of sub-section 5(1) and (3) shall not contain the electoral registration number of each elector on the register but save as to that particular all other details on the register shall be published.

(6) The register published pursuant to the provisions of section 5(1) as amended from time to time in accordance with the provisions of section 5 shall constitute and continue to constitute the register of electors.”.

(10) For section 6 of the Act substitute-

“Maintenance of Register.

6.(1) The registration officer must on or before the 15th January 2020 and on or before the 15th January of each year thereafter publish in such a manner as he may deem fit a notice informing the members of the public that he has published a list of amendments to the register of electors.

(2) The list of amendments must set out the additions to and changes of particulars made to the register of electors during the six month period since the last publication of the register in accordance with the provisions of section 5(3).”.

(11) Section 19 is amended by deleting “for the time being in force”.

(12) Section 25 of the Act is amended by-

(a) deleting the word “and” that appears after the word “hospital” in sub-section (1)(eb); and

(b) inserting the following after sub-section (1)(eb) -

“(ec) enabling persons wishing to vote by proxy to do so and prescribing the procedure and forms to enable them to appoint a proxy; and”.

(13) For section 48(3) and (4) substitute-

“(3) No person whatsoever shall-

(a) interfere or attempt to interfere with a voter when recording his vote or with a proxy voter when recording the absent voters’ vote;

(b) obtain or attempt to obtain in a polling station information as to the candidates for whom a voter or

proxy voter in that station is about to vote or has voted;

- (c) communicate at any time to any person any information obtained in a polling station as to the candidates for whom a voter or proxy voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to a voter or proxy voter at that station; or
- (d) directly or indirectly induce a voter or proxy voter to display their ballot paper after they have marked it so as to make known to any person the name or names of the candidate or candidates for whom the voter has voted.

(4) No person having undertaken to assist a blind voter, or a person appointed as the proxy of a voter, or a person making a postal vote, under rules made pursuant to section 25, shall communicate at any time to any person any information as to the candidate or candidates for whom that voter or proxy as the case may be intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that voter or proxy.”.

EXPLANATORY MEMORANDUM

The purpose of this Bill is to amend the Parliament Act so as to provide for the continuous consequential amendment of the register of electors by the inclusion of the details of persons added onto the register or the amendment of the particulars of persons included in the register and consequential amendments in connection therewith.

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