

No. of 2007

National Assembly Elections
(Amendment) Bill, 2007

Saint Christopher
and Nevis

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SAINT CHRISTOPHER AND NEVIS

No. of 2007

A BILL to amend the National Assembly Elections Act, Chapter 162 in order to prescribe and clarify the qualifications relating to residence or domicile in Saint Christopher and Nevis by expressly setting out the categories of persons who may qualify to be registered as a voter for the purpose of electing a Representative in a constituency; to make new provision for the issuance of national identification cards to be used for election purposes; and to provide for related matters.

BE IT ENACTED by the Queen’s Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis, and by the authority of the same as follows:

Short title. 1. This Act may be cited as the National Assembly Elections (Amendment) Act, 2007.

Interpretation. 2. In this Act, unless the context otherwise requires, “Act” means the National Assembly Elections Act, Chapter 162.

Amendment of Section 2 3. Section 2 of the Act, is amended
(a) by deleting the definition of “Commonwealth citizen” and substituting the following new definition:

“the Commonwealth ” means any country specified in the Third Schedule and any dependency of any such country;

(b) by inserting immediately after the definition of “polling station” the following new definition:

“registration date” in relation to the registration of any person who qualifies to be registered as a voter, means the date on which that person applies to be registered as a voter unless in respect of any particular year of election, the Chief Registration Officer by order appoints some other date;

(c) by inserting immediately after the definition of “meeting” the following new definition:

“national identification card” means an identification card issued pursuant to section 42A of the Act;”

Amendment of
Section 42 .

4. Section 42 of the Act is amended

(1) by deleting subsection (1) and substituting the following:

“Qualification of voters (1) Subject to this Act and any other enactment imposing any disqualifications for registration as a voter, a person is qualified to be registered as a voter for a constituency if, on the registration date, he is

(a) a citizen of Saint Christopher and Nevis of the age of eighteen years or upwards and is ordinarily resident in Saint Christopher and Nevis;

(b) a citizen of Saint Christopher and Nevis of the age of eighteen years or upwards whose name appears in the register of voters for a constituency and who is ordinarily resident overseas and has a domicile of origin in Saint Christopher and Nevis in accordance with subsection (10) and;

(c) a citizen of Saint Christopher and Nevis of the age of eighteen years or upwards who is ordinarily resident overseas and has a domicile of origin in Saint Christopher and Nevis in accordance with subsection (11);

(d) a person who is registered as a citizen of Saint Christopher and Nevis by descent who is of the age of eighteen years or upwards and is ordinarily resident overseas and has a domicile of origin in Saint Christopher and Nevis in accordance with subsection (12);

(e) a citizen of a Commonwealth country, of the age of eighteen years or upwards who has been ordinarily resident

in Saint Christopher and Nevis for a period of at least twelve months immediately before the registration date;

Insertion of
new sections.

5. The Act is amended by inserting immediately after section 42 the following new sections:

“Ordinary residence 42A. (1) For the purpose of registration under this Act a person shall be deemed to reside in the constituency where he was ordinarily resident on the registration date.

(2) A person shall not, for the purposes of this Act, be deemed to be ordinarily resident in any constituency to which he has come for the purpose of engaging temporarily in any employment of a seasonal character and for the purposes of this subsection, “seasonal” means temporary employment of not more than six months at any one time.

(3) Subject to subsections (1), (2), (4) and (5), the question whether a person is or was ordinarily resident in a constituency for any material period shall be determined by reference to all the facts of the case.

(4) The place of ordinary residence of a person is, generally the place which has always been or which he has adopted as, the place of his habitation or home, whereto when away from there he intends to return.

(5) Where it appears by reference to all the facts of the case that a person has more than one place of ordinary residence, such person shall elect in respect of which place he desires to be registered.

(6) Notwithstanding subsections (1), (2), (3), (4) and (5), the Chief Registration Officer or the Registration Officer for a constituency may carry out an investigation and may visit any house within the constituency for the purpose of ascertaining whether persons whose names appear in any list reside in a particular constituency or are still alive or for such other prescribed purposes as the Chief Registration Officer or the Registration Officer may require.

Domicile 42B. (1) A person to whom section 42(1)(b) applies whose name appears in the register of voters for a constituency is only eligible to vote in the constituency in which that person had been registered immediately prior to leaving Saint Christopher and Nevis to reside overseas.

(2) For the purpose of registration under the Act a person to whom section 42 (1)(c) applies has a domicile of origin in Saint Christopher and Nevis and may apply to be registered as a voter in the constituency where that person had been ordinarily resident immediately prior to leaving Saint Christopher and Nevis to reside overseas;

(3) For the purpose of registration under the Act a person to whom section 42(1)(d) applies has a domicile of origin in Saint Christopher and Nevis and may apply to be registered as a voter in the constituency in Saint Christopher and Nevis where that person's father or mother is or was ordinarily resident.

“Issuance of national identification cards 42C. The Chief Registration Officer shall, in accordance with the regulations, cause a national identification card containing the prescribed matters to be issued to a person who is registered as a voter for a constituency pursuant to this Act.

Amendment of Section 43A .

6. Section 43A of the Principal Act is amended

(a) by replacing the marginal note “right to remain registered” with “de-registration”;

(b) by deleting the words “A person” appearing in the first line and substituting the words, “Subject to subsections (2), a person”;

(c) by renumbering the existing section as subsection (1) ;

(d) by inserting immediately after subsection (1) as renumbered by paragraph (b) the following as subsection (2):

“(2) A person to whom subsection (1)(v) of section 42 applies who is registered as a voter for a constituency pursuant to this Act is liable to have his or her name deleted from the register of voters for that constituency where the Chief Registration Officer is satisfied that that person is no longer resident in Saint Christopher and Nevis without prejudice to that person's right to make a new application for registration under this Act.”

Amendment of Section 71

7. The Principal Act is amended by deleting section 71 thereof and substituting the following new section:

“National
identification
cards and questions
to be put to voters

71. (1) The presiding officer at the time any person applies for a ballot paper but not afterwards

- (a) shall request that person to produce his national identification card; and
- (b) may, and if requested by a candidate or his agent, put to the voter the following questions-

- (i) Are you the same person whose name appears as “A.B.” in the register of voters now in force for this polling division (*reading the whole entry from the register*)?
- (ii) Have you already voted at this election either here or elsewhere?

(2) Subject to subsection (3), a ballot paper shall not be issued to any person who

- (a) does not produce his national identification card when required to do so under subsection (1)(a); or
- (b) does not satisfactorily answer the questions asked of him under subsection (1)(b).

(3) A ballot paper shall be issued to any person whose name appears in the register of voters and who is unable to produce his national identification card, if he satisfies the presiding officer that he has been issued with a national identification card which is lost or destroyed and that he is the same person whose name appears in the register of voters by producing a valid passport or other Government issued photo identification card.

(4) Save as is by this section authorized, no other enquiry shall be permitted as to the right of any person to vote.

Amendment of
Section 104.

9. Section 104(1) of the Act, is amended by inserting immediately after paragraph (j) the following new paragraphs:

(k) adding to, or deleting any country from the countries specified in the Third Schedule or making such other variations to the Third Schedule as he may consider appropriate

(l) prescribing the procedure to be followed in the issuing of national identification cards to persons registered to vote at an election pursuant to this Act;

(m) the issuance of national identification cards in place of those which are lost, defaced or destroyed and the fees to be paid therefore;

(m) any matters incidental to the provisions of this Act relating to the registration of voters.

Insertion of Third Schedule 10. The Act is amended by inserting immediately after the Second Schedule, the following new Third Schedule:

“THIRD SCHEDULE

(Section 2)

COMMONWEALTH COUNTRIES

Antigua and Barbuda, Australia, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei, Cameroon, Canada, Cyprus, Dominica, Gambia, Ghana, Grenada, Guyana, India, Jamaica, Kenya, Kiribati, Lesotho, Malawi, Malaysia, Maldives, Malta, Mauritius, Mozambique, Namibia, Nauru, New Zealand, Nigeria, Pakistan, Papua New Guinea, , St. Lucia, Saint Christopher and Nevis Saint Vincent and the Grenadines, Samoa, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa Sri Lanka, Swaziland, Tanzania, Tonga, Trinidad and Tobago, Tuvalu, Uganda, United Kingdom, Vanuatu, Zambia”

MARCELLA A LIBURD
Speaker

Passed by the National Assembly this day of , 2007.

JOSÉ LLOYD
Clerk of the National Assembly