

JAMAICA

No. 11 -2007

I assent,

[L.S.]

*(Sgd) Prof. Kenneth D. Hall*  
Governor-General.

*19<sup>th</sup> July, 2007*

AN ACT to Amend the Representation of the People Act.

[ *19<sup>th</sup> July, 2007* ]

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, 2007, 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 4 of the principal Act is amended in subsections (2) and (3) by deleting the words "two hundred and fifty" and substituting therefor in each case the words "four hundred". Amendment of section 4 of principal Act.

Amendment  
of section  
12 of  
principal  
Act.

3. Section 12 of the principal Act is amended by deleting subsection (1) and substituting therefor the following—

- “ (1) Each political party having—
- (a) five or more members in the House of Representatives; or
  - (b) not less than five percent of the total vote at the last national election,

shall be entitled to appoint one person as scrutineer in respect of each polling division, and shall, as soon as is practicable after the appointment of a scrutineer, supply the scrutineer’s name and address in writing to the Chief Electoral Officer.”.

Amendment  
of section 35  
of principal  
Act.

4. Section 35 of the principal Act is amended by inserting the following as subsections (7) to (10)—

“ (7) The provisions set out in subsection (8) shall apply in any case where an elector, except as otherwise permitted by this Act, intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote.

(8) The provisions referred to in subsection (7) are as follows—

- (a) the presiding officer shall issue a warning to the elector in relation to the display;
- (b) the elector shall forthwith restore the ballot paper to the presiding officer; and
- (c) the presiding officer shall—
  - (i) so deface the ballot as to render it a spoiled ballot; and
  - (ii) deliver a second ballot paper to the elector.

(9) Where, pursuant to subsection (8), an elector has been given a second ballot paper and acts in the manner described in subsection (7) in relation to that second ballot paper the provisions of subsection (8) (a), (b) and (c) (i) shall apply, and no further ballot paper shall be delivered to the elector.

(10) An elector who acts in the manner described in subsection (7) commits an offence and shall be liable, upon summary conviction before a Resident Magistrate, to a fine not exceeding eighty thousand dollars or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

5.—(1) Section 36 of the principal Act is amended by deleting subsections (3) to (5) and substituting therefor the following—

Amendment  
of section 36  
of principal  
Act.

“ (3) The presiding officer shall act in accordance with subsection (4) upon the request of—

(a) an elector who—

(i) is incapacitated from voting in the manner prescribed by this Act, due to any physical cause other than blindness; and

(ii) takes an oath in the form set out in Form 12 of the Second Schedule; or

(b) a blind elector who takes an oath in the form set out in Form 13 of the Second Schedule.

(4) The presiding officer shall, at the option of the elector—

(a) assist the elector by marking the elector's ballot paper—

(i) in the manner directed by the elector; and

(ii) in the presence of the poll clerk and the sworn agents of the candidates or of the sworn electors representing the candidates in the polling station, but no other person,

and placing the ballot in the ballot box; or

(b) permit the person described in subsection (5) to accompany the elector into the voting compartment and mark the elector's ballot for him.

(5) The person referred to in subsection (4) is a friend of the elector, being a person who—

- (a) has not already acted pursuant to subsection (4)(b) in relation to any other elector in that election; and
- (b) takes an oath in the form set out in Form 14 of the Second Schedule, that he—
  - (i) will keep secret the name of the candidate for whom he marks the ballot on behalf of the elector; and
  - (ii) has not already acted pursuant to subsection (4)(b) in relation to any other elector in that election.”.

(2) Section 36 (6) of the principal Act is amended by deleting the words and numerals “(3), (4) or (5)” and substituting therefor the numeral “(4)”.

Amendment  
of Second  
Schedule to  
principal  
Act.

6. The Form 14 of the Second Schedule to the principal Act is amended—

- (a) by deleting the word “Blind” appearing in the heading;
- (b) in paragraph (1) by deleting the word “blind”; and
- (c) in paragraph (2) by deleting the words “a blind” and substituting therefor the word “an”.

Passed in the House of Representatives this 29th day of May, 2007 with one (1) amendment.

MICHAEL PEART  
*Speaker.*

Passed in the Senate this 15th day of June, 2007 with one (1) amendment.

SYRINGA MARSHALL-BURNETT, C.D., J.P.  
*President.*

On the 10th day of July, 2007 the House of Representatives agreed to the amendment made by the Senate.

MICHAEL PEART  
*Speaker.*

*This printed impression has been carefully compared by me with the authenticated impression of the foregoing Act, and has been found by me to be a true and correct printed copy of the said Act.*

*Clerk to the Houses of Parliament.*