

No. of 2006

VIRGIN ISLANDS
ELECTIONS (AMENDMENT) ACT, 2006
ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Section 11 amended.
4. Section 17 amended.
5. Section 18 amended.
6. Section 23A amended.
7. Section 26 amended.
8. Section 34 amended.
9. Section 48 amended.
10. Section 52 amended.
11. Second Schedule amended.

I Assent

Governor
, 2006

VIRGIN ISLANDS

No. of 2006

A Bill for

An Act to amend the Elections Act, 1994 (No. 16 of 1994).

[Gazetted , 2006]

ENACTED by the Legislature of the Virgin Islands as follows:

- Short title. **1.** This Act may be cited as the Elections (Amendment) Act, 2006.
- Interpretation.
No. 16 of 1994 **2.** In this Act, “the principal Act” means the Elections Act, 1994.
- Section 11
amended. **3.** Section 11 of the principal Act is amended by adding after subsection (3), the following subsection:
- “(4) Notwithstanding anything contained in this Act, the Supervisor of Elections, or the Deputy Supervisor of Elections with the approval of the Supervisor of Elections, may perform the duties of a returning officer if the need arises.”.
- Section 17
amended. **4.** Section 17(2) of the principal Act is amended by inserting after the words “to vote”, the words “and be verified before a commissioner for oaths, or a notary public, who is not a candidate in the upcoming election or a Member of the Legislative Council.”.
- Section 18
amended. **5.** Section 18(1) of the principal Act is amended

- (a) in paragraph (b), by deleting the full stop and substituting the words “; and”;
- (b) by adding after paragraph (b), the following paragraph:
 - “(c) in each calendar year, a copy of the preliminary list of all local electoral districts on such date as he thinks fit, provided that compliance with this paragraph shall not be required in any year where the preliminary list is published under paragraph (a) or (b).”.

6. Section 23A(4) of the principal Act is amended by inserting after the words “magnetic strip”, the words “, bar code or other device”. Section 23A amended.

7. Section 26(1) of the principal Act is amended by deleting the words “three hundred” and substituting the words “five hundred”. Section 26 amended.

8. Section 34 of the principal Act is amended by repealing subsection (1) and substituting the following subsection: Section 34 amended.

“(1) Each candidate may, before the commencement of the poll, appoint

- (a) not more than two polling agents to attend at a polling station, but only one of those polling agents shall remain in the polling station at any given time provided that this shall not be construed as preventing a polling agent from handing over his duties to another polling agent in the polling station within such period and in such manner as may be directed by the Supervisor of Elections; and
- (b) not more than two counting agents to attend at the counting of the votes.”.

9. Section 48(2) of the principal Act is amended by inserting after the words “vote at an advance poll”, the words “and the signature of the applicant shall be witnessed in writing by a believer, other than a candidate in the upcoming election, who has known the applicant personally for at least two years and who is a justice of the peace, minister of religion, medical doctor, legal practitioner, bank officer, senior civil servant above the rank of Administrative Officer, principal of an educational institution, police officer above the rank of Section 48 amended.

Sergeant or a person of similar standing as may be approved by the Supervisor of Elections”.

Section 52
amended.

10. Section 52 of the principal Act is amended by inserting after subsection (2), the following subsection:

“(2A) Notwithstanding subsection (2), the Supervisor of Elections may, for the purposes of an election in the Territorial district, appoint such other persons as he thinks fit to assist the returning officer with the counting of votes in accordance with the provisions of this section.”.

Second Schedule
amended.

11. The Second Schedule to the principal Act is amended

(a) in Form 8, by inserting after the words “Application for Transfer of Registration”, the words “(This application must be verified before a commissioner for oaths, or a notary public, who is not a candidate in the upcoming election or a Member of the Legislative Council.)”; and

(b) in Form 27,

(i) by inserting after the words “Application to be treated as a Voter of an Advanced Poll”, the words “(This application must be witnessed by a believer, other than a candidate in the upcoming election, who has known the applicant personally for at least two years and who is a justice of the peace, minister of religion, medical doctor, legal practitioner, bank officer, senior civil servant above the rank of Administrative Officer, principal of an educational institution, police officer above the rank of Sergeant or a person of similar standing as may be approved by the Supervisor of Elections.)”; and

OBJECTS AND REASONS

This Bill seeks to amend the Elections Act, 1994 (No. 16 of 1994) (hereinafter referred to as “the principal Act”).

Clause 3 would amend section 11 of the principal Act to empower the Supervisor of Elections, or the Deputy Supervisor of Elections with the approval of the Supervisor of Elections, to perform the duties a returning officer if the need arises.

Clause 4 would amend section 17 of the principal Act to require an application for the transfer of a voter’s registration from one electoral district to another to be verified before a commissioner for oaths, or a notary public, who is not a candidate in the upcoming election or a Member of the Legislative Council.

Clause 5 would amend section 18 of the principal Act to allow for the annual publication of the voters’ list.

Clause 6 would amend section 23A of the principal Act to permit voter registration cards to store information by means of bar codes or other devices.

Clause 7 would amend section 26 of the principal Act to increase the deposit payable by candidates from three hundred dollars to five hundred dollars.

Clause 8 would amend section 34 of the principal Act permit candidates to appoint not more than two polling agents and not more than two counting agents. Only one of a candidate’s polling agents would be permitted in a polling station at any given time.

Clause 9 would amend section 48 of the principal Act to require an application to vote at an advance poll to be witnessed by a believer, other than a candidate in the upcoming election, who has known the applicant personally for at least two years and who is a justice of the peace, minister of religion, medical doctor, legal practitioner, bank officer, senior civil servant above the rank of Administrative Officer, principal of an educational institution, police officer above the rank of Sergeant or a person of similar standing as may be approved by the Supervisor of Elections.

Clause 10 would amend section 52 of the principal Act to empower the Supervisor of Elections to appoint such other persons as he thinks fit to assist the returning officer with the counting of votes for the purposes of an election in the Territorial district.

Finally, clause 11 would make consequential amendments to the application forms in the Second Schedule to the principal Act that relate to the transfer of one's registration to another electoral district and to voting at an advance poll.

Chief Minister