



EXTRAORDINARY
OFFICIAL GAZETTE
THE BAHAMAS
PUBLISHED BY AUTHORITY

NASSAU

22nd December, 2020

(A)

PARLIAMENTARY ELECTIONS (AMENDMENT) ACT, 2020

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No. 39 of 2020

**PARLIAMENTARY ELECTIONS (AMENDMENT)
ACT, 2020**

AN ACT TO AMEND THE PARLIAMENTARY ELECTIONS ACT

[Date of Assent - 22nd December, 2020]

Enacted by the Parliament of The Bahamas

1. Short title.

This Act, which amends the Parliamentary Elections Act, may be cited as the Parliamentary Elections (Amendment) Act, 2020.

2. Amendment of section 2 of the principal Act.

Section 2 of the principal Act is amended —

- (a) by deleting the definition of “current register” and substituting the following —

“**current register**” means the register of voters in being at the commencement of this Act which is deemed by section 13, to continue to exist as part of the continuous register;”;

- (b) by deleting the definition of “register or register of voters” and substituting the following —

“**register, register of voters or continuous register**” means the register of persons entitled to vote at an election which is prepared and kept in accordance with the provisions of this Act and includes any part of the register;”.

3. Amendment of section 8 of the principal Act.

Section 8 of the principal Act is amended by the deleting and substituting of subsection (9) as follows —

- “(9) For the avoidance of doubt, a person is not qualified to be registered as a voter in more than one polling division in any constituency, and in more than one constituency.”.

4. Amendment of section 13 of the principal Act.

Section 13 of the principal Act is repealed and replaced as follows —

“13. Continuous register.

- (1) The current register shall be deemed to continue to exist after the commencement of this Act, as part of the continuous register of voters entitled to vote at an election for all the purposes of this Act.
- (2) A person registered as a voter entitled to vote at an election on the current register, shall remain registered as a voter entitled to vote at an election on the continuous register, unless his name is removed from the register by the Parliamentary Commissioner, where the Parliamentary Commissioner determines that since publication of the current register, such person —
 - (a) has died;
 - (b) has ceased to be entitled to be registered under section 8(1);
 - (c) is deemed to be suffering from a legal incapacity and is not entitled to be registered as a voter or to vote at any election by virtue of section 10(2);
 - (d) is found not to be entitled to register as a voter or to be retained on the register of voters upon a revision of the register under section 22;
 - (e) has had an objection to his registration as a voter allowed under section 23;
 - (f) is removed from the register of voters under section 94; or
 - (g) is otherwise disqualified for registration as a voter under this Act.
- (3) The Parliamentary Commissioner shall on a continuous basis —
 - (a) register or cause to be registered on the continuous register in accordance with sections 18(1) and 19, any person not registered as a voter, who wishes to be registered and is qualified to register to vote;

- (b) transfer or cause to be transferred to another constituency in accordance with sections 18(2) and 20, the registration of any person who —
 - (i) is on the continuous register;
 - (ii) has changed his ordinary residence to another constituency and wishes to be transferred to that other constituency; and
 - (iii) appears to the Parliamentary Commissioner to be ordinarily resident in that other constituency;
- (c) transfer or cause to be transferred to another polling division in the same constituency pursuant to sections 18(2) and 20, the registration of any person who —
 - (i) is on the continuous register;
 - (ii) has changed his ordinary residence to that other polling division in the constituency in which he is registered and wishes to be transferred to that other polling division; and
 - (iii) appears to the Parliamentary Commissioner to be ordinarily resident in that other polling division.
- (4) The continuous register of voters, for the purposes of any election under this Act, shall consist of all persons —
 - (a) whose names appear on the register referred to in subsection (1), less those removed under subsection (2);
 - (b) who have reached the age of eighteen years and who appear to the Parliamentary Commissioner to be otherwise qualified to be registered and are entered on the register under subsection (3)(a);
 - (c) who have otherwise become qualified to be registered and are entered on the register under subsection (3)(a);
 - (d) whose names appear on the register and are transferred under subsection (3)(b) or (3)(c).
- (5) The register of voters shall —
 - (a) be framed in separate parts for each polling division, and each part shall contain, in alphabetical order, the names of those who are registered as being entitled to vote at an election in the polling division to which it relates and shall be in Form A in the *First Schedule* and contain the particulars so prescribed in Form A;

- (b) contain the parts of the register for the polling divisions making up one constituency shall together form the register of voters for that constituency;
 - (c) be revised and amended by the processing of claims, objections, applications for registration, or transfers, or in relation to any matters raised or made regarding the register under this Act or any regulations made thereunder;
 - (d) include all revisions and amendments to the register, published in an addendum on the next quarterly date, and shall form part of the register of voters.
- (6) For the purposes of this section and section 25, the quarterly dates are March 31, June 30, September 30, and December 31.
- (7) The register of voters shall be continuously updated by incorporating the quarterly addenda referred to in subsection (5) and shall be published in accordance with the provisions of section 25.”.

5. Renumbering of sections 13A and 13B of the principal Act.

Sections 13A and 13B of the principal Act are amended by renumbering section 13A and section 13B as section 13C and section 13D respectively.

6. Insertion of new sections 13A and 13B into the principal Act.

The following new sections are inserted into the principal Act as sections 13A and 13B —

“13A. Duty to provide statistics to Parliamentary Commissioner.

- (1) The Registrar General shall, at intervals of no more than three months, transmit to the Parliamentary Commissioner, a list specifying the names, dates of birth and death, together with addresses and occupations, of all adults who have died and whose deaths were recorded with the Registrar General during the preceding three months.
- (2) Notwithstanding subsection (1), the Parliamentary Commissioner shall have access to all registers and other records of births and deaths which are required to be kept under the Births and Deaths Registration Act, and the Registrar General shall furnish the Parliamentary Commissioner with a copy of any register or other record as and when the Parliamentary Commissioner may require.

- (3) All undertakers, morticians and directors of funeral homes shall, at the end of each month, transmit to the Parliamentary Commissioner, a list of persons whom they have buried during the preceding month according to their records, and specifying the names, dates of birth and death, addresses, and occupations of all such adults.
- (4) The Director of National Insurance shall, at intervals of no less than three months, transmit to the Parliamentary Commissioner, a list of deceased persons in respect of whose deaths, benefits have been claimed under the National Insurance Act (*Ch. 350*).
- (5) The Commissioner of Corrections shall, at intervals of three months, transmit to the Parliamentary Commissioner a list of the names, addresses, and dates of birth, of all adult convicted persons —
 - (a) serving a term of imprisonment, stating the exact term of imprisonment, the date when the term began and the date when the term of imprisonment is expected to end;
 - (b) under a sentence of death.

13B. Duty of Parliamentary Commissioner to investigate, verify and remove from the register of voters, persons who are deceased, imprisoned or under a sentence of death.

The Parliamentary Commissioner shall investigate, verify and remove from the register of voters, the names of persons who are deceased, serving a term of imprisonment or under a sentence of death, and, where a writ of election is issued within ninety days of the Commissioner receiving the lists under section 13A, the Commissioner may, where time does not permit for investigation, verification and removal, make a notation beside the name of the persons on the register whom he believes, based on the lists submitted, to be deceased, serving a term of imprisonment, or under a sentence of death.”

7. Amendment of section 13C of the principal Act.

Section 13C(2)(c) of the principal Act is amended by deleting the word “13B” and substituting therefor the words “13D”.

8. Amendment of section 13D of the principal Act.

Section 13D(1) of the principal Act is amended by deleting the word “13A” and substituting therefor the words “13C”.

9. Repeal and replacement of section 14 of the principal Act.

Section 14 of the principal Act is repealed and replaced as follows —

“14. Voters’ cards and counterfoils issued on registration in current register to remain valid.

- (1) All voters’ cards and all counterfoils corresponding thereto, prepared and issued in connection with the current register, shall, for the purposes of this Act, continue to be valid after the commencement of this Act as if prepared and issued in connection with the continuous register under section 13.
- (2) Every person —
 - (a) applying for registration for the first time in the continuous register after the commencement of this Act, shall be issued new voters’ cards and counterfoils under section 19; and
 - (b) those transferred to new polling divisions or constituencies shall have his voters’ cards, previously prepared and issued, amended to reflect the change of address under section 20.
- (3) Without prejudice to subsections (1) and (2), biometric permanent voters cards may be issued in the place of a paper voters card and counterfoil specified in subsections (1) and (2).”.

10. Amendment of section 15A of the principal Act.

Section 15A(l) of the principal Act is amended by inserting in the chapeau after the word “is”, the words “not registered in the current or the continuous register and is”.

11. Amendment of section 18 of the principal Act.

Section 18 of the principal Act is amended in the following respects —

- (a) by deleting subsection (1) and substituting the following —

“(1) Any person wishing to be registered as a voter, being a person whose name has not at any time been included in the current register or the continuous register, shall apply for registration in the polling division in which he is ordinarily resident, except where the person is in the category of persons described in section 15A.”;
- (b) in subsection (2) —
 - (i) by inserting after the words “current register”, the words “or the continuous register,”;

- (ii) by deleting the words “whether or not he is still so registered,”;
and
- (c) in the proviso, by inserting the words “or the continuous register”
after the words “current register”.

12. Amendment of section 19 of the principal Act.

Section 19 of the principal Act is amended —

- (a) in subsection (1), by inserting after the words “current register”, the
words “or the continuous register”;
- (b) by deleting subsection (8).

13. Repeal and replacement of section 20 of the principal Act.

Section 20 of the principal Act is repealed and replaced as follows —

“20. Procedure on applications for transfer of registration.

- (1) The revising officer, before transferring the registration as a
voter in any polling division, any person who was formerly
registered as a voter in the current register and is a voter in
the continuous register shall —
 - (a) require that person —
 - (i) to produce his voter’s card;
 - (ii) to take and subscribe an oath (which shall be
certified by the revising officer) in the second of
the alternative forms in Form B in the *First
Schedule*; and
 - (iii) to produce such reasonable evidence, whether
documentary or otherwise, as the revising officer
shall consider necessary, to prove that he is
qualified to be so registered;
 - (b) make or cause to be made such other enquiries as he
thinks fit for the purpose of verifying that person’s
qualification to be so registered;
 - (c) make any necessary alteration or correction in that
person’s voter’s card and in the counterfoil
corresponding thereto, and shall require that person
to subscribe his signature or mark, and shall himself
subscribe his signature to the alteration or correction,
to both the card and the counterfoil; and
 - (d) alter or correct any parts of the register accordingly.

- (2) This section shall apply to any application to amend or correct any particulars of an entry in the register relating to the applicant, or to alter the qualification of the applicant.”.

14. Amendment of section 22 of the principal Act.

Section 22 of the principal Act is amended by deleting subsection (4).

15. Amendment of section 25 of the principal Act.

Section 25 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following —
- “(1) In each quarter, by a day not later than the fourteenth day in the last month of the quarter as defined in section 13, the Parliamentary Commissioner shall prepare and make open for inspection a copy of all parts of the register relating to all constituencies in The Bahamas and which copy shall have made thereto all the alterations, additions or deletions required to be made to the register in accordance with the provisions of this Act before the commencement of the quarter in which it is prepared.”;
- (b) in subsection (2), by the insertion immediately after the words “New Providence” of the words “or in any Family Island”; and
- (c) by the deletion of subsection (3) and the substitution of the following —
- “(3) The provisions of subsections (1) and (2) of this section shall apply to all the parts of the register but for the purposes of a Family Island, the reference to “the fourteenth day” in subsection (1) shall be substituted for a reference to the “twenty-first day”.”

16. Repeal and replacement of section 27 of the principal Act.

Section 27 of the principal Act is repealed and replaced as follows —

“27. Correction of register following review of boundaries of constituencies under Article 70(7).

- (1) Where by an order made under paragraph (7) of Article 70 of the Constitution, new constituencies are established, or the boundaries of constituencies are altered or, as the case may be, new polling divisions are established or the boundaries of polling divisions altered, the Parliamentary Commissioner shall make all such alterations or corrections to the register of voters as may be necessary as a consequence of such order.

- (2) The register, as altered, shall be the register of voters for all ensuing elections and all alterations or corrections made therein shall continue to form a part of the register, unless and until the alterations or corrections made are revoked and replaced by a new order pursuant to paragraph (7) of Article 70 of the Constitution.
- (3) A registered voter shall not be required to re-register by reason of the establishment of new constituencies, the alteration of boundaries of constituencies, or, the establishment of new polling divisions, or the alteration of the boundaries of polling divisions.
- (4) As persons are registered or transferred from time to time in the register for the several constituencies or polling divisions to which any order under paragraph (7) of Article 70 of the Constitution relates, the Parliamentary Commissioner shall make all such additions, deletions, alterations or corrections as may be necessary as a result of such registration or transfer.
- (5) The Parliamentary Commissioner shall from time to time, make any necessary alterations or corrections to the counterfoils of the voters' cards of those persons in respect of whom alterations or corrections were made in the register pursuant to subsection (1).
- (6) From time to time after the counterfoils have been altered or corrected pursuant to subsection (5), the Parliamentary Commissioner shall publish a Notice requesting all persons affected by the alterations or corrections to attend, at the office of the Parliamentary Commissioner or such other places as specified, with their voters' cards in order to have such cards altered or corrected in conformity with the alterations or corrections made to the corresponding counterfoils, and shall require those persons to subscribe their signatures or marks and shall himself subscribe his signature to the alterations or corrections in the counterfoils; and each Notice shall be inserted in at least three consecutive issues of not less than two newspapers published in the Island of New Providence and may be published in such additional manner as the Parliamentary Commissioner may deem fit.
- (7) Upon the dissolution of the House of Assembly in being at the time of the making of an order under the provisions of paragraph (7) of Article 70 of the Constitution, the register made under the provisions of section 13 together with the alterations or corrections made under this section, shall

thereafter continue to be the register of voters for the purposes of this Act.

- (8) Where by an order made under subsection (2) of section 11, the boundaries of any polling divisions in any constituency are re-drawn, the following provisions shall have effect, that is to say —
- (a) a registered voter shall not be required to re-register by reason of the re-drawing of such boundaries;
 - (b) the Parliamentary Commissioner shall publish a Notice requesting the persons named in such Notice to produce their voters' cards at the office of the Parliamentary Commissioner or such other place or places as he may direct upon such days and between such hours as shall be set out in the Notice;
 - (c) where the voter's card of any person is produced in accordance with paragraph (b) of this subsection, the Parliamentary Commissioner shall make any necessary alteration or correction in that person's voter's card and in the counterfoil corresponding thereto, and shall require that person to subscribe his signature to that alteration or correction in both the card and the counterfoil; and
 - (d) the Parliamentary Commissioner shall make in any parts of the register affected, such alterations or corrections as may be necessary in consequence of the order.”.

17. Amendment of section 49C of the principal Act.

Section 49C (1) of the principal Act is amended —

- (a) by deleting the semi-colon appearing at the end of paragraph (e);
- (b) by inserting immediately after paragraph (e), the following new paragraph (f) —
 - “(f) the person is a registered voter entitled to vote at an election and is a person with disabilities or 65 years or older on the day appointed for the taking of the poll.”.

18. Amendment of section 94 of the principal Act.

Section 94 of the principal Act is amended by renumbering the section as subsection (1) and by inserting the following as subsection (2) —

- “(2) The Parliamentary Commissioner shall remove from the register of voters, the registration of any person —

- (a) who secured his registration on the register of voters by committing an offence under subsection (1)(a), (b) or (c) and has been convicted of any such offence;
- (b) whose registration on the register of voters was secured by some other person committing an offence under subsection (1)(a), (b) or (c);
- (c) who is convicted of an offence under subsection (1)(d).”.

19. Amendment of section 113 of the principal Act.

Section 113 of the principal Act is amended by deleting of subparagraphs (d) and (e) and the substituting of the following —

- “(d) prescribing —
 - (i) biometric data cards for use as permanent voters cards to replace paper voters cards and counterfoils;
 - (ii) the method for reading, assessing and recording any of the biometric data contained in the biometric permanent voters card;
- (e) prescribing anything which may be or is to be prescribed under this Act;
- (f) generally for the better carrying into effect of the purposes and provisions of this Act.”.