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**CHAPTER 1**  
**REFERENDUM**

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## CHAPTER 1

### REFERENDUM

**An Act to provide for a framework for the conduct of a constitutional referendum or any other referendum.** 16 of 1977.  
7 of 2002.  
26 of 2012.

*[Commencement 29th December, 1977]*

**1.** This Act may be cited as the Referendum Act.

Short title.  
26 of 2012, s. 3.

**1A.** In this Act, “Minister” means the Minister responsible for Parliamentary Registration and Elections.

Interpretation.  
26 of 2012, s. 4.

**2.** (1) For the purpose of obtaining the approval of the electors qualified to vote in an election of members of the House of Assembly with respect to a Bill submitted to them, which Bill seeks to alter an Article of the Constitution specified in Article 54(2) or (3) of the Constitution or any of the provisions of The Bahamas Independence Act, 1973, a vote shall be taken by way of a referendum held in accordance with this Act.

Holding of referendum.

(2) The Governor-General may by proclamation appoint a day for the holding of a constitutional referendum, being a day not earlier than twenty-one days after the date of the proclamation.

7 of 2002, s. 3.  
26 of 2012, s. 5.

(3) The electors qualified to vote in a constitutional referendum shall be the electors who are qualified to vote as electors for the Election of members of the House of Assembly and for the purpose of constitutional referendum the register of voters prepared pursuant to section 13 of the Parliamentary Elections Act, shall be deemed to be closed ten days before the holding of the constitutional referendum.

7 of 2002, s. 4.  
26 of 2012, s. 5.

**3.** The question to be asked in a constitutional referendum shall be set out in the Bill which seeks to amend the Constitution or The Bahamas Independence Act, 1973, as the case may be.

Question to be asked in referendum.  
26 of 2012, s. 6.

**3A.** (1) Where the Minister considers it desirable that the views of the electorate of The Bahamas be obtained on any matter of national importance (other than a matter to which section 2(1) applies) he may advise the Governor-General to issue an Order directing that a referendum other than a constitutional referendum be held for that purpose.

Holding of any other referendum.  
26 of 2012, s. 7.

(2) The question to be asked in a referendum (other than a constitutional referendum under section 2), and the form of the ballot paper to be used for that purpose, shall be as set out in an Order prescribed in the regulations.

Ch. 7.

(3) The electors qualified to vote in a referendum shall be the electors who are qualified to vote as electors for the election of members of the House of Assembly and for the purposes of such referendum the register of voters prepared pursuant to section 13 of the Parliamentary Elections Act, shall be deemed to be closed fifteen days before the holding of the referendum.

(4) The Governor-General on the advice of the Minister, by Order published in the *Gazette* appoint a day for the holding of a referendum other than a constitutional referendum.

Conduct of  
referendum.  
26 of 2012, s. 7.  
Ch. 7.

**3B.** (1) The functions which, in relation to a general election, are conferred on the Parliamentary Commissioner by any provision of the Parliamentary Elections Act, shall, in relation to any referendum under this Act, be discharged by that officer.

(2) The Parliamentary Commissioner shall, in addition to the functions conferred upon him by subsection (1), be responsible for conducting the count of votes cast in any referendum under this Act and for certifying the total of the ballot papers and the respective answers relating to the referendum.

(3) The Parliamentary Commissioner shall in writing appoint such persons as may be necessary —

- (a) as Returning Officers, presiding officers and polling clerks for the purpose of conducting a referendum under this Act;
- (b) to assist the Parliamentary Commissioner in conducting the count of votes cast in a referendum under this Act.

Ch. 7.

(4) The functions which, in relation to a general election are conferred respectively on returning officers and presiding officers by any provision of the Parliamentary Elections Act shall, in relation to any referendum under this Act, be discharged by those officers respectively.

Application of  
Parliamentary  
Elections Act.  
7 of 2002, s. 2.  
26 of 2012, s. 8.

**4.** Except as may be otherwise provided in regulations made pursuant to section 5, in a referendum the votes of the electors shall be cast and the proceedings shall

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be conducted so far as may be as if a referendum were a general election of members of the House of Assembly and the Parliamentary Elections Act, and any regulations in force under that Act, shall be construed accordingly. Ch. 7.

- 5.** (1) The Governor-General may make regulations — Regulations.  
7 of 2002, s. 2.
- (a) for the establishment of such organisation as may appear to the Governor-General to be necessary for the conduct of a constitutional referendum; 26 of 2012, s. 9.
  - (b) as to the form of a ballot paper for the purpose of a constitutional referendum; 26 of 2012 s. 9.
  - (c) for the modification of the Parliamentary Elections Act (including omissions from, additions to and amendments to the said Act) for the purpose of this Act; Ch. 7.
  - (d) for any other matter appearing to the Governor-General to be necessary or expedient for the purposes of this Act.
- (2) For the purposes of a referendum under section 3A, the Minister may make regulations — 26 of 2012, s. 9.
- (a) for the establishment of such organisation as may appear to the Minister to be necessary for the conduct of a referendum under section 3A of this Act;
  - (b) for the modification of the Parliamentary Elections Act (including omissions from, additions to and amendments to the said Act) for the purposes of this Act; Ch. 7.
  - (c) for any other matter appearing to the Minister to be necessary or expedient for the purposes of section 3A.
- 6.** Any expenses incurred in carrying this Act into effect shall be defrayed out of moneys provided by Parliament. Expenses.