

**A BILL
ENTITLED**

AN ACT to Amend the Representation of the People Act.

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:-

Short title and construction.

1. This Act may be cited as the Representation of the People (Amendment) Act, 2020, 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.

Amendment of section 2 of principal Act.

2. Section 2 of the principal Act is amended by inserting in the appropriate alphabetical sequence the following definitions –

“agent”, in relation to a candidate, means, in any case where the candidate represents a political party, the agent of the political party which that candidate represents, and all references to the appointment, by a candidate, of an “agent”, “outdoor agent” or “electoral agent” shall be construed as references to the agent appointed for that purpose by the political party that the candidate represents;

“immerse”, in relation to a digit and electoral ink, means spraying electoral ink on the digit or applying electoral ink to the digit by any prescribed method;”.

Amendment of section 21A of principal Act.

3. Section 21A of the principal Act is amended by deleting the words “shall not be less than sixteen days nor more than twenty-three days after the day appointed as nomination day pursuant to subsection (1) of section 21” and substituting therefor the following –

“shall –

- (a) not be less than sixteen days nor more than twenty-three days; or
- (b) in any case where a general election of members to serve on the respective Councils of Municipal Corporations is to be held on the same day as a general election of members to the House of Representatives, not be less than eighteen days nor more than thirty days,

after the day appointed as nomination day pursuant to section 21(1)”.

Amendment of section 60 of principal Act.

4. Section 60 of the principal Act is amended in subsection (2) by deleting the words “four dollars” and substituting therefor the words “two hundred and fifty thousand dollars or such other sum as may be prescribed by the Commission under section 52BA(3)”.

Amendment of section 104 of principal Act

5. Section 104 of the principal Act is amended –
- (a) in subsection (1) by inserting next after paragraph (oa) the following paragraph –
 - “(ob) prescribing methods of immersion of digits in electoral ink;”;
 - (b) in subsection (3)(c) by inserting next after the word “paragraph” the words “(ob) or”.

Amendment of Eighth Schedule of principal Act.

6. The Eighth Schedule of the principal Act is amended by deleting paragraphs 4(1) and (2) and substituting therefor the following –
- “ (1) A general election of members to serve on the respective Councils of Municipal Corporations shall be held in each Municipal Corporation on –
 - (a) such day or days during the relevant period as the Governor-

General in Council may by proclamation appoint; or

- (b) where the relevant period referred to in paragraph (a) falls within one hundred and twenty days before or after the day appointed under section 19 for the holding of the poll at a general election of members of the House of Representatives, the day so appointed, and the Governor-General, if so advised by the Prime Minister, shall by proclamation published in the *Gazette* appoint that day as the day for the holding of the general election of members to serve on the respective Councils of Municipal Corporations.

(2) A general election of the Mayors of City Municipalities shall be held in each City Municipality on –

- (a) such day or days during the relevant period as the Governor-General in Council may by proclamation appoint; or
- (b) where the relevant period referred to in paragraph (a) falls within one hundred and twenty days before or after the day appointed under section 19 for the holding of the poll at a general election of members of the House of Representatives, the day so appointed, and the Governor-General, if so advised by the Prime Minister, shall by proclamation published in the *Gazette* appoint that day as the day for the holding of the general election of the Mayors of City Municipalities.”.

MEMORANDUM OF OBJECTS AND REASONS

The holding of local government elections at the same time as a general election, in instances where the timing for each respective election, in keeping with legal requirements, falls within one hundred and twenty days of the other, is envisaged to result in significant cost-savings to Jamaica, as well as administrative convenience.

A decision has therefore been taken to amend the Representation of the People Act in order to facilitate the holding of those elections jointly. A decision has also been taken to –

- (a) provide for the methods of immersion of digits in electoral ink to include spraying electoral ink on the digit, or such other methods as may be prescribed; and
- (b) provide for agents to be appointed to represent political parties, rather than candidates, in circumstances where those candidates represent political parties.

This Bill seeks to give effect to those decisions.

Andrew Holness
Prime Minister

**SECTION 21A OF THE PRINCIPAL ACT
WHICH IT IS PROPOSED TO AMEND**

21A. The day on which the poll for taking the votes of the electors is to be held, in case a poll is necessary, shall not be less than sixteen days nor more than twenty-three days after the day appointed as nomination day pursuant to subsection (1) of section 21.

**SECTION 60 OF THE PRINCIPAL ACT
WHICH IT IS PROPOSED TO AMEND**

60.—(1) Within six weeks after election day every election agent shall make an election return to the returning officer for the constituency in which he acted as an election agent.

(2) Every return made under this section shall contain a full statement under the appropriate head specified in the return of all expenditure incurred in connection with the election by or on behalf of the candidate by whose election agent the return is made and shall be supported by vouchers for all payments in excess of four dollars.

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**SECTION 104 OF THE PRINCIPAL ACT
WHICH IT IS PROPOSED TO AMEND**

104.—(1) The Minister may make regulations generally for giving effect to the provisions of this Act and without prejudice to such general power may make regulations—

Regulations.
54/1963
S 10 (a),(b).

- (n) regulating the issue or replacement of identification cards and such other documents establishing identity as may be prescribed;
- (o) providing for the surrender of an identification card or other prescribed document establishing identity in relation to a person who dies, and in such cases as may be prescribed for the surrender of an identification card or other prescribed document establishing identity relating to a person who leaves Jamaica;
- (oa) prescribing an enumeration period;
- (p) providing for the maintenance of the electoral register;
- (q) prescribing an extension of the enumeration period; and
- (r) prescribing any other matter or thing which is required by this Act to be prescribed.

**EIGHTH SCHEDULE OF THE PRINCIPAL ACT
WHICH IT IS PROPOSED TO AMEND**

4. — (1) A general election of members to serve on the respective Councils of Municipal Corporations shall be held in each Municipal Corporation on such day or days during the relevant period as the Governor-General in Council may by proclamation appoint.

(2) A general election of the Mayors of City Municipalities shall be held in each City Municipality on such day or days during the relevant period as the Governor-General in Council may by proclamation appoint.

... ..

(7) In this paragraph, “the relevant period” is the period of ninety days commencing on the day after the fourth anniversary of the date on which the most recent general election has been held under paragraph (1).