

JAMAICA

No. 12 – 2005

I assent,

[L.S.]

H. F. COOKE,
Governor-General.

17th day of March, 2005.

AN ACT to Amend the Representation of the People Act.

[18th March, 2005]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Representation of the People (Amendment) Act, 2005, and shall be read and construed as one with the Representation of the People Act (hereinafter referred to as the principal Act) and all amendments thereto.

Short title
and
construction.

2. Section 34 of the principal Act is amended—

(a) by deleting subsection (3) and substituting therefor the following as subsections (3), (3A), (3B), (3C), (3D) and (3E)—

Amendment
of section 34
of principal
Act.

" (3) Subject to subsections (8) and (9), no elector shall receive a ballot paper or be permitted to vote unless his identity as the person whose name appears on the official list of electors for that polling division has been established, as directed by the presiding

officer or any other person authorized by him, in accordance with the provisions of this section.

(3A) Before receiving his ballot paper, every elector shall, on the direction of the presiding officer, place his finger in or on the specified equipment.

(3B) Where an elector refuses to place his finger in or on the specified equipment—

- (a) no ballot paper shall be issued to him; and
- (b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words “Refused to be identified by finger print” shall be written thereafter.

(3C) Where the specified equipment fails to function or to function properly or no such equipment is provided, the elector shall—

- (a) produce to the presiding officer his identification card or other prescribed document establishing his identity, and
- (b) take the oath in the form set out in the second schedule and otherwise establish his identity to the satisfaction of the presiding officer; or
- (c) as the case may require, satisfy all the conditions specified in subsection (7).

(3D) Where a prescribed document establishing identity has been issued in substitution for an identification card, only by the prescribed document shall be produced to and accepted by the presiding officer, except in cases in which the elector satisfies the conditions specified in subsection (7).

(3E) In determining whether or not the specified equipment has failed to function or function properly the presiding officer shall seek and be bound by the

advice of the Chief Electoral Officer or the person nominated by him so to determine.”;

- (b) by deleting subsections (5) and (6) and substituting therefor the following as subsections (5) and (6)—

“ (5) Subject to subsection (9), where an elector fails to comply with the provisions of subsection (3D)—

- (a) no ballot paper shall be issued to him; and
- (b) erasing lines shall be drawn through his name on the official list of electors and in the poll book, if such name has been entered in the poll book, and the words “Refused to be sworn” shall be written thereafter.

(6) The candidates, agents of the candidates or any elector representing a candidate shall be permitted to examine—

- (a) the specified equipment; and
- (b) any identification card or other prescribed document used to establish the identity of an elector produced pursuant to subsection (3C).”;

- (c) in subsection (7) by deleting the words “paragraph (b) of subsection (5)” and substituting therefor the words “subsections (3C) and (3D)”; and

- (d) by inserting next after subsection (9) the following as subsection (10)—

“ (10) In this section, “specified equipment” means the equipment approved by the Electoral Advisory Committee for the purpose of identifying electors by finger print and issuing ballots.”.