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PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2012

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No. 4 of 2012

PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2012

AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS ACT.

[Date of Assent – 13th March, 2012]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act may be cited as the **Parliamentary Elections (Amendment) Act, 2012.**

2. Amendment to section 2 of the principal Act.

Section 2 of the principal Act is amended by inserting, in the appropriate alphabetical sequence, the following —

“ **“Caribbean Community”** has the meaning ascribed to it under the Caribbean Community Act (*Ch. 17*);

“**foreign mission**” includes the designated office of an honorary consul appointed by the Government of The Bahamas in any member state of the Caribbean Community;”

3. Amendment to section 15A of the principal Act.

Subsection (4) of section 15A of the principal Act is amended by deleting the word “assigned” and substituting therefor the words “, such officer being either an employee of the specified embassy, high commission or foreign mission or an employee of the Parliamentary Registration Department.”.

4. Amendment to section 49A of the principal Act.

Subsection (8) of section 49A of the principal Act is amended by deleting the word “assigned” and substituting therefor the words “, such officer being either an employee of the specified embassy, high commission or foreign mission or an employee of the Parliamentary Registration Department,”.

5. Amendment to section 49B of the principal Act.

Subsection (2) of section 49B of the principal Act is amended by deleting the word “assigned” and substituting therefor the words “, such officer being either an employee of the specified embassy, high commission or foreign mission or an employee of the Parliamentary Registration Department,”.

6. Amendment to section 52 of the principal Act.

Section 52 of the principal Act is amended by inserting after subsection (4) the following as subsection (5) —

“(5) For the purposes of voting overseas, the ballot box shall be of such dimensions and comprised of such flexible materials that would allow for it to fit in the overhead bins or under the seat of an aircraft.”.

7. Insertion of new sections 104A, 104B, 104C, 104D and 104E.

The principal Act is amended by inserting immediately after the heading “Miscellaneous” in Part X the following new sections 104A, 104B, 104C, 104D and 104E —

“104A. Observers at General Elections.

- (1) The Governor General may, after consultation with the Parliamentary Commissioner, invite any person or groups of persons from outside of The Bahamas to visit any island in The Bahamas for the purpose of observing the conduct of an election.
- (2) The name of any person or groups of persons so invited shall be published in the Gazette.
- (3) Each person shall be issued with an identity card by the Parliamentary Commissioner and the card shall be displayed prominently during any observation activities.

104B. Rights of Observers.

- (1) Notwithstanding any law to the contrary, an observer under section 104A may scrutinise the register, enter polling places and places designated for the counting

of votes and seek information from the Parliamentary Commissioner or his staff, any returning officer, presiding officer, election agent or any other election officials.

- (2) An observer shall have the right to obtain from the Parliamentary Commissioner a copy of the register for any polling division and any law relating to elections in The Bahamas.
- (3) The Parliamentary Commissioner and his staff, returning officers, presiding officers, election agents or any other election officials shall co-operate with observers and shall comply with any reasonable request made by the observers in the performance of their functions under this Act.

104C. Privileges and immunities of observers.

An observer shall enjoy the privileges and immunities afforded diplomatic agents under the Diplomatic Privileges and Immunities Act (*Ch. 19*).

104D. Obstruction of or interference with an observer.

Any person who assaults an observer or obstructs or interferes with him in the performance of his functions or the exercise of his rights under this Act shall be liable on summary conviction to a fine of ten thousand dollars and imprisonment for a term of eighteen months.

104E. Personation.

Any person who personates any observer with intent to obtain admission to any polling place or to any place designated for the counting of votes or to avail himself of any of the rights conferred on observers under this Act shall be liable on summary conviction to a fine of ten thousand dollars and imprisonment for a term of eighteen months."