

M O N T S E R R A T

ELECTIONS (AMENDMENT) ACT, 2023

No. 8 of 2023

ARRANGEMENT OF SECTIONS

1	Short title	2
2	Interpretation	2
3	Section 2 amended.....	2
4	Section 4 amended.....	4
5	Section 9A inserted	4
6	Section 12 amended.....	5
7	Section 27A inserted	5
8	Section 56 amended.....	6



MONTSERRAT

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I ASSENT

Sgd. Sarah Tucker (Mrs.)

GOVERNOR

DATE: 4 July 2023

M O N T S E R R A T

No. 8 of 2023

AN ACT TO AMEND THE ELECTIONS ACT (CAP. 1.04).

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat and by the Authority of the same as follows:

1 Short title

This Act may be cited as the Elections (Amendment) Act, 2023.

2 Interpretation

In this Act—

“**principal Act**” means the Elections Act (Cap. 1.04).

3 Section 2 amended

Section 2 of the principal Act is amended by—

- (a) inserting the following definitions into the correct alphabetical sequence—

MONTSERRAT

Elections (Amendment) Act, 2023

No. 8 of 2023

“**assistant returning officer**” means a person appointed by the Governor as an assistant returning officer under section 9A;

“**election data**” means data concerning the outcome of a general election or by-election, including data disaggregated by—

- (i) number of names on the list of voters;
- (ii) polling stations;
- (iii) the names of the candidates who received the largest number of votes to be elected to be members of the Assembly;
- (iv) the number of votes polled for each candidate; and
- (v) the number of ballots issued, spoiled or rejected;

“**mobile polling station**” means a mobile polling station established under section 27A;

“**residential care home**” means an institution at which ten or more persons reside;

“**unconvicted prisoner**” means a prisoner awaiting trial, a prisoner on remand, a prisoner committed for contempt of court, a prisoner convicted but not sentenced, a prisoner appealing against conviction, or a prisoner under lawful temporary detention without charge;”;

- (b) deleting the definition of Supervisor of Elections and substituting the following—

MONTSERRAT

Elections (Amendment) Act, 2023

No. 8 of 2023

“**Supervisor of Elections**” means the person appointed in accordance with section 4(2);” and

- (c) in the definition of “**election officer**”, inserting “assistant returning officer,” after “returning officer.”.

4 Section 4 amended

Section 4(2) of the principal Act is deleted and the following is substituted—

- “(2) The Governor on the recommendation of the Electoral Commission shall appoint a Supervisor of Elections.
- (3) The Supervisor of Elections shall, under the direction of the Electoral Commission, perform the functions and duties of the Supervisor of Elections set out in this Act.”.

5 Section 9A inserted

The principal Act is amended by inserting the following as section 9A—

“9A. Assistant returning officer

- (1) The Governor shall, on the recommendation of the Supervisor of Elections, appoint fit and proper persons as assistant returning officers to assist the returning officer in the performance of his functions, including the following—
- (a) receiving the ballot boxes, keys, counter foils, poll books and unused ballot papers at the close of the polls;
- (b) accompanying ballot boxes to the place where the count will be conducted; and

MONTSERRAT

Elections (Amendment) Act, 2023

No. 8 of 2023

- (c) assisting the returning officer in recording and counting all votes given to each candidate.
- (2) An assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer.
- (3) An assistant returning officer shall, on his appointment, take and subscribe an oath in the form set out as Form No. 9 in the Schedule, with the necessary modifications, and shall thereafter transmit the oath to the Supervisor of Elections.”.

6 Section 12 amended

Section 12 of the principal Act is amended by inserting the following as subsection (3)—

- “(3) An unconvicted prisoner is entitled to be registered as a voter, to remain on the electoral register and to vote at a general election or by-election.”.

7 Section 27A inserted

The principal Act is amended by inserting the following as section 27A—

“27A. Mobile polling station

- (1) The returning officer may establish a mobile polling station for use on the day named in the writ issued under section 20(1) in the following facilities—

 - (a) His Majesty’s Prison; and
 - (b) a hospital and any other a residential care home or facility.
- (2) A returning officer shall—

 - (a) in consultation with the head of each facility mentioned subsection (1), fix

MONTSERRAT

Elections (Amendment) Act, 2023

No. 8 of 2023

- the hours when the mobile polling station will operate;
 - (b) appoint an assistant returning officer, for each mobile polling station; and
 - (c) determine the format that each mobile polling station is to take, whether as a fixed location, cell to cell visitation or or bed-to-bed visitation.
- (3) The head of each facility mentioned in subsection (1) shall, in consultation with the returning officer, designate a room or space in the facility to accommodate a fixed location mobile polling station.
- (4) A facility at which one or more mobile polling station is established is a polling station under this Act and all relevant provisions of this Act apply with all necessary modifications.”.

8 Section 56 amended

Section 56 of the principal Act is amended by—

- (a) deleting subsection (1)(f) and inserting the following as paragraphs (f) and (g)—
 - “(f) certified copies of election data; and
 - (g) all other information, data and documents concerning the general election or by-election.”;
- (b) deleting subsection (3) and inserting the following subsection (3) and (3A)—
 - “(3) The Supervisor of Elections shall, after receiving the return of members elected to the Assembly, submit the writ with the return endorsed on the writ to the Chairman of Electoral Commission within the time specified in the writ.

MONTSERRAT

Elections (Amendment) Act, 2023

No. 8 of 2023

- (3A)** The Chairman of Electoral Commission shall submit the writ received under subsection (3) to the Governor and the Governor shall within seven days of the receipt of the writ return the writ to the Supervisor of Elections for safe custody in accordance with section 57.”; and
- (c) inserting the following as subsections (6) and (7)—
- “(6) The Supervisor of Elections shall, on receiving the election data submitted under subsection (1), further certify the election data and submit the election data to the Chairman of the Electoral Commission.
- (7) The Chairman of the Electoral Commission shall, on receiving the election data submitted under subsection (6)—
- (a) submit the election data to the Governor; and
- (b) publish copies of the election data.”.

Sgd. Charliena M. L. White (Miss.)

SPEAKER

Passed by the Legislative Assembly this 27th day of June, 2023.

Sgd. Dr. Judith Baker

CLERK OF LEGISLATIVE ASSEMBLY