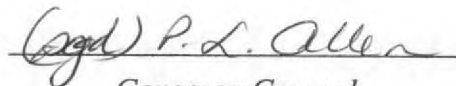


JAMAICA

No. 23 – 2011

I assent,

[L.S.]

  
Governor-General.

6<sup>th</sup> December, 2011

AN ACT to Amend the Representation of the People Act.

[ 7<sup>th</sup> December, 2011 ]

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, 2011, 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 Section 18 of the principal Act is repealed and the following substituted therefor—

Repeal and replacement of section 18 of principal Act.

“Official list to be supplied to candidates.

18. As soon as may be after the writ for an election has been issued under this Act, and not later than eight days after the date designated as nomination

day, every returning officer shall furnish to each candidate who has been duly nominated to contest the election in the constituency over which the returning officer has authority, four copies of the official list of electors in force for such elections, disaggregated into four parts, as follows—

- (a) the Military Voters' List;
- (b) the Police Voters' List;
- (c) the Election Officers Voters' List; and
- (d) the Civil Voters' List.”.

Amendment  
of section 28  
of principal  
Act.

3. Subsection (3) of section 28 of the principal Act is deleted and the following substituted therefor—

“ (3) Subject to subsection (3A), the returning officer shall, within seven days after the nomination day, deliver or send by registered post to each candidate the prescribed number of copies of the notice referred to in subsection (2), together with—

- (a) a list of the presiding officers and poll clerks who will officiate at each polling station; and
- (b) a list of the persons assigned to transport ballot boxes from polling stations.

(3A) The returning officer may make such changes as may be necessary in the lists referred to in paragraphs (a) and (b) of subsection (3) after the delivery or dispatch of such lists to the candidates and, if he does so, shall forthwith notify the candidates of the changes.”.

Amendment of  
section 35 of  
principal Act.

4. Subsections (7), (8) and (9) of section 35 of the principal Act are deleted and the following substituted therefor—

“ (7) Except as otherwise permitted by this Act, subsections (8) and (9) apply in any case where an elector—

- (a) intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote; or

- (b) uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper.

(8) Where an elector intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote—

- (a) the presiding officer shall—
  - (i) issue a warning to the elector and request that the elector returns the ballot paper to him forthwith and the elector shall forthwith restore the ballot paper to the presiding officer;
  - (ii) deface the ballot paper so as to render it a spoiled ballot; and
  - (iii) deliver a second ballot paper to the elector; and<sub>x</sub>

- (b) if, pursuant to paragraph (a), an elector is given a second ballot paper and acts in the manner described in this subsection in relation to that second ballot paper the provisions of paragraph (a) (i) and (ii) shall apply, and no further ballot paper shall be delivered to the elector thereafter.

(9) Where an elector uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper, the presiding officer shall—

- (a) request that the elector return the ballot paper to him forthwith and the elector shall so restore the ballot paper to him forthwith; and
- (b) deface the ballot paper so as to render it a spoiled ballot and no other ballot paper shall be delivered to the elector thereafter.”

Amendment of section 44A of principal Act.

5. Section 44A of the principal Act is amended, by deleting—

(a) paragraph (a) of subsection (3) and substituting therefor the following—

~~“(a) the four selected members of the Commission; and”~~; and

(b) from subsection (5), the words “four-fifths” and substituting therefor the words “five-sixths”.

Amendment of section 55 of principal Act.

6. Section 55 of the principal Act is amended by deleting the word “three” and substituting therefor the word “ten”.

Repeal of sections 71, 72, 73 and 74 of principal Act.

7. Sections 71, 72, 73 and 74 of the principal Act are repealed.

Amendment of section 76 of principal Act.

8. Section 76 of the principal Act is amended, by deleting from—

(a) subsection (1)—

(i) the words “section 71 or of section 74 or of”; and

(ii) the word “sections” and substituting therefor the word “section”; and

(b) subsection (2), the numerals “71, 74 or” wherever they appear.

Amendment of section 105 of principal Act.

9. Subsection (1) of section 105 of the principal Act is amended—

(a) in subsection (1), by deleting the words “forty-eight hours” and substituting therefor the words “seventy-two hours”; and

(b) by inserting next after subsection (2), the following as  
~~subsection (3)~~—

“ (3) No agent of a candidate shall be transferred between polling stations within the same polling location.”.

**10.** The enactments specified in the first column of the Schedule are amended as specified in relation to them respectively in the second column of the Schedule. Modification of laws. Schedule.

SCHEDULE

(Section 10)

*Enactments to be Amended*

Enactments

Amendments

Kingston and  
St. Andrew  
Corporation Act  
Section 34A

Delete the section and substitute therefor the following—

“ Official list  
to be  
supplied to  
candidate.

34A. As soon as may be after the notice for an election has been issued under this Act, and not later than eight days after the nomination day, the returning officer shall supply, to each candidate for such election, four copies of the official list of electors in force for such elections, disaggregated into four parts, as follows—

- (a) the Military Voters' List;
- (b) the Police Voters' List;
- (c) the Election Officers Voters' List; and
- (d) the Civil Voters' List.”.

Section 44

Delete paragraph (b) of subsection (4).

Section 51

1. Delete from subsection (1) the words “forty-eight hours” and substitute therefor the words “seventy-two hours”.

*Enactments to be Amended*

Enactments

Amendments

2. Insert next after subsection (2), the following as subsection (3)—

✓ “ (3) No agent of a candidate shall be transferred between polling stations within the same polling location.”

Section 53

Insert next after subsection (6) the following—

✓ “ (7) Except as otherwise permitted by this Act, subsections (8) and (9) shall apply in any case where an elector—

(a) intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote; or

(b) uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper.

(8) Where an elector intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote—

(a) the presiding officer shall—

(i) issue a warning to the elector and request that the elector return the ballot paper to him forthwith; and the elector shall

*Enactments to be Amended***Enactments**  
\_\_\_\_\_**Amendments**  
\_\_\_\_\_

forthwith restore the ballot paper to the presiding officer;

(ii) deface the ballot paper so as to render it a spoiled ballot; and

(iii) deliver a second ballot paper to the elector; and

(b) if, pursuant to paragraph (a), an elector is given a second ballot paper and acts in the manner described in this subsection in relation to that second ballot paper the provisions of paragraph (a) (i) and (ii) shall apply, and no ballot paper shall be delivered to the elector thereafter.

(9) Where an elector uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper, the presiding officer shall—

(a) request that the elector return the ballot paper to him forthwith; and the elector shall restore the ballot paper to him forthwith; and

(b) deface the ballot paper so as to render it a



*Enactments to be Amended*

<u>Enactments</u>	<u>Amendments</u>
	<p>spoiled ballot and no other ballot paper shall be delivered to the elector thereafter.</p> <p>(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 fines and imprisonment.”.</p>
Section 62A	Delete from subsection (1) the words “four-fifths” and substitute therefor the words “five-sixths”.
Section 62C	Delete paragraph (a) from subsection (2) and substitute therefor the following— <p style="margin-left: 40px;">“(a) the four selected members of the Electoral Commission of Jamaica established under the <i>Electoral Commission (Interim) Act</i>.”.</p>
Sections 104, 105, 106 and 107	Repeal the sections.
<i>Parish Councils Act</i>	
Section 12A	Delete the section and substitute therefor the following— <p style="margin-left: 40px;">“ Official list to be supplied to candidates. 12A. As soon as may be after the notice for an election has been issued under this Act, and not later than eight days after the nomination day, the returning officer shall supply to each candidate for such</p>

*Enactments to be Amended*

<u>Enactments</u>	<u>Amendments</u>
	<p>election, four copies of the official list of electors in force for such elections, disaggregated into four parts, as follows—</p> <p>(a) the Military Voters' List;</p> <p>(b) the Police Voters' List;</p> <p>(c) the Election Officers Voters' List; and</p> <p>(d) the Civil Voters' List.”</p>
Section 29	<p>1. Delete from subsection (1) the words “forty-eight hours” and substitute therefor the words “seventy-two hours”.</p> <p>2. Insert next after subsection (2), the following as subsection (3)—</p> <p style="padding-left: 40px;">“ (3) No agent of a candidate shall be transferred between polling stations within the same polling location.”.</p>
Section 31	<p>Insert next after subsection (6), the following as subsections (7), (8), (9) and (10)—</p> <p style="padding-left: 40px;">“ (7) Except as otherwise permitted by this Act, subsections (8) and (9) shall apply in any case where an elector—</p> <p style="padding-left: 80px;">(a) intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote; or</p>

*Enactments to be Amended*

Enactments

Amendments

- (b) uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper.
- (8) Where an elector intentionally displays his ballot paper so as to make known to any person the candidate for or against whom he intends to vote—
  - (a) the presiding officer shall—
    - (i) issue a warning to the elector and request that the elector return the ballot paper to him forthwith; and the elector shall forthwith restore the ballot paper to the presiding officer;
    - (ii) deface the ballot paper so as to render it a spoiled ballot; and
    - (iii) deliver a second ballot paper to the elector; and
  - (b) if, pursuant to paragraph (a), an elector is given a second ballot paper and acts in the manner described in this subsection in relation to that second ballot paper, the provisions of paragraph (a) (i) shall apply, and no other ballot paper shall be delivered to the elector thereafter.

*Enactments to be Amended*

<u>Enactments</u>	<u>Amendments</u>
	(9) Where an elector uses a cellular phone, digital camera or other device to record, photograph or otherwise capture the image of a marked ballot paper, the presiding officer shall—
	(a) request that the elector return the ballot paper to him forthwith; and the elector shall restore the ballot paper to him forthwith; and
	(b) deface the ballot paper so as to render it a spoiled ballot and no other ballot paper shall be delivered to the elector thereafter. ✕
	(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.”
Section 40A	Delete from subsection (1) the words “four-fifths” and substitute therefor the words “five-sixths”.
Section 40C	Delete paragraph (a) from subsection (2) and substitute therefor the following— “(a) the four selected members of the Electoral Commission of Jamaica established under the <i>Electoral Commission (Interim) Act</i> .”
Sections 79, 80, 81 and 82	Repeal the sections.

Passed in the Honourable House of Representatives this 22nd day of November, 2011 with one (1) amendment.

MARISA DALRYMPLE-PHILIBERT

*Speaker.*

Passed in the Senate this 24th day of November, 2011.

OSWALD G. HARDING, O.J., C.D., Q.C.  
*President.*

*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.*