

PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2011

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PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2011

A BILL FOR AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS ACT.

Enacted by the Parliament of The Bahamas

1. Short title.

This Act, which amends the Parliamentary Elections Act (*Ch. 7*), may be cited as the Parliamentary Elections (Amendment) Act, 2011.

2. Deletion and substitution of section 8 of the principal Act.

Section 8 of the principal Act is amended by deleting the section and substituting therefor the following —

“8. Entitlement to be registered as a voter.

- (1) Subject to the provisions of this Part, a person shall be entitled to be registered as a voter for a constituency where on the day on which he applied for registration—
 - (a) he is a citizen of The Bahamas of full age and not subject to any legal incapacity; and
 - (b) he is, and has been during the entire period of three months preceding that day, ordinarily resident in premises in that constituency.
- (2) For the purposes of paragraph (b) of subsection (1) of this section and of subsection (2) of section 9 and notwithstanding any other rule or law concerning the meaning of the term “ordinarily resident”, a person’s place of

residence shall be determined by reference to the facts of the case and by the choice that that person makes regarding his home on the basis of family or personal relations or for other domestic or personal reasons.

- (3) A person's ordinary residence in premises in a constituency shall not be considered to have been interrupted by reason of—
- (a) the fact that the person is occasionally or temporarily absent from that place or is absent from that place for a period of time because of his —
 - (i) service, or that of his spouse, as a Member of Parliament, a Senator or as a Cabinet Minister;
 - (ii) occupation or employment, or that of his spouse, in the public service or at any embassy, high commission, the Ministry of Tourism, the Bahamas Maritime Authority, any other agency of the Government of The Bahamas or any international organization to which The Bahamas is accredited and that occupation or employment requires him, his spouse or any immediate member of his family to travel to another island within The Bahamas or another place outside of The Bahamas; or
 - (iii) pursuit of a *bona fide* programme of study, or such pursuit by his spouse,and such absences from the premises involves occasional or regular residence at another place;
 - (b) permission being given by letting or otherwise for the occupation furnished of such premises by some other person if the permission is given in expectation that throughout the period for which it is given, the person giving it will be absent in the performance of any of the duties under paragraph (a).
- (4) For the purposes of this section and generally for the determination of the constituency in which the person is to be registered, the ordinary residence of a person described under subsection (3)(a) shall be the last address at which the person resided prior to the respective—
- (a) service as a Member of Parliament or Senator;
 - (b) occupation or employment; or
 - (c) pursuit of the programme of study.

- (5) For the purposes of this Act, a person who is a patient in any establishment maintained wholly or mainly for the care of persons suffering from a mental or psychopathic disorder as defined by the Mental Health Act, (*Ch. 230*) or who is detained in legal custody at any place, shall not by reason thereof be considered as ordinarily resident there.
- (6) The name of a voter that appears in the register as being entitled to vote in a particular constituency shall not be retained therein if that person is not entitled to be registered or have his registration as a voter retained in that constituency in accordance with the provisions of this Act.”.

3. Amendment to section 9 of the principal Act.

Section 9 of the principal Act is amended in subsection (2) by deleting the words, “six months” and substituting therefor the words, “one year”.

4. Amendment to section 12 of the principal Act.

Section 12 of the principal Act is amended —

- (a) in subsection (6) by —
 - (i) deleting the words “the Commissioner or one of the Commissioners” and substituting therefor the words “the Administrator or one of the Administrators”;
 - (ii) inserting next after the word “accordingly” in the proviso a semicolon and the following —

“ Provided also that in an embassy, high commission or such other foreign mission the required functions of the Parliamentary Commissioner, the revising officer or the returning officer may be exercised by the highest ranking public officer, or such other public officer, either of whom is appointed by the Parliamentary Commissioner under section 49A to act on his behalf and the expressions “Parliamentary Commissioner”, “revising officer” or “returning officer” shall be construed accordingly.”;
- (b) by inserting next after subsection (7) a new subsection (8) as follows—

“(8) An assistant returning officer shall be appointed for each constituency who shall, in the event of the death, illness or other incapacity of the returning officer for that constituency between the time of the issue of a writ of election and the return of the writ of election under section 73, discharge all

the duties and enjoy all the powers of the respective returning officer until another returning officer is appointed or the returning officer ceases to be incapable of performing his duties, as the case may be.”.

5. Amendment to section 13 of the principal Act.

Section 13 of the principal Act is amended by inserting next after subsection (3), new subsections (4), (5) and (6) as follows —

- “(4) The Registrar-General shall, at intervals of three months, transmit to the Parliamentary Commissioner a list specifying the names, addresses and occupations of all adults, who have died during the preceding three months according to his records.
- (5) The Superintendent of Prisons shall, at intervals of three months, transmit to the Parliamentary Commissioner a list specifying the names of convicted persons —
 - (a) serving a term of imprisonment, stating the exact term, the date when the term began and the date when the term of imprisonment should end; and
 - (b) under sentence of death.
- (6) The Parliamentary Commissioner shall take such steps to investigate, verify and remove the names of persons who are deceased, serving a term of imprisonment or under a sentence of death from the voters list and, where a writ of election is issued within ninety days of the Commissioner receiving the list under subsection (4) or (5), the Commissioner may, where time does not allow for investigation, verification and removal, make a notation beside the name of the persons on the register whom he believes, based on the list, to be deceased, serving a term of imprisonment or under sentence of death.”.

6. Amendment to section 15 of the principal Act.

Section 15 of the principal Act is amended in paragraph (c) of subsection (1) by deleting the fullstop and substituting therefor a semicolon and inserting next after paragraph (c) the following as paragraph (d)—

- “(d) at any embassy, high commission or other foreign mission of the Government of The Bahamas at such times and on the days as the Parliamentary Commissioner shall determine.”

7. Insertion of new section 15A.

The principal Act is amended by inserting next after section 15 the following as

the new section 15A—

“15A. Registering overseas.

- (1) A person who is—
 - (a) a student, or the spouse accompanying such student, pursuing a *bona fide* programme of study outside of The Bahamas;
 - (b) a member of staff of any embassy, high commission or other foreign mission of The Bahamas who is posted overseas, or the spouse or any immediate member of the family living within the household of that member of staff;
 - (c) a public officer or a member of staff of the Ministry of Tourism or any delegation of The Bahamas who is on official duty overseas or the spouse of such person or any immediate member of the family living within the household of that member of staff; or
 - (d) a member of staff of The Bahamas Maritime Authority or any other agency of the Government of The Bahamas or the spouse of such person or any immediate member of the family living within the household of that member of staff,

may apply for registration at any embassy, high commission or other foreign mission of The Bahamas, provided that he is otherwise qualified to register in accordance with section 8.

- (2) The Parliamentary Commissioner shall, upon receipt of an application for registration under this section, where he has determined that the applicant meets the criteria for registration, take such steps to register the applicant.
- (3) Where an application for registration is refused by the Parliamentary Commissioner under this section, he shall put his reasons in writing.
- (4) The Parliamentary Commissioner shall appoint a public officer assigned to the embassy, high commission or foreign mission, as the case may be, to receive, process and dispatch applications for registration to the Parliamentary Commissioner or carry out any other acts in furtherance of the registration of applicants under this section and he shall otherwise put in place such arrangements to facilitate the registration and voting by persons registered by virtue of this

section, such arrangements being in accordance with this Act.”.

8. Amendment to section 16 of the principal Act.

Section 16 of the principal Act is amended)—

- (a) in subsection (2) by deleting the words “a Commissioner” and substituting therefor the words “an Administrator”;
- (b) in subsection (4)(b) by inserting next after the word “voters” the words “, such list having an appropriate notation beside the names of persons who have applied for enrolment as overseas voters”.

9. Amendment to section 18 of the principal Act.

Subsection (1) of section 18 of the principal Act is amended by inserting next after the word “resident” the following words—

“, except where the person is in the category of persons described in section 49A(1) and such person shall apply for registration at any embassy, high commission or other foreign mission of The Bahamas.”.

10. Amendment to section 19 of the principal Act.

Section 19 of the principal Act is amended—

- (a) in paragraph (b) of subsection (1) by inserting next after the word “registered” the following—

“and where the person is an applicant for registration at an embassy, high commission or other foreign mission of The Bahamas, the revising officer shall require such proof that will assist him in determining that the person is in the category of persons described in section 49A(1)”;
- (b) in subsection (7) by inserting next after the word “constituency” the words “or any place where registration of voters takes place,”.

11. Amendment to section 22 of the principal Act.

Section 22 of the principal Act is amended —

- (a) in subsection (2) by inserting next after the words “retained there” the words “or a person in the category of persons described in section 49A(1) is no longer qualified to be enrolled as an overseas voter,”;
- (b) in subsection (5) by deleting the words “a Commissioner and substituting therefor the words, “an Administrator”.

12. Amendment to section 24 of the principal Act.

Section 24 of the principal Act is amended in subsection (7) by deleting the words “a Commissioner” and substituting therefor the words “an Administrator”.

13. Amendment to section 25 of the principal Act.

Section 25 of the principal Act is amended —

- (a) in subsection (2) by —
 - (i) inserting at the beginning of the subsection, the words, “Subject to subsection (2A),”;
 - (ii) deleting from paragraph (a) the word “within ” and substitute therefor the words “immediately after the passage of”;
 - (iii) by inserting in paragraph (d), next after the words “polling day” the following—

“, except where the Parliamentary Commissioner, based on an order under Article 70 makes such amendment to the register that would properly place a registered voter in the correct part of the register.”;
- (b) by inserting next after subsection (2) the following as subsection (2A)—

“(2A) During the fourteen day period following the issue of the writ, the Parliamentary Commissioner may make such corrections to the register as are consequential on an order under Article 70 of the Constitution.”.

14. Amendment of section 26 of the principal Act.

Section 26 of the principal Act is amended by inserting next after subsection (4) the following as subsection (5)—

“(5) Where a copy of the register is required by this section or by section 25 to be published or to be made open for inspection, a copy shall be kept available for inspection and the taking of extracts by any person registered overseas or enrolled as an overseas voter at each of the embassies, high commissions or other foreign missions of The Bahamas on such days and at such times as the offices are open to the public.”.

15. Repeal of sections 29, 30 and 31 of the the principal Act.

Sections 29, 30 and 31 of the principal Act are hereby repealed.

16. Amendment to section 36 of the principal Act.

The principal Act is amended in subsection (2) of section 36 by inserting next after the words “justice of the peace” the words “or a notary public”.

17. Amendment to section 47 of the principal Act.

Section 47 of the principal Act is amended—

- (a) in the marginal note by deleting the word “Commissioners” and substituting therefor the word “Administrators”;
- (b) by deleting the word “commissioner” and substituting therefor the word “Administrator”.

18. Insertion of new sections 49A, 49B and 49C.

The principal Act is amended by inserting next after section 49 the following as the new sections 49A, 49B and 49C—

“49A. Enrolment as an overseas voter.

- (1) Any person who at the time of the issue of a writ of election is—
 - (a) a student, or the spouse accompanying such student, pursuing a *bona fide* programme of study outside of The Bahamas;
 - (b) a member of staff of any embassy, high commission or other foreign mission of The Bahamas who is posted overseas, or the spouse or any immediate member of the family living within the household of that member of staff;
 - (c) a public officer, or a member of staff of the Ministry of Tourism or any delegation of The Bahamas who is on official duty overseas or the spouse of such person or any immediate member of the family living within the household of that member of staff; or
 - (d) a member of staff of the Bahamas Maritime Authority or any other agency of the Government of The Bahamas, or the spouse of such person or any immediate member of the family living within the household of that member of staff,

and who is a registered voter may, subject to his enrolment as an overseas voter, vote at an embassy, high commission or other foreign mission of the Government of The Bahamas designated as a polling place by the Parliamentary Commissioner on such date appointed for the taking of the advanced poll under section 54.

- (2) A person described in subsection (1) who wishes to vote overseas shall, at any time after registration and up to seven days after the issue of a writ of election, either—
 - (a) submit his application for enrolment as an overseas voter in person at any embassy, high commission or foreign mission; or
 - (b) apply in writing to the Parliamentary Commissioner for enrolment as an overseas voter, in the form set out as “Form J” in the First Schedule.
- (3) An application under subsection (2)(b) may be submitted by way of facsimile, electronic mail or by any other authorised delivery service, so, however, that the application is received by the Parliamentary Commissioner within seven days of the said issue of the writ of election.
- (4) A registered voter who has been enrolled as an overseas voter under subsection (2), may not under any circumstances vote in a polling place in The Bahamas on the day appointed for the taking of the respective poll for which he has been enrolled as an overseas voter.
- (5) In this section —

“authorised delivery service” means —

 - (a) delivery by way of post;
 - (b) delivery by way of recognized courier service; or
 - (c) delivery by way of the diplomatic bag or other method utilized by the foreign service for delivery of documents from embassies, high commissions or other foreign missions overseas.
- (6) The Parliamentary Commissioner shall, upon receipt of an application for enrolment as overseas voter, where he has determined that the applicant is a registered voter and otherwise meets the criteria for enrolment as an overseas voter, take such steps to enrol the applicant as an overseas voter.
- (7) Where an application for enrolment is refused by the Parliamentary Commissioner under this section, he shall put his reasons in writing.
- (8) The Parliamentary Commissioner shall appoint a public officer assigned to the embassy, high commission or foreign mission, as the case may be, to receive process and dispatch applications for enrolment as overseas voters to the

Parliamentary Commissioner or carry out any other acts in furtherance of the enrolment of overseas voters, and he shall otherwise put in place such arrangements to facilitate the voting by registered voters who are enrolled as overseas voters, such arrangements being in accordance with this Act.

- (9) For the purposes of this Act, “overseas” means any place outside of The Bahamas.

49B. Overseas polling places.

- (1) The Parliamentary Commissioner shall establish such number of polling places outside of the The Bahamas at each embassy, high commission or such other foreign mission of The Bahamas as he may consider appropriate, to facilitate polling by voters enrolled as overseas voters, such voters being outside of The Bahamas on the day appointed for the taking of the poll.
- (2) The Parliamentary Commissioner shall appoint a public officer assigned to the embassy, high commission or foreign mission, as the case may be, as the presiding officer at the respective overseas polling place.
- (3) Each party may, by appointment in writing, authorize one person to act as the party’s election agent to each overseas polling place.
- (4) A candidate who is contesting an election as an independent candidate may, by appointment in writing, authorize one person to act as his election agent at each overseas polling place.
- (5) Every election agent under this section shall present his written authority to the presiding officer on his arrival at the polling place.
- (6) Voting shall take place at overseas polling places on the same day as the advanced poll under section 54 and shall be conducted in a similar manner as the advanced poll and otherwise in accordance with the provisions of this Act.
- (7) At the end of the poll, the sealed ballot box shall be returned to The Bahamas and delivered to the Parliamentary Commissioner in such manner as the Parliamentary Commissioner may direct.
- (8) The provisions of this Act as they apply to voters, voting and elections shall apply *mutatis mutandis* to voters voting in an overseas poll.

49C. Special voters.

- (1) A person who is duly registered to vote in a constituency within The Bahamas may vote as a special voter in the advanced poll under section 54 where —
 - (a) the person is, or is likely to be, on the day appointed for the taking of the poll, a patient in any hospital, nursing home, home for the aged or other institution for the treatment of any chronic illness or disability, except a person suffering from any mental disorder, psychopathic disorder or any subnormality of the mind, as defined by the Mental Health Act (*Ch. 230*), and such person is likely to be prevented by such illness, infirmity or disability from travelling to the polling place;
 - (b) the person is by reason of illness, infirmity, pregnancy or recent childbirth unable to vote in the constituency in which he or she is registered on the day appointed for the taking of the poll;
 - (c) the person, not being a person who qualifies to enrol as an overseas voter under section 49A, expects to be overseas on the day appointed for the taking of the poll;
 - (d) the person is a candidate or the spouse of a candidate contesting the respective election;
 - (e) the person is an election day worker, an election official or an employee of the Department of the Parliamentary Commissioner.
- (2) A person who, meeting the criteria in subsection (1), wishes to vote as a special voter shall apply in writing to the Parliamentary Commissioner for a special voter certificate, such application being in the form set out as “Form K” in the First Schedule within fourteen days of the issue of the writ of election.
- (3) The Parliamentary Commissioner upon receipt of an application for a special voter certificate shall, if he is satisfied that the application is made in good faith, issue the applicant with a certificate in the form set out as “Form L” in the First Schedule under his hand and such certificate shall permit the applicant to vote as a special voter in the advanced poll.
- (4) The Parliamentary Commissioner shall make such provisions to facilitate persons designated as special voters, paying due regard to the facilities at such institutions as he may

- designate as polling places in an advanced poll.
- (5) A hospital, nursing home, home for the aged or other institution for the treatment of any chronic illness or disability with permanent accommodation for five or more patients may apply to the Parliamentary Commissioner for designation as a polling place for special voters and the Parliamentary Commissioner may, if he is satisfied that it is practicable to hold an advanced poll there, designate it as a polling place for the purposes of the advanced polling of special voters.
 - (6) Each party may, by appointment in writing, authorize one person to act as the party's election agent to each place designated as a polling place under subsection (5) in an advanced poll.
 - (7) A candidate who is contesting an election as an independent candidate may, by appointment in writing, authorize one person to act as his election agent at each place designated as a polling place under subsection (5) in an advanced poll.
 - (8) Every election agent under this section shall present his written authority to the presiding officer on his arrival at the polling place.
 - (9) Voting shall take place at a place designated as a polling place under subsection (5) on the day of the advanced poll and shall be conducted in accordance with the provisions relating to the advanced poll under section 54 and otherwise in accordance with the provisions of this Act.
 - (10) At the end of the poll, the sealed ballot box shall be returned to the Parliamentary Commissioner in such manner as he shall direct.
 - (11) The provisions of this Act as they apply to voters, voting and elections shall apply *mutatis mutandis* to special voters voting in the advanced poll under section 54.”.

19. Amendment to section 53 of the principal Act.

Section 53 of the principal Act is amended by inserting next after subsection (2) the following as subsections (3) and (4) —

- “(3) Where at the time designated for the closing of the poll there are any voters in the actual polling place or in a line to the polling place and such voters are there with an intention to vote but have not been able to do so since their arrival at the polling place, the presiding officer shall indicate publicly the last person in the line and the poll

shall be kept open long enough to enable such persons to vote before the polling place is closed.

- (4) Pursuant to subsection (3), the presiding officer shall not allow any person who was not present or in the line to the polling place to vote after the time designated for the closing of the poll.”.

20. Insertion of new section 56A.

The principal Act is amended by inserting next after section 56 the following as a new section 56A as follows —

“56A. Voter may only vote in the polling division in which registered.

A person voting in an election shall do so in person at the polling division to which he is designated in the register except in so far as this Act makes exceptions for—

- (a) members of the police force or the Royal Bahamas Defence Force who are scheduled to vote in an advanced poll under section 54;
- (b) overseas voters;
- (c) special voters.”.

21. Amendment to section 58 of the principal Act.

Section 58 of the principal Act is amended in subsection (1) by deleting paragraphs (a) and (b).

22. Amendment to section 59 of the principal Act.

Section 59 of the principal Act is amended by inserting next after subsection (9) the following as subsection (10)—

- “(10) Any mark made with the electoral ink on the ballot paper in the form of fingerprints or partial fingerprints that may be placed inadvertently on the ballot or otherwise shall not be construed as an identification of the voter nor as any indication of the intention of the voter.”.

23. Amendment of section 84 of the principal Act.

Subsection (1) of section 84 of the principal Act is amended by the deletion of the words “the production of the writ for election to the House of Assembly under the provisions of section 77” and the substitution of the words “the declaration of the results under the provisions of section 72”.

24. Insertion of new section 105A.

The principal Act is amended by inserting next after section 105 a new section 105A as follows —

“105A. Parliamentary Commissioner to access passport records.

The Parliamentary Commissioner shall be afforded such access as may be necessary to the passport and related records of the Passport and Immigration Office in order that he may determine the validity of passports submitted by any person for registration as a voter or nomination as a candidate.”.

25. Amendment to section 107 of the principal Act.

Section 107 of the principal Act is amended in subsection (1)—

- (a) by deleting the words “a Commissioner” and substituting therefor the words “an Administrator”;
- (b) by inserting next after subsection (1) the following as subsection (1A)—

“(1A) Pursuant to subsection (1), where the Parliamentary Commissioner, the revising officer, the returning officer or the presiding officer is required by this Act to give public notice, such notice being of relevance to persons who applied for registration while overseas or persons enrolled to vote overseas, it shall be sufficient for the notice to be posted electronically on the Government website.”.

26. Amendment to the First Schedule.

The First Schedule is amended by inserting the following Forms as “Form J”, “Form K” and “Form L” respectively —

“ **Form J**

Application for Enrolment as Overseas Voter (Section 49A)

A. I

(Print full name of applicant)

B. My current address is

.....

(Print the address at which your currently reside overseas)

My email address is.....

My telephone number is.....

C. I am currently a registered voter in the Constituency of

.....
and my address in the constituency is.....

.....
(Print the address)

D. My occupation is.....

E. I am currently a member of staff of
.....
.....

*(Print name of the embassy/mission, ministry or other agency of the
Government of The Bahamas)*

F. I am currently registered as a student at

.....
.....
.....

(Print the name and address of the institution)

pursuing a programme of study in

.....
(Print the name of the programme of study)

G.

(Signature of Applicant)

This section to be completed by the Parliamentary Commissioner or his nominee

Date of receipt of application

Approved/Not approved.....

(Signature of Parliamentary Commissione or his nominee)

An applicant must complete Items A, B, C, D, G and either E or F.

Form K

Application for Special Voter Certificate (Section 49C)

A. I

(Print full name of applicant)

hereby apply for a special voter certificate to vote on the day of the advanced poll scheduled for

(Date of advanced poll)

B. My address is

.....
.....

(Print address)

My email address is.....

My telephone number is.....

C. I am currently a registered voter in the Constituency of and my voter number is

D. Reason for applying for special voter certificate

.....
.....
.....

E.....

(Signature of applicant)

This section to be completed by Parliamentary Commissioner or his nominee

Date of receipt of application.....

Approved/Not approved.....

.....
(Signature of Parliamentary Commissioner or his nominee)

An applicant must complete Items A, B, C, D and E.

Form L
Special Voter Certificate (Section 49C)

.....is
(Name of applicant for special voter certificate)
hereby certified as a special voter by virtue
of.....
.....
(Basis for designation as a special voter)
and is permitted to vote as a special voter in the advanced poll on
.....
(date of advanced poll)

.....
(Signature of Parliamentary Commissioner)"

27. Amendment to the Second Schedule.

The Second Schedule is amended by —

- (a) deleting Forms C, and D and substituting therefor respectively the following Forms —

“FORM C (Section 36)
FORM OF NOMINATION PAPER
HOUSE OF ASSEMBLY OF THE BAHAMAS.
ELECTION IN THE
CONSTITUENCY.

We, the undersigned, being registered as voters in the said Constituency, do hereby nominate the under mentioned person as a candidate at the said election, and we hereby certify that to the best of our knowledge and belief he is qualified to represent the said Constituency in the House of Assembly.

Candidate's surname	Other names in full	Place of Residence	Occupation
------------------------	------------------------	-----------------------	------------

- | | |
|----|---------|
| 1. | 1. |
| 2. | 2. |
| 3. | 3. |
| 4. | 4. |
| 5. | 5. |

Names of the five subscribers

Respective signatures of the five subscribers.

NOTE: The attention of intending candidates and subscribers of nomination papers is drawn to the requirements of the Parliamentary Elections Act, 1991, regarding nomination, and particularly to the requirements that a declaration of qualification shall be delivered and a deposit of B\$400.00 shall be made to the Returning Officer on nomination day.

A nomination paper must be signed by not less than five subscribers.

**FORM D (Section 36(2))
FORM OF DECLARATION OF QUALIFICATION**

I,
of
do hereby solemnly declare that I am qualified according to law to be elected and to serve as a Member of Parliament in the House of Assembly of The Bahamas.

.....
Signature of intending candidate

Declared and signed before me, this day
of20

.....

Signature of Justice of the Peace or
Notary Public.”

(b) by deleting Form H and substituting therefor the following Form—

**“FORM H (Section 41)
(Second Alternative)**

**FORM OF WITHDRAWAL OF CANDIDATE WHERE THE CANDIDATE
IS OUTSIDE THE BAHAMAS**

To the Returning Officer for the
Constituency

We, the undersigned, being subscribers of the nomination paper of the candidate named below, who is a candidate duly nominated for election as a Member of Parliament in the House of Assembly for the said Constituency, and who has not already been declared to have been elected for the Constituency, do hereby withdraw the candidature and nomination of the said candidate, and do, each of us solemnly declare that the candidate named below is at present outside The Bahamas and has authorised and instructed

[xxxvii](1)by means of [xxxviii]
(2)which is exhibited hereto, to withdraw his said candidature and nomination:

Candidate's surname	Other Names in full	Place of Residence	Occupation

1. 1.
2. 2.

3. 3.

Names of three subscribers of the candidate's nomination paper whose signatures appear in the column to the right.

Signatures of three subscribers of the candidate's nomination paper.”;

(c) by deleting Form L and M substituting therefor the following—

“ **FORM L (Section 52(4))**
Directions to Voters

1. A voter may vote only once and at only one polling station and for only one candidate.
2. The voter should see that the ballot paper, before it is handed to him, is signed by the Presiding Officer.
3. A voter shall on receiving the ballot paper go immediately into one of the compartments in the polling place with the ballot paper and the indelible pencil provided.
4. In the compartment of the polling place, the vote must secretly and with the indelible pencil place a cross (X) in the space opposite the name of the candidate that he wishes to vote for.
5. The voter must place only one cross (X) and no other mark on the ballot paper.
6. At no time must the voter place his name, his initials, his signature or any other information that is likely to reveal his identity on a ballot paper.
7. After placing the cross (X) on the ballot, the voter must fold up the ballot paper so that his vote cannot be seen by another person.
8. Before dropping the ballot in the ballot box, the voter must show the presiding officer the back of the ballot paper so that the presiding officer is able to identify his own signature on the folded paper.
9. After the presiding officer confirms that his signature appears on that ballot paper, the voter, in the presence of the said presiding officer and without showing the front of the ballot paper so folded, must drop the ballot paper into the ballot box.
10. After dropping his ballot paper, the voter must immediately leave the polling place.

11. If the voter inadvertently spoils a ballot paper he can return it to the Presiding Officer, who will, if satisfied of such inadvertence, give him another paper.
12. Where a voter votes from more than one candidate, places any mark on the paper by which he may afterwards be identified or otherwise does not carry out the directions to voters as to the placing of marks on the ballot paper his vote will be declared void and will not be counted.

FORM M (Section 56(2))

Form of Pre-Poll Ballot Paper Account

Constituency

Polling Division No.....

Date of Poll

Number of ballot papers entrusted to me

White ballot papers.....

Coloured ballot papers

Total number of pre-poll ballot papers

Total number of overseas ballots that I have been advised were
dispatched for this polling division.....

I hereby certify that the above statement is correct.

Date

.....
Presiding Officer for the above mentioned Polling Division.”;

- (d) by deleting Form Q and substituting therefor the following—

“FORM Q (Sections 65 and 67)

Form of Ballot Paper Account

Certificate of Returning Officer for the Constituency.

I hereby certify that the above statement is correct (subject to the corrections endorsed thereon by me in red ink and initialled by me) (1)

Date

.....
Returning Officer for the above mentioned Constituency.

NOTE:

(1) Delete the words in brackets if inappropriate.”.

OBJECTS AND REASONS

The draft Bill seeks to effect amendments to Parliamentary Elections Act (Ch.7).

Clause 1 makes provision for the name of the Bill.

Clause 2 seeks to amend sections 8 of the Act by firstly providing that a person's place of residence is to be determined by reference to the facts of the case and the choice that a person makes regarding his home, notwithstanding any other law concerning the meaning of the term "ordinarily resident". In further amendment to section 8, the clause provides that a person's residence in a constituency is not considered to have been interrupted where the person is occasionally absent because of his service as a Parliamentarian or Cabinet Minister, his employment in the public service takes him to another island within The Bahamas or his employment takes him overseas or he is studying overseas.

Clause 3 seeks to amend section 9 of the Act to increase the relevant period of time during which ordinary residency may take place to one year, in respect of a person's entitlement to vote.

Clause 4 seeks to amend section 12 of the Act to change the references to "Commissioner" to "Administrator" in the Family Islands thereby making the Act consistent with the Local Government Act (*Ch.37*). Further the clause seeks to provide that the highest ranking public officer, or such other person as may be authorised, in an embassy, high commission or other foreign mission, carry out the required functions of the Parliamentary Commissioner or the returning officer. Clause 4 also provides for the insertion of a new subsection (8) that introduces the position of assistant returning officer who is empowered to discharge all the duties and enjoy all the powers of the respective returning officer in the event of his death, illness or other incapacity.

Clause 5 seeks to amend the Act by way of the insertion of three new subsections in section 13. The new subsection (4) requires the Registrar General to send to the Parliamentary Commissioner the list of names of all adults who have died in the preceding three month period. The new subsection (5) requires the Superintendent of Prisons to send to the Parliamentary Commissioner every three months the list of persons serving a sentence. The new subsection (6) requires the Parliamentary Commissioner to investigate, verify and remove the names of persons who have died or who may be serving a sentence from the voters list. Additionally the new subsection empowers the Parliamentary Commissioner, where time does not allow for such investigation, verification and removal, to make a notation regarding the possible death or imprisonment of a person registered to vote on the voters list.

Clause 6 seeks to amend section 15 of the Act to provide for the attendance of a revising officer at embassies, high commissions or other foreign missions overseas at such times as the Parliamentary Commissioner determines.

Clause 7 seeks to amend the Act by the insertion of a new section 15A. This section provides for the registration of students, members of staff of embassies, high commissions or any other overseas mission, their spouses and members of their immediate families. It provides further for the Parliamentary Commissioner appointing a public officer assigned to the foreign mission to take such steps as may be required to register applicants. He is required also to make such arrangements to facilitate the registration of the respective persons, such arrangements being in accordance with the Act.

Clause 8 seeks to amend section 16 of the Act to change the references to “Commissioner” to “Administrator” in the Family Islands. It also seeks to amend subsection (4) to have a notation made beside the names of the persons who have applied for enrolment as overseas voters.

Clause 9 seeks to amend section 18 of the Act to create an exception for qualified persons who are overseas to apply for registration at any embassy, high commission or other foreign mission.

Clause 10 seeks to amend section 19 of the Act to empower the revising officer to request such proof from an applicant for registration overseas that he is in the category of persons who are able to apply for registration while overseas.

Clause 11 seeks to amend section 22 of the Act to empower the Parliamentary Commissioner to carry out such revisions as may be necessary with regard to persons enrolled as overseas voters.

Clause 12 seeks to amend section 24 of the Act to change the references to “Commissioner” to “Administrator” in the Family Islands.

Clause 13 seeks to amend section 25 of the Act to enable the Parliamentary Commissioner to effect such corrections to the register as may be consequential on changes in constituency boundaries up to fourteen days after the issue of the

writ of election. The amendment provides for the Parliamentary Commissioner publishing the register immediately after the passage of fourteen days after the issue of the writ of election.

Clause 14 seeks to amend section 26 of the Act to provide for the Parliamentary Commissioner making available a copy of the register or extracts thereof for inspection by persons registered overseas or enrolled as overseas voters at each of the foreign missions.

Clause 15 seeks to amend the Act to repeal the provisions relating to the Electoral Broadcasting Council at sections 39, 30 and 31. This addresses the likelihood of the duplication of functions and duties with the Utilities Regulation and Competition Authority.

Clause 16 seeks to amend section 36 of the Act to include a notary public as a witness to the Declaration of Qualification submitted by persons seeking nomination as a candidate.

Clause 17 seeks to amend section 47 of the Act to change the references to “Commissioner” to “Administrator” in the Family Islands.

Clause 18 seeks to amend the Act by inserting new sections 49A, 49B and 49C. The new section 49A provides for any person who is included in the stated category of persons, his spouse and the members of his immediate family living

within his household to apply for enrolment as overseas voters contingent upon their having been registered. The category of persons who may enrol as overseas voters includes persons studying outside of The Bahamas, members of staff of the embassies, high commissions or other overseas missions who are posted overseas and members of staff of any other mission or delegation of The Bahamas on official duty overseas. Upon enrolment, the voter may vote at a polling place overseas.

The new section 49B empowers the Parliamentary Commissioner to establish polling places outside of The Bahamas at the embassies, high commissions or foreign missions of The Bahamas. He is empowered also to appoint a public officer as the presiding officer for each such overseas polling place. The new section provides for each party and each independent candidate to authorize one person to act as election agent at each overseas polling place. The new section provides that voting shall take place on the same day as the advanced poll in The Bahamas.

The new section 49C provides for a new category of voters referred to as special voters. Registered voters who fall within the category of special voters are permitted to vote on the day of the advanced poll. This category of special voters includes persons who are likely to be in a hospital or nursing home, persons who may be ill or who may have recently given birth, persons who are ill and unable to vote in their constituency on the polling day, a candidate or the spouse of a candidate, or a person who expects to be overseas on polling day. The new section also empowers the Parliamentary Commissioner to designate a hospital, nursing home or similar institution as a polling place for the advanced

poll. Each party or each independent candidate may authorize one person to act as election agent at each place designated as a polling place in the advanced poll.

Clause 19 seeks to amend section 53 of the Act. This amendment empowers the presiding officer to allow the voters who are present in the polling place at the time designated for the closing of the polls to vote.

Clause 20 seeks to amend the Act by inserting a new section 56A. The new section requires that a voter may only vote in his polling division except where he is a member of the police force, the Royal Bahamas Defence Force, an overseas voter or a special voter.

Clause 21 seeks to amend section 58 of the Act to make persons who have voter's cards but whose names do not appear in the register for the relevant constituency or polling division the only category of persons eligible for the protest vote.

Clause 22 seeks to amend section 59 of the Act by providing that any fingerprints or partial fingerprints that may be made by the voter with the indelible ink shall not be construed as an identification of the voter or an indication of his intent.

Clause 23 seeks to amend section 84 to provide for the presentation of an election petition within 21 days after the declaration of results under section 72.

Clause 24 seeks to amend the Act to insert a new section 105A. The new section requires that the Parliamentary Commissioner be afforded access to the passport and related records of the Passport and Immigration Office so that he is able to determine the validity of passports.

Clause 25 seeks to amend the section 107 Act to change the reference to “Commissioner” to “Administrator” in the Family Islands. The clause also seeks to amend the Act to provide that where the Parliamentary Commissioner is required to give public notice and that notice is of relevance to persons who applied for registration overseas or are persons enrolled to vote overseas the posting of the notice on the Government website shall be sufficient.

Clause 26 seeks to amend the First Schedule to provide the relevant forms for enrolment as an overseas voter, application for a special voters certificate and the actual special voters certificate.

Clause 27 of the Act seeks to amend the Second Schedule in the following manner –

- (a) to provide that in Form C the names of the subscribers are printed on the Form;
- (b) consequent on the amendment to section 36, to provide that Form D provides for the signature of a notary public in addition to a justice of the peace;

- (c) to provide that in Form H the names of the subscribers are printed on the Form;
- (d) to provide more detailed directions to voters in the new Form L;
- (e) to provide for the accounting for overseas ballots in Form M and Form Q and to amend Form Q in the penultimate line to read "Returning Officer" and not "Presiding Officer".