

I assent.

(L.S.)

GEORGE VELLA
President

5th April, 2019

ACT No. XI of 2019

AN ACT to amend the General Elections Act, Cap. 354, and consequentially the Local Councils Act, Cap. 363.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

1. The short title of this Act is the Electoral Laws Short title.
(Amendment) Act, 2019.

PART I
AMENDMENTS TO THE GENERAL ELECTIONS ACT

2. This Part amends the General Elections Act and it shall be read and construed as one with the General Elections Act, hereinafter in this Part referred to as "the principal Act".

Amendments to
the General
Elections Act.
Cap. 354.

A 320

Amendment of
article 2 of the
principal Act.

3. Sub-article (1) of article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "Commission" there shall be added the following new definition:

"Electronic Counting System" means the process, computer program and/or computer hardware, other equipment, data and services as may be necessary in order to:

(a) maintain relevant data in relation to the election being held;

(b) take an image of each ballot paper and interpret the preferences;

(c) establish a link between each vote stored electronically and the equivalent ballot papers by means of a unique identifier;

(d) process the collected data and ballots in such manner as to calculate the number of votes cast for each candidate at the election and determine the final result in terms of this Act; and

(e) ensure the retention of proper records;";

(b) immediately after the definition "an identification document" there shall be added the following new definition:

" "non-searchable" means not capable of being searched on the basis of name, surname or Identity Card number;"; and

(c) immediately after the definition "official mark" there shall be added the following new definition:

" "the period of time reserved for viewing" means the period of time which starts from such time when the Commission grants access to the party delegates to the images of each Electronic Ballot together with their interpretation and to the complete data set containing the preferences of voters as shown in the Electronic Ballots, and which expires four hours after the time the Commission forwards a copy of the Draft Result to party delegates in terms of regulation 13;".

4. Article 26 of the principal Act shall be amended as follows: Amendment of article 26 of the principal Act.

(a) in sub-article (1) thereof immediately after the words "in terms of article 24 the Commission shall by notice in writing" there shall be added the words "by means of a registered letter and, separately and at the same time, an identical letter sent by ordinary post,";

(b) in the proviso to sub-article (1) thereof the words "Copies of notices made pursuant to this article shall also be delivered to the party delegates." shall be substituted by the words "Copies of notices made pursuant to this article shall also be delivered to the party delegates:" and immediately thereafter there shall be added the following new proviso:

"Provided further that in the case of the Local Councils' Electoral Register and the European Union Electoral Register, in the event of a person (a) having not been effectively served with his voting document and not having collected his voting document pertaining to elections in the past 12 years; and (b) not having a valid identity card or residence card; and (c) having totally failed to answer the aforesaid notices within the aforesaid period, the Commission shall, on the lapse of the period established in sub-article (1), proceed to cancel the registration of the voter or expunge the voter's name from the Local Councils' Electoral Register and, or the European Union Electoral Register but on doing so it shall attempt to serve upon such person a further notice in writing stating that such cancellation or expunging have been made and it shall publish a notice of the said cancellation or expunging in the Gazette and in at least one local newspaper. The cancellation or expunging aforesaid shall come into effect on the lapse of one month from the date when notice of the same is published in the Gazette.";

(c) in sub-article (3) thereof the words "further notice referred to in the proviso" shall be substituted by the words "further notice referred to in the first proviso" and immediately after the words "at the address of the voter as shown in the Electoral Register." there shall be added the words "This sub-article does not apply in the case of the Local Councils' Electoral Register and the European Union Electoral Register."; and

(d) in sub-article (4) thereof immediately after the words "by means of a letter addressed to him" there shall be added the words ", which letter shall also advise the person that if he

possesses all the qualifications to be registered as a voter, he should immediately reapply to be so re-registered,".

Amendment of
article 33 of the
principal Act.

5. Article 33 of the principal Act shall be amended as follows:

(a) sub-article (1) thereof shall be substituted by the following:

"(1) The Commission shall cause a revised Electoral Register to be published in a non-searchable electronic format on its website twice a year, that is to say, in the month of April and in the month of October. Such Register shall contain all corrections, additions, transfers and cancellations as on the thirty-first day of March and the thirtieth day of September immediately preceding the publication thereof. The Commission shall publish in the Gazette a notice that the relevant Register has been published.";

(b) in sub-article (2) thereof, the following proviso "Provided that the Electoral Register published in the format that is divided into as many parts as there are localities shall have an Annex indicating the registration of voters that have attained the age of sixteen years but have not attained the age of eighteen years on the election of 2015 onwards of the Local Councils or the Administrative Committees." shall be deleted;

(c) in sub-article (5) thereof immediately after the words "The Commission shall cause to be published in the Gazette" there shall be added the words "and in a non-searchable electronic format on its website";

(d) sub-article (6) thereof shall be deleted.

Amendment of
article 45 of the
principal Act.

6. Article 45 of the principal Act shall be amended as follows:

(a) in paragraph (a) thereof, immediately before the words "the place where" there shall be added the words "the website and/or manner in which candidates may submit their nominations electronically"; the words "shall not be less than three days" shall be substituted by the words "shall not be less than five days" and the words "two days from the expiration" shall be substituted by the words "one day from the expiration"; and

(b) immediately after paragraph (d) thereof there shall be added the following new paragraph:

"(e) whether the Commission has decided to use an

Electronic Counting System:

Provided that a published decision to use an Electronic Counting System shall not operate so as to prevent the Commission, in its considered opinion, from rescinding or retracting at any time, its decision to use an Electronic Counting System to revert to the manual system as outlined in the Thirteenth Schedule."

7. Article 49 of the principal Act shall be amended as follows: Amendment of article 49 of the principal Act.

(a) in sub-article (1) thereof the words "not earlier than thirteen days but not later than ten days before the poll, print such number of ballot papers as may be necessary for the poll in such form and on such material as may be prescribed under this Act." shall be substituted by the words "not earlier than twenty-one days but not later than ten days before the poll, print according to the Eighth Schedule such number of ballot papers as may be necessary for the poll in such form and on such material as may be prescribed under this Act. This does not apply to the printing on the rear of ballot papers according to Schedule 8A.";

(b) in sub-article (3) thereof the words "nomination paper and as approved by the Electoral Commissioners." shall be substituted by the words "nomination paper, and a photograph taken in black with a white background of each of them and as approved by the Electoral Commission. The photograph shall be submitted to the Commission by electronic means by the fifth day after the established time for objections to a nomination. In the case where the candidate does not conform himself, the Commission shall be authorised to use the photograph which the candidate has on his identity card."; and

(c) in sub-article (6) thereof the words "immediately after the name" shall be substituted by the words "immediately preceding the name".

8. Article 51 of the principal Act shall be amended as follows: Amendment of article 51 of the principal Act.

(a) sub-article (1) thereof shall be substituted by the following:

"(1) A candidate for election shall be nominated in writing or by electronic means:

(a) where a candidate is nominated in writing, the nomination paper, which shall be in the form set out in the Ninth Schedule to this Act, shall be signed

by the candidate himself, (or, in the event of his absence from these Islands, by a duly appointed representative), and by, at least, four voters registered in the electoral division for which the candidate is nominated. The nomination paper shall be delivered to one of the Commissioners at the Electoral Office by the candidate himself or if he is prevented by illness or absence from these Islands by his lawful representative, authorised in writing, within the period specified in the notice referred to in article 45;

(b) where a candidate is nominated by electronic means, the nomination form, which shall be in the form set out in the Ninth Schedule to this Act, shall be filled in through a website prepared for that purpose by the Commission which nomination shall be electronically signed by the candidate. The nomination will also include an attestation to the nomination by at least four voters registered in the electoral division for which the candidate is nominated, which attestation shall be provided through the said website in the manner and form established by the Commission. The nomination is to be submitted within the period specified in the notice referred to in article 45.";

(b) in sub-article (2) thereof the words "after a nomination paper" shall be substituted by the words "after a nomination"; and

(c) in sub-article (3) thereof the words "the nomination paper does not comply with" shall be substituted by the words "the nomination does not comply with".

Amendment of article 55 of the principal Act.

9. Article 55 of the principal Act shall be renumbered in its entirety as article 55(1) and immediately thereafter there shall be added the following new sub-article:

"(2) In the case when a candidate dies after the ballot papers have been printed, the candidacy shall be deemed to remain valid for all intents and purposes of the law. Provided that a candidate as referred to in this sub-article may still be declared to be elected but in such case the Commission shall, as soon as possible, give notice of an election to fill the said vacancy.".

Addition of new article 55A to the principal Act.

10. Immediately after article 55 of the principal Act there shall be

added the following new article 55A:

"Threatening
the secrecy of
the vote.

55A. Any person who, having been given access to the images of the Electronic Ballots together with their interpretation and/or the data set containing the preferences of voters as shown in the Electronic Ballots, uses the said data for any purpose other than that provided in regulation 14(1) of the Thirteenth-A Schedule or otherwise retains or fails to remove the said data following the conclusion of the verification process shall be guilty of the offence of threatening the secrecy of the vote."

11. In article 99 of the principal Act, the words "to the ballot paper account." shall be substituted by the words "to the ballot paper account:" and immediately thereafter there shall be added the following new proviso:

Amendment of
article 99 of the
principal Act.

"Provided that where the Commission decides to use an Electronic Counting System the ballot box shall be opened and the ballot papers shall be placed faced downwards on the counting table. When all the ballot papers found in a ballot box have been placed faced downwards on the counting table, the supervisor shall place the ballot papers together in one parcel faced downwards and in a separate tray for each ballot box with the polling booth number and, where applicable, the division. The supervisor shall immediately place the tray on a rack in a place clearly visible to the counting agents. This process shall be repeated until all ballot boxes have been opened. The counting and tallying of the ballot papers shall be done in accordance to the rules stated in Thirteenth-A Schedule."

12. In sub-article (4) of article 105 of the principal Act, immediately after the words "contained in the Thirteenth Schedule" there shall be added the words "or, when an Electronic Counting System is being used, Thirteenth-A Schedule".

Amendment of
article 105 of
the principal
Act.

13. Article 107 of the principal Act shall be amended as follows:

Amendment of
article 107 of
the principal
Act.

(a) in sub-article (1) thereof, immediately after the words "as follows:" there shall be added the words "Where an Electronic Counting System is used:

All ballot papers contained in each ballot box sorted in unique identifier order in all other cases:"; and

(b) in sub-article (3) thereof, the words "the transfer of each surplus." shall be substituted by the words "the transfer of

each surplus:" and immediately thereafter there shall be added the following new proviso:

"Provided that where the Commission decides to use an Electronic Counting System, the Commission shall preserve all data introduced to or used by the Electronic Counting System including but not limited to data processed or produced by the Electronic Counting System for all intermediate steps prior to the final results. The data is to be preserved in digital format on suitable media and in at least two separate copies identical to the original, as decided by the Commission, for the long term storage of the same data which media shall be kept in separate sealed packets and in separate locations established by the Commission. The said copies shall be preserved until the publication of the result of the next following election and shall be erased thereafter."

Substitution of the Eighth Schedule of the principal Act.

14. The Eighth Schedule to the principal Act shall be substituted by the following:

**"EIGHTH SCHEDULE
(Article 49)**

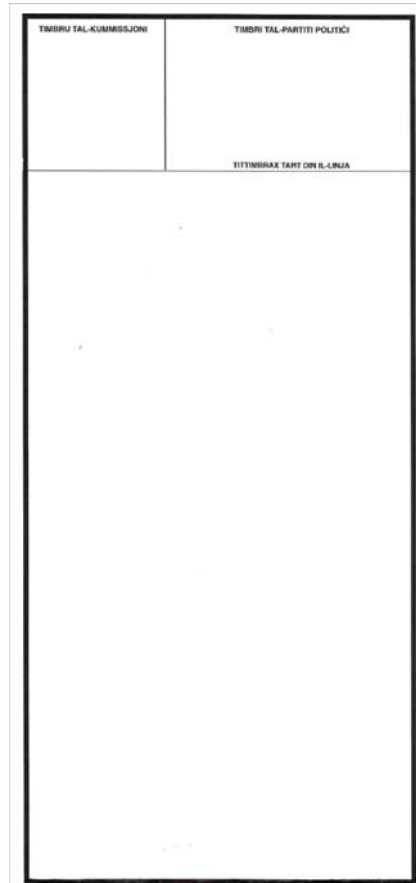
POLZA TAL-VOT — <i>BALLOT PAPER</i>			
Għadd ta' Membri tal-Kamra tad-Deputati li għandhom jigu eletti Number of Members of the House of Representatives to be elected		Distrett Division	
Sigra ta-Kandidat Signature of Candidate	Ismijiet tal-Kandidati Names of Candidates	Foto ta-Kandidat Photo of Candidate	Immaġni ta-Kandidat li għandha jkollha l- Marka ta-Kandidat Mark of Candidate
PARTIT A			
	AZZOPARDI ALBERT, Ta' Gawdenz, ta' 140, Triq il-Kapudini, San Gġan, Perit		
	LIA PATRICK, ta' 44, 'Daffodil', Triq il-Kavallieri ta' Malta, l-Isla, Avukat		
PARTIT B			
	ABDILLA FRANCIS SAVIOUR (Frankie), ta' 21, 'La Paloma Bianca', Triq San Piju XIV, San Pawl il-Baħar, Impjegat il-Bank		
	BALDACCHINO MARK ANTHONY, ta' 'April Love', Triq il-Konvoj ta' Santa Marija, Marsaskala, Avukat		
	VELLA DEGIORGIO JAMES, ta' 240, 'Old Trafford', Triq l-Izbark tal-Franċiżi, San Pawl il-Baħar, Nutar		
	ZAMMIT HENRY ALFRED, ta' 18, Fl 3, Triq il-Vittmi tal-Gwerra, Bormla, Penjonant		
PARTIT Ċ			
	ABELA CHRISTOPHER (Chris), ta' 107, 'San Siro', Triq Santa Marija, L-Imġarr, Tabib/Konsulent fis-Saħha Pubblika		
	BORG MALLIA NOREEN, ta' 6, Misrah Diċembru Tiettax, San Pawl il-Baħar, Procurement Officer		
	GALEA GWENITH (Gwen), ta' 35, 'Shalom', Triq Nikola Briffa, Is-Sigġiewi, Konsulent Finanzjarju		
	SANT BRIAN (Abraham), Ta' Bramu, ta' 21, 'Bianco Nero', Triq il-Gran Mastru Wignacourt, Fleur-De-Lys, Birkirkara, Negoġjant		
	UNGARO TRACY, Dr, ta' 'Villa Genesis', Triq il-Bajja s-Sabiha, Il-Mellieħa, Tabiba		
KANDIDATI INDEPENDENTI			
	BUSUTTIL MATTHEW, il-Kitarist, ta' 21, 'Villa Madama', Triq Valletta, Mosta, Direttur Artistiku		
	TANTI PHILIP, ta' 89, Flat 6, Marigold Flats, Triq il-Vopa, Marsaskala, Penjonant		

15. Immediately after the Eighth Schedule to the principal Act there shall be added the following new Schedule:

Addition of a new Schedule to the principal Act.

**"SCHEDULE 8A
(Article 49)**

Rear of Ballot Paper



".

16. Immediately after the Thirteenth Schedule of the principal Act there shall be added the following new Schedule:

Addition of a new Schedule to the principal Act.

**"SCHEDULE THIRTEENTH-A
The General Elections
(Electronic Counting and Sorting) Regulations, 2019
PART I
*Preliminary***

Citation.

1. These regulations may be cited as The General Elections (Electronic Counting and Sorting) Regulations, 2019.

Interpretation.

2. In these regulations unless the context otherwise requires the expressions used will be given the same interpretation as those used in the Thirteenth Schedule, furthermore:

"Electronic Ballot" means the electronic representation of a physical ballot paper in a machine-readable format obtained from the programmatic interpretation of the preferences indicated on the ballot paper together with a unique identifier matching the Electronic Ballot to the ballot paper and such other data the Electoral Commission may deem fit to store;

"Non-transferable Ballot" means an Electronic Ballot on which no second or subsequent preference is recorded for a continuing candidate:

Provided that an Electronic Ballot shall be deemed valid but has become a Non-transferable Electronic Ballot whenever:

(a) the names of two or more candidates, (whether continuing or not) are marked with the same number, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked:

(i) by a number not following consecutively after some other number on the ballot paper; or

(ii) by two or more numbers; or

(c) for any other reason it cannot be determined with certainty for which of the continuing candidates the next available preference of the voter is recorded;

"Unique identifier" means a sequence of numbers used to identify each particular ballot paper and consisting of:

District number – 2 digits

Ballot box number – 4 digits

Ballot paper number – 4 digits.

Applicability of
the Thirteenth
Schedule.

3. Save as otherwise provided by these regulations when sorting and counting votes the Electronic Counting System is to respect and incorporate, *mutatis mutandis*, the regulations, requirements and the "Example Of The Method Of Counting The Ballot Papers At An Election Conducted On The Proportional Representation System Of The Single Transferable Vote" stated in the Thirteenth Schedule, to the exclusion of regulations 4, 5, 6, 7(2), 7(3), 11(2) and 14.

PART II

Sorting of Ballot Papers

Assistants.

4. The Commission shall ensure that all the staff that it may appoint to assist, supervise and operate the Electronic Counting System and all other necessary electronic equipment for the process shall be technically trained to efficiently carry out their assigned functions.

Processing of
Ballot Paper
Account.

5. Upon receipt of the ballot boxes by the Commission the declared number of votes cast as stated on the Ballot Paper Account shall be registered on the Electronic Counting System. The number of ballot papers in each box according to the Ballot Paper Account shall be displayed on a monitor for the information of the candidates and their agents.

Sorting of ballot
papers.

6. Once the ballot boxes are opened each ballot paper shall be taken out and first placed faced downwards to ascertain that each ballot paper contains the official stamp of the Commission, and that there are no other marks on the reverse side except the official stamp of the Commission and of the political parties that opt to put the official mark and then it shall be turned, shown and placed with its face upwards to ascertain that there are no other marks on the front of it except the numbers indicating the preferences of the voter. After the completion of the said process, the ballot papers shall then be placed with their face upwards in an appropriate tray marked with the polling booth number and, where applicable, the division or table number and locality name. A copy of the Ballot Paper Account together with the ballot papers and their trays shall be stored in such area that shall at all times be visible to candidates and their agents:

Provided that if a counter decides that there is a possibility that, for any reason according to the General Elections Act, a ballot paper may be invalid or if any candidate or agent for the same reason so claims, the counter shall inform the supervisor of such ballot paper and the supervisor shall stamp such ballot paper as "Dubious" on the top part of the front of the ballot paper and place such ballot papers on the top of the parcel:

Provided that no reconciliation of the ballots in each tray and those stated in the ballot paper Account shall be done at this stage but shall be done following the scanning phase according to regulation 8(2).

Processing of
ballot papers.

7. (1) The ballot papers are to be processed, in an orderly manner, through the Electronic Counting System which shall create and store a digital image of each ballot paper and shall proceed to convert the ballot paper into an Electronic Ballot. As part of this process the ballot paper shall be marked with a unique identifier matching that given to the Electronic Ballot in order to allow the Commission, should the need arise, to identify and match the processed ballots with the ballot papers and in order to ascertain that a ballot paper is only processed and counted once.

(2) Persons supervising this process shall confirm that the number of ballots found in each box reconciles with that stated in the Ballot Paper Account as indicated by the Assistant Electoral Commissioners. When the number of votes found does not tally the Commission must be notified immediately in order to carry out the necessary investigation and give all necessary instructions.

(3) When converting the ballot papers into a machine readable format the Electronic Counting System is to identify and bring to the notice of the Commission all dubious ballot papers, that is all such ballot papers which give rise to any difficulty in interpreting the preferences or which may, for any reason according to the Act, be found to be invalid or non-transferable.

Dubious Votes.

8. (1) The Commission shall investigate all the dubious Electronic Ballots. In doing so the Commission may consult the ballot paper marked with the matching unique identifier as the Electronic Ballot:

Provided that ballot papers shall only be temporarily removed from the original tray on the order of and by an Electoral Commissioner or other persons specifically delegated by the Commission.

(2) The Electronic Counting System will bring the dubious ballots to the notice of the Commission once all the ballot papers in a particular tray are scanned and verified.

(3) Upon investigation, a dubious ballot may be determined to be:

(i) invalid and consequently the Electronic Ballot shall be put aside and ignored in all counts;

(ii) non-transferable and consequently the non-transferable portion of the Electronic Ballot shall be set aside and ignored, whilst the valid preferences shall be recorded and included in the first and subsequent counts as the case may be; or

(iii) valid and consequently the numerical sequence on the Electronic Ballot shall be set to correctly and faithfully reflect the valid ballot paper:

Provided that in all such cases any amendment or manual operation that may have been performed on an Electronic Ballot shall be logged in the Electronic Counting System, as well as the reason where a vote is found to be invalid:

Provided further that nothing in these regulations shall prevent the Commission from examining all other Electronic Ballots.

Adjudicating
Process – first tier.

(4) The Commission may appoint such persons as it deems fit to review and examine dubious ballots and to perform the relevant action required in terms of the preceding sub-regulation. A party delegate from each Party or a substitute, shall be entitled to make observations and may raise objections, in which case the dubious ballot shall be referred to the Commission for its final decision in terms of the following sub-regulations.

Adjudicating
Process –
Second tier.

(5) The Commission, or any number of members thereof not being less than two, shall investigate any Electronic Ballot to determine whether it is valid, transferable or non-transferable or invalid and shall, after hearing the representations of the party delegates, or their substitutes, decide in respect of each Electronic Ballot, whether it is valid, transferable or non-transferable or invalid, or shall make any amendment to the interpretation of the vote to correctly reflect the preferences stated in the ballot paper.

(6) The decision of the Commission, or any number of members thereof not being less than two, in this regard shall be final and not subject to appeal.

(7) Once all the dubious Electronic Ballots in a tray have been investigated and declared valid, transferable or non-transferable or invalid, the number of valid and invalid Electronic Ballots in that box is to be displayed on a monitor or such other method for the information of the candidates and their agents. Any ballot papers that may have been removed as directed by a Commissioner for further investigation shall be returned to its correct sequence in the ballot tray.

(8) Once all the boxes of an electoral division have been processed the total number of valid and invalid votes for that division is to be displayed on a monitor or announced in such other method as the Commission may deem fit.

Other preparatory work.

9. (1) Prior to initiating the electronic counting, the Commission may carry out such audit, verifications or other tests it may deem fit in order to ensure the correctness and completeness of the Electronic Counting System. The Commission shall produce reports showing the number of valid votes in respect of each box together with a separate report indicating that all candidates are starting with nought (0) votes.

(2) For the purposes of enabling the counting to be conducted using the Electronic Counting System the Commission may carry out any functions or perform any procedures to be undertaken in connection with the counting by electronic means as is deemed necessary or consequential to the same.

(3) The Commission shall issue an order to commence the counting of votes only after it is satisfied that all procedures and requisites established by the Law and the Commission have been satisfied.

PART III

Counting

Counting of votes.

10. Once the input data is verified the Electronic Counting System shall determine the quota as established in regulation 8 of the Thirteenth Schedule.

Commencement of the Electronic Counting System.

11. (1) The Electronic Counting System shall commence the first count with a set of Electronic Ballots ordered in ascending order by ballot paper number and ballot box number in a division by assigning all valid Electronic Ballots to parcels according to the preferred candidate indicated in each electronic ballot and each candidate shall be credited with a number of votes equal to the number of Electronic Ballots recording a first preference for such candidate.

(2) In subsequent counts, the transferable Electronic Ballots shall be transferred and assigned to the parcel of that candidate in accordance with the same rules of the Thirteenth Schedule.

(3) The System will proceed to calculate the first count and all subsequent counts without pause, save where instructions are required from the Commission in terms of these regulations, including where a candidate has to be selected for exclusion by lot in terms of sub-regulation 11(3) of the Thirteenth Schedule.

Draft report showing the number of votes.

12. The Electronic Counting System will produce a draft report showing the number of votes obtained by each candidate at each count. The draft report, will not, at this stage be considered an official result.

Reporting of the vote.

13. The Commission shall forward a copy of the draft result to party delegates in order for them to view the result in terms of regulation 12:

Provided that the Commission shall accord the party delegates or their substitutes, in writing, an adequate, equal and reasonable period of time from the production of the draft result to view the result, which period of time may be extended by the Commission on receiving a request by a party delegate stating the reasons to justify the request. The decision of the Commission shall be final.

Access to images of each Electronic Ballot.

14. (1) During the period of time reserved for viewing, the Party Delegates shall have the right to access the images of each Electronic Ballot together with its interpretation, and to access a complete data set containing the preferences of voters as shown in the Electronic Ballots and this solely and exclusively for the purposes of verifying that the ballot papers were correctly interpreted by the System and that the preferences stated in the ballots were correctly allocated to candidates:

Provided that the party delegates shall not retain the said information and shall ensure the complete deletion and destruction of the information received and any copies that may have been made following the verification of the ballot papers and their allocation, and this immediately upon the expiry of the period of time reserved for viewing:

Provided further that any person who having been granted access to the image of each Electronic Ballot together with its interpretation, and/or the complete or partial data set containing the preferences of voters as shown in the Electronic Ballots uses the data for purposes other than those allowed in terms of this sub-regulation or retains the said information beyond the period of time required to conduct these purposes or fails to delete or destroy the information following the conclusion of the verification shall be guilty of an offence, and shall, on conviction, be liable to a fine (*multa*) not exceeding ten thousand euro (€10,000) or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) When providing the parties and party delegates with the information specified in the preceding sub-regulation, the Commission shall ensure that the recipients are aware of their obligations in terms of these regulations and shall be empowered to impose such non-disclosure and other obligations, including penalty clauses by which the Parties, party delegates and their substitutes shall confirm and bind themselves not to copy, retain, publish or otherwise use the data set other than for verification purposes within the time-frame allocated to them and to ensure that upon the expiry of the said time-frame they shall delete and/or return the data to the Commission.

(3) The Commission shall investigate as it deems fit any reasoned objection or complaint that a party delegate, or a contesting Party may bring forward with regards to the correctness of the result.

(4) Following the publication of the result, the Commission shall not provide access to the images of each Electronic Ballot or to their interpretation or to the complete data set containing the preferences of voters as shown in the Electronic Ballots and shall ensure that it does not provide any information that may remove the secrecy of the vote.

Announcement of results.

15. (1) Following the declaration by the parties that they are satisfied with the result or the expiry of the time allowed for verification as indicated in regulation 13 of this Schedule, the Commission shall declare and publish the final and definite results of the first count.

(2) The Commission shall display on one or more monitors for the information of the candidates and their agents the results for the first count, the Commission shall allow a short period of time and then publish the final and definite result of the second and subsequent counts. The length of period of time between each count shall be determined by the Commission at its sole discretion.

Recount.

(3) Any candidate or agent may, before the next count is shown, request the Commission to re-examine all or any of the Papers dealt with during that count, in which case the Commission shall suspend the display of the individual counts and instead shall display on a monitor or monitors all the Electronic Ballots that were processed in that count sequentially.

(4) When examining the votes in this manner any suspected error is to be brought immediately to the attention of the Commission which shall investigate the matter and decide on how to proceed. The decision of the Commission is final and not subject to appeal.

(5) Following the display of all the counts on the monitor the result will be final and definite:

Provided that all Parties shall have the same rights at law to contest the result as emanating from the Law and from the General Elections Act and its Schedules.

Devices and software to be used.

16. (1) The Electronic Counting System and all devices or software intended to work together with the System shall be tested adequately before being approved by the Electoral Commission to carry out the process of Electronic Counting and Sorting. The Commission shall ensure that the Counting Engine and any subsequent revision shall be accredited and confirmed to operate in a correct manner in conformity with the Thirteenth Schedule and this Schedule by an accreditation authority as may be deemed appropriate by the Commission.

Security and Integrity.

(2) At least three (3) identical sets of the final and approved version of the software for the Counting Engine and the Interpretation and Transcription into machine readable language for voting preferences shall be stored in digital format on a suitable medium for the long term storage of the same data in packets; which packets shall be sealed by the Commission and the party delegates and stored by the Commission in a secure location. Party delegates shall have the right to a set of the software installed on a secure server provided by the Commission at the Counting Complex, on polling day, and prior to the commencement of the electronic sorting and counting or at any other time as may be decided by the Commission.

(3) The Commission shall verify and ensure in the presence of the party delegates that the software made available to the party delegates as provided in sub-regulation (2) above is identical to the software that will be used in the Electronic Counting System.

Auditing of the Electronic Counting System.

17. The Commission is to ensure that the Electronic Counting System is operated independently from other systems and free from any form of electronic interference.

Further procedures established by the Commission.

18. The Commission may define and establish such further procedures that may be required to better operate the System.

Fall Back clause.

19. The Commission may, should it deem it so necessary in the circumstances, order the suspension of the use of the Electronic Counting System for counting and sorting votes and instead revert to the rules of the Thirteenth Schedule or such other regulations issued under article 105 as may be in force from time to time:

Provided that in such circumstances the Commission shall, for all intents and purposes of law, be deemed to have decided to not use an Electronic Counting System for the counting and sorting of votes.

Casual Vacancies.

20. In the event of a seat becoming vacant regulations 18 to 22 of the Thirteenth Schedule shall be applied so however that the examination of the ballot papers shall be done by the Electronic Counting System using the final resulting parcel of the Candidate as produced by the System.

Article 52 of the
Constitution.

21. For the purpose of electing the additional members, if any, required in terms of sub-paragraphs (i) and (ii) of the first proviso to sub-article (1) of article 52 of the Constitution and of sub-paragraphs (i) and (ii) of the second proviso to the same sub-article, the rules and regulations found in Part IV to the Thirteenth Schedule shall be applied.

EXAMPLE OF THE METHOD OF COUNTING THE BALLOT PAPERS AT AN ELECTION CONDUCTED ON THE PROPORTIONAL REPRESENTATION SYSTEM OF THE SINGLE TRANSFERABLE VOTE USING AN ELECTRONIC VOTE COUNTING SOLUTION

Let it be assumed that there are six members to be elected and that there are eleven candidates A, B, C, D, E, F, G, H, I, K, L.

THE QUOTA

Once all ballot papers are scanned, verified and adjudicated, an ordered (by vote number, ballot box number) set of valid Electronic Ballots is formed. The total number of valid Electronic Ballots submitted to the count engine is 348. This total is divided by seven (i.e. the number which exceeds by one the number of vacancies to be filled), and 50 (i.e. the quotient 49 increased by 1, neglecting the fraction) is the "quota", or the number of votes sufficient to elect a member.

FIRST COUNT

The ordered set of Electronic Ballots is treated as the initial parcel within the count engine. This initial parcel is analysed, and all Electronic Ballots are assigned into separate sub-parcels under the name of the candidate for which a first preference has been recorded.

The results of the count may be supposed to be as follows:

Candidate	Votes
A	7
B	140
C	25
D	10
E	4
F	62
G	14
H	50
I	12
K	0
L	24
Non-Transferable	0
Total	348

The votes obtained by B, F and H exceed or equal the quota, and they are thereupon elected.

SECOND COUNT

B has 90 surplus votes (i.e. B's total 140, less the quota 50), and it is necessary to transfer this surplus first as being the largest.

All B's 140 Electronic Ballots are analysed and assigned into separate sub-parcels according to the next available preferences indicated therein.

In general, the next available preference will be the second preference. But any Electronic Ballot on which the second preference is given to either F or H, both already elected, passes to the next available preference after such candidates. An Electronic Ballot marked with 1 for B, 2 for H, 3 for F, 4 for I, is placed in the sub-parcel for I.

A separate sub-parcel is also formed of those Electronic Ballots on which no further available preference, i.e. no further preference for any continuing candidate is shown, and which are therefore not transferable.

The result is found to be as follows:

A next available preference is shown for D on	80 ballots
A next available preference is shown for E on	2 ballots
A next available preference is shown for I on	25 ballots
A next available preference is shown for K on	29 ballots
Total of <i>transferable</i> ballots	136 ballots
Total of <i>non-transferable</i> ballots	4 ballots
Total of B's ballots	140 ballots

Since the total number of transferable ballots (136) exceeds the surplus (90), only a portion of each sub-
parcel can be transferred, and the number of ballots to
be transferred from each sub-
parcel must bear the same
proportion to the total number of ballots in the sub-
parcels as that which the surplus bears to the total
number of transferable ballots.

In other words, the number of Electronic Ballots to be
transferred from each sub-
parcel is ascertained by
multiplying the number of ballots in the sub-
parcel by
90 (the surplus) and dividing the result by 136 (the total
number of transferable ballots) giving 0.6617647.

The calculation is as follows:

Candidate	Sub- Parcel		Whole	Fraction		Actually Transferred
D	80	x 0.6617647	52	.9412	+1	53
E	2	x 0.6617647	1	.3235		1
I	25	x 0.6617647	16	.5441	+1	17
K	29	x 0.6617647	19	.1912		19
Total			88	2		90

The numbers of Electronic Ballots to be transferred as
determined by the preceding process contain decimal
parts, and since only whole ballots can be transferred,
so many of the largest of these decimal parts, taken in
order of their magnitude as will make the total number
of Electronic Ballots to be transferred equal to the
surplus, are reckoned as of the value of unity.

Thus as the whole numbers determined above amount
to only 88 viz. (52+1+16+19), or two short of the
surplus, 90, the two largest decimal parts .9412 and
.5441 are reckoned as unity, and the number of
Electronic Ballots actually transferred are as follows:

To D	53 ballots
To E	1 ballot
To I	17 ballots
To K	19 ballots
Total, being B's surplus	90 ballots

The particular Electronic Ballots to be transferred to D, E, I and K are those last filed in their respective sub-parcels, and, therefore at the bottom of the sub-parcels.

These Electronic Ballots are added in separate sub-parcels to the parcels of D, E, I and K. (Note: K had no parcel of original ballots).

The totals of the votes credited to these candidates then become:

To D.....	$10 + 53 = 63$	2 parcels
To E	$4 + 1 = 5$	2 parcels
To I	$12 + 17 = 29$	2 parcels
To K	$0 + 19 = 19$	1 parcel

The remainder of the Electronic Ballots in the sub-parcel of the elected candidate B, i.e. those ballots not transferred together with the ballots on which no further available preferences were marked, now form the parcel, representing B's quota of votes (50). This parcel retains the order of B's original parcel.

The parcel is made up as follows:

The remainder of D's sub-parcel	$80 - 53 = 27$
The remainder of E's sub-parcel	$2 - 1 = 1$
The remainder of I's sub-parcel	$25 - 17 = 8$
The remainder of K's sub-parcel	$29 - 19 = 10$
Total of <i>non-transferable</i> ballots	4
Total, being B's quota	50

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The state of the poll on the conclusion of the second count is as follows:

Candidate	Votes
A	7
B	50 (elected)
C	25
D	63 (elected)
E	5
F	62 (elected)
G	14
H	50 (elected)
I	29
K	19
L	24
Non-Transferable	0
Total	348

D now has 63 votes, a number which is more than the quota. He is accordingly elected.

THIRD COUNT

There are now two surpluses, that of F (12) and that of D (13). F's surplus, though the smaller, is first dealt with as it arose on a prior count. F's surplus is distributed proportionately among the next available preferences on F's original 62 ballots in exactly the same manner as in the case of B, with the result that 9 ballots are transferred to L, 2 to C and 1 to A.

The totals of the votes credited to these candidates then become:

To L	$24 + 9 = 33$	2 parcels
To C	$25 + 2 = 27$	2 parcels
To A	$7 + 1 = 8$	2 parcels

The remainder of the Electronic Ballots in the sub-parcel of the elected candidate F, i.e. those ballots not transferred together with the ballots on which no further available preferences were marked, now form the parcel representing F's quota of votes (50). This parcel retains the order of F's original parcel.

The Electronic Ballots in the sub-parcel of the elected candidate H (who obtained an exact quota at the first count) retain the order of the original parcel and form the parcel representing H's quota of votes (50).

FOURTH COUNT

D's surplus (13) must now be distributed. For this purpose only the sub-parcel last transferred, containing 53 ballots, is considered. These are analysed and assigned into sub-parcels, according to the next available preferences, with the following result:

A next available preference is shown for I on	42 ballots
A next available preference is shown for K on	10 ballots
Total of <i>transferable</i> ballots	52 ballots
Total of <i>non-transferable</i> ballots	1 ballot
Total	53 ballots

The number of ballots to be transferred from each sub-parcel is ascertained by multiplying the number of ballots in the sub-parcel by 13 (the surplus) and dividing the result by 52 (the total number of transferable ballots); therefore

I's share of the surplus	$42 \times 0.25 = 10.5$
K's share of the surplus	$10 \times 0.25 = 2.5$

As the decimal parts above are equal, that which arises from the larger sub-parcel is deemed to be the larger. I's share of D's surplus is, accordingly, 11 votes, and K's share is 2 votes.

The totals of the votes credited to these candidates then become:

To I.....	$12 + 17 + 11 = 40$	3 parcels
To K	$19 + 2 = 21$	2 parcels

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The remainder of the Electronic Ballots in the sub-parcel of the elected candidate D, i.e. those ballots not transferred (39) together with the ballots on which no further available preferences were marked (1) and the 10 ballots received on the first count, making 50 ballots altogether, now form the parcel representing D's quota of votes.

The state of the poll on the conclusion of the fourth count is as follows:

Candidate	Votes
A	8
B	50 (elected)
C	27
D	50 (elected)
E	5
F	50 (elected)
G	14
H	50 (elected)
I	40
K	21
L	33
Non-Transferable	0
Total	348

FIFTH COUNT

There being now no surplus required to be dealt with, the Electoral Commissioner proceeds to transfer the votes of the candidate with the smallest total of votes. The candidate lowest on the poll is E, with 5 votes. The ballots in the sub-parcel of candidate E are analysed and assigned into sub-parcels, according to the next available preferences, with the result that 4 ballots are transferred to I, and 1 non-transferable ballot is set aside as a separate parcel, whilst respecting the original order of ballots for candidate E.

The totals of the votes credited to these candidates then become:

To I $12 + 17 + 11 + 4 = 44$ 4 parcels

Non-Transferable 1 1 parcel

The state of the poll on the conclusion of the fifth count is as follows:

Candidate	Votes
A	8
B	50 (elected)
C	27
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	14
H	50 (elected)
I	44
K	21
L	33
Non-Transferable	1
Total	348

SIXTH COUNT

The Electoral Commissioner proceeds to transfer the votes of candidate A, who is the candidate with the smallest total of votes on the poll with 8. The ballots in the sub-parcel of candidate A are analysed and assigned into sub-parcels, according to the next available preferences, with the result that 1 ballot is transferred to C and 7 ballots are transferred to G.

The totals of the votes credited to these candidates then become:

To C..... $25 + 2 + 1 = 28$ 3 parcels

To G $14 + 7 = 21$ 2 parcels

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The state of the poll on the conclusion of the sixth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	28
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	44
K	21
L	33
Non-Transferable	1
Total	348

SEVENTH COUNT

No candidate is elected as the result of the sixth count and the next operation has to be determined upon. Candidates G and K have each the same number of votes (21) and are lowest on the poll. K's ballots are analysed and assigned, as he obtained fewer votes than G in the first count. From the distribution of K's ballots (21), 3 ballots are transferred to C, 15 to I, 1 to L, and 2 are non-transferable. I thereby reaches a total of 59 votes and is elected.

The totals of the votes credited to these candidates then become:

To C.....	$25 + 2 + 1 + 3 = 31$	4 parcels
To I	$12 + 17 + 11 + 4 + 15 = 59$	5 parcels
To L	$24 + 9 + 1 = 34$	3 parcels
Non-Transferable	$1 + 2 = 3$	2 parcels

The final state of the poll on the conclusion of the seventh count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	31
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	59 (elected)
K	0 (eliminated)
L	34
Non-Transferable	3
Total	348

EIGHTH COUNT

I's surplus (9) must now be distributed. For this purpose only the sub-parcel of ballots last transferred to I (15 ballots) is taken into account. These are analysed and assigned into sub-parcels for the continuing candidates, with the following result:

A next available preference is shown for C on 4 ballots

A next available preference is shown for L on 3 ballots

Total of *transferable* ballots 7 ballots

Total of *non-transferable* ballots 8 ballots

Total 15 ballots

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In this case the total number of transferable ballots (7) is less than the surplus (9), therefore the Electoral Commissioner transfers the whole sub-parcels of transferable ballots to the continuing candidates indicated thereon as next available preference. This accounts for 7 votes out of the surplus 9. There is a difference of 2 ballots. The sub-parcel of non-transferable ballots is therefore divided into two portions, one containing 2 ballots (which form part of the surplus) the other containing 6 ballots (which are required for I's quota). The portion of 2 ballots is set aside as a separate parcel with the other parcels of non-transferable ballots, and the portion of 6 ballots is retained to make up I's quota ($6+44=50$).

The totals of the votes credited to these candidates then become:

To C.....	$25 + 2 + 1 + 3 + 4 = 35$	5 parcels
To L	$24 + 9 + 1 + 3 = 37$	4 parcels
Non-Transferable	$1 + 2 + 2 = 5$	3 parcels

The state of the poll on the conclusion of the eighth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	35
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	50 (elected)
K	0 (eliminated)
L	37
Non-Transferable	5
Total	348

NINTH COUNT

There being now no surplus, the votes of G, the candidate lowest on the poll, are analysed and assigned. G's parcel of 21 ballots is found to contain 7 ballots on which C is the next preference, and 12 on which L is the next preference, and 2 ballots which are non-transferable. Therefore 7 ballots are transferred to C, and 12 to L, and 2 are filed as a separate parcel with the other parcels of non-transferable ballots.

The totals of the votes credited to these candidates then become:

To C	$25 + 2 + 1 + 3 + 4 + 7 = 42$	6 parcels
To L	$24 + 9 + 1 + 3 + 12 = 49$	5 parcels
Non-Transferable	$1 + 2 + 2 + 2 = 7$	4 parcels

A 350

The state of the poll on the conclusion of the ninth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	42
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	0 (eliminated)
H	50 (elected)
I	50 (elected)
K	0 (eliminated)
L	49
Non-Transferable	7
Total	348

There being now no surplus, C, the candidate lowest on the poll, is excluded from the poll. But, as there remains only one vacancy to be filled, and only one continuing candidate, namely L, L is elected without any further transfer of votes.

The final result is that B, F, H, D, I and L are elected."

PART II AMENDMENTS TO THE LOCAL COUNCILS ACT

Amendments to
the Local
Councils Act.
Cap. 363.

17. This Part amends the Local Councils Act and it shall be read and construed as one with the same Act, hereinafter in this Part referred to as "the principal Act".

Amendment of
article 2 of the
principal Act.

18. Article 2 of the principal Act shall be amended as follows:

(a) immediately after the definition "Electoral Commission" there shall be added the following new definition:

" "Electronic Counting System" means the process, computer program and/or computer hardware, other equipment, data and services as may be necessary in order to:

(a) maintain relevant data in relation to the election being held;

(b) take an image of each ballot paper and interpret the preferences;

(c) establish a link between each vote stored electronically and the equivalent ballot papers by means of a unique identifier;

(d) process the collected data and ballots in such manner as to calculate the number of votes cast for each candidate at the election and determine the final result in terms of this Act and Local Councils (Elections) Regulations, 1993; and

(e) ensure the retention of proper records."; and

(b) immediately after the definition "motion" there shall be added the following new definition:

" "the period of time reserved for viewing" means the period of time which starts from such time when the Commission grants access to the party delegates to the images of each Electronic Ballot together with their interpretation and to the complete data set containing the preferences of voters as shown in the Electronic Ballots, and which expires four hours after the time the Commission forwards a copy of the Draft Result to party delegates in terms of regulation 13;"

19. The Local Councils (Elections) Regulations, 1993 shall be amended as follows:

Amendment of
the Third
Schedule to the
principal Act.

(a) regulation 16 shall be amended as follows:

(i) in paragraph (a) immediately before the words "the place where" there shall be added the words "the website and/or manner in which candidates may submit their nominations electronically"; the words "shall be three days" shall be substituted by the words "shall be five days" and the words "shall be two days from the expiration" shall be substituted by the words "shall be one day from the expiration"; and

(ii) and immediately after paragraph (d) there shall be added the following new paragraph:

"(e) whether the Commission has decided to use an Electronic Counting System:

Provided that a published decision to use an Electronic Counting System shall not operate so as to prevent the Commission, in its considered opinion, from rescinding or retracting at any time, its decision to use an Electronic Counting System to revert to the manual system as outlined in Schedule Three.";

(b) regulation 20 shall be amended as follows:

(i) in sub-regulation (1A), the words "shall not earlier than thirteen days but not later than ten days before the poll print such number of ballot papers as may be necessary for the poll in such form and on such material as may be provided for in this Act." shall be substituted by the words "shall not earlier than twenty-one days but not later than ten days before the poll print according to the Eighth Schedule such number of ballot papers as may be necessary for the poll in such form and on such material as may be provided for in this Act. This does not apply to the printing on the rear of ballot papers according to Schedule 8A.";

(ii) in sub-regulation (3), the words "in their respective nomination paper and as approved by the electoral commissioners." shall be substituted by the words "in their respective nomination paper and with the facial image of each candidate taken in black on a white background and as approved by the Electoral Commission. The photograph shall be submitted to the Commission by electronic means by the fifth day after the established time for objections to a nomination. In the case where the candidate does not conform himself, the Commission shall be authorised to use the photograph which the candidate has on his identity card.";

(iii) in sub-regulation (6), the words "opposite the name of" shall be substituted by the words "immediately preceding the name of";

(c) regulation 22 shall be amended as follows:

(i) sub-regulation (1) shall be substituted by the following:

"(1) A candidate for election shall be

nominated in writing or by electronic means:

(a) where a candidate is nominated in writing, the nomination paper, which shall be in the form set out in the Ninth Schedule, shall be signed by the candidate himself, (or, in the event of his absence from Malta, by a duly appointed representative), and by, at least, four voters registered in the locality for which the candidate is nominated. The nomination paper shall be delivered to one of the Commissioners at the Electoral Office by the candidate himself or if he is prevented by illness or absence from Malta by his lawful representative within the period specified in the notice referred to in regulation 16;

(b) where a candidate is nominated by electronic means, the nomination form, which shall be in the form set out in the Ninth Schedule to this Act, shall be filled in through a website prepared for that purpose by the Commission which nomination shall be electronically signed by the candidate. The nomination will also include an attestation to the nomination by at least four voters registered in the electoral division for which the candidate is nominated, which attestation shall be provided through the said website in the manner and form established by the Commission. The nomination is to be submitted within the period specified in the notice referred to in regulation 16.";

(ii) in sub-regulation (2) the words "after a nomination paper" shall be substituted by the words "after a nomination"; and

(iii) in sub-regulation (3) the words "that the nomination paper" shall be substituted by the words "that the nomination";

(d) regulation 25 shall be renumbered in its entirety as regulation 25(1) and immediately thereafter there shall be added the following new sub-regulation:

"(2) In the case when a candidate dies after the ballot papers have been printed, the candidacy shall be deemed to

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remain valid for all intents and purposes of the law. Provided that a candidate as referred to in this sub-article may still be declared to be elected but in such case the Commission shall, as soon as possible, give notice of an election to fill the said vacancy.";

(e) immediately after regulation 25 there shall be added the following new regulation 25A:

"Threatening the secrecy of the vote.

25A. Any person who, having been given access to the images of the Electronic Ballots together with their interpretation and/or the data set containing the preferences of voters as shown in the Electronic Ballots, uses the said data for any purpose other than that provided in regulation 14(1) of Schedule Three-A or otherwise retains or fails to remove the said data following the conclusion of the verification process shall be guilty of the offence of threatening the secrecy of the vote.";

(f) immediately after regulation 67 there shall be added the following new proviso:

"Provided that where the Commission decides to use an Electronic Counting System the ballot box shall be opened and the ballot papers shall be placed faced downwards on the counting table. When all the ballot papers found in a ballot box have been placed faced downwards on the counting table, the supervisor shall place the ballot papers together in one parcel faced downwards and in a separate tray for each ballot box with the polling booth number and locality name. The supervisor shall immediately place the tray on a rack in a place clearly visible to the counting agents. This process shall be repeated until all ballot boxes have been opened. The counting and tallying of the ballot papers shall be done in accordance to the rules stated in Thirteenth-A Schedule.";

(g) in sub-regulation (1) of regulation 72 immediately after the words "with this Part of these regulations" there shall be added the words "or, when an Electronic Counting System is being used, Schedule Three-A";

(h) in regulation 89 the words "Within five days" shall be

substituted by the words "Within three days";

(i) in sub-regulation (1) of regulation 115 immediately after the words "as follows:" there shall be added the following:

"Where an Electronic Counting System is used:

All ballot papers contained in each ballot box sorted in unique identifier order in all other cases:" and immediately after sub-regulation (3) there shall be added the following new proviso:

"Provided that where the Commission decides to use an Electronic Counting System, the Commission shall preserve all data introduced to or used by the Electronic Counting System including but not limited to data processed or produced by the Electronic Counting System for all intermediate steps prior to the final results. The data is to be preserved in digital format on suitable media and in at least two separate copies identical to the original, as decided by the Commission, for the long term storage of the same data which media shall be kept in separate sealed packets and in separate locations established by the Commission. The said copies shall be preserved until the publication of the result of the next following election and shall be erased thereafter.";

(j) immediately after the Third Schedule there shall be added the following new Schedule:

**"SCHEDULE THREE-A
The Local Council Elections
(Electronic Counting and Sorting) Regulations, 2019**

**Part I
Preliminary**

- | | |
|-----------------|--|
| Citation. | 1. These regulations may be cited as The Local Councils (Electronic Counting and Sorting) Regulations, 2019. |
| Interpretation. | 2. In these regulations unless the context otherwise requires the expressions used will be given the same interpretation as those used in Schedule Three of the Local Councils Act, furthermore: |
| Cap. 363. | |

"Electronic Ballot" means the electronic representation of a physical ballot paper in a machine-readable format obtained from the programmatic interpretation of the preferences indicated on the ballot paper together with a unique identifier matching the Electronic Ballot to the ballot paper and such other data the Electoral Commission may deem fit to store;

"Non-transferable Ballot" means an Electronic Ballot on which no second or subsequent preference is recorded for a continuing candidate:

Provided that an Electronic Ballot shall be deemed valid but has become a Non-transferable Electronic Ballot whenever:

(a) the names of two or more candidates, (whether continuing or not) are marked with the same number, and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether continuing or not) is marked:

(i) by a number not following consecutively after some other number on the ballot paper; or

(ii) by two or more numbers; or

(c) for any other reason it cannot be determined with certainty for which of the continuing candidates the next available preference of the voter is recorded;

"Unique identifier" means a sequence of numbers used to identify each particular ballot paper and consisting of:

Locality number – 2 digits

Ballot box number – 4 digits

Ballot paper number – 4 digits.

Applicability of
the Third
Schedule.

Cap. 363.

3. Save as otherwise provided by these regulations when sorting and counting votes the Electronic Counting System is to respect and incorporate, *mutatis mutandis*, the regulations, requirements and the Local Councils (Elections) Regulations, 1993 stated in the Third Schedule to the Local Councils Act, to the exclusion of Regulations 69, 70 and 71 of Part IX and regulations 74, 75, 76, 77(2), 81(2) and 84 of Part X of the Third Schedule.

Part II

Sorting of Ballot Papers

Assistants.

4. The Commission shall ensure that all the staff that it may appoint to assist, supervise and operate the Electronic Counting System and all other necessary electronic equipment for the process shall be technically trained to efficiently carry out their assigned functions.

Processing of
Ballot Paper
Account.

5. Upon receipt of the ballot boxes by the Commission the declared number of votes cast as stated on the Ballot Paper Account shall be registered on the Electronic Counting System. The number of ballot papers in each box according to the Ballot Paper Account shall be displayed on a monitor for the information of the candidates and their agents.

Sorting of ballot
papers.

6. Once the ballot boxes are opened each ballot paper shall be taken out and first placed faced downwards to ascertain that each ballot paper contains the official stamp of the Commission, and that there are no other marks on the reverse side except the official stamp of the Commission and of the political parties that opt to put the official mark and then it shall be turned, shown and placed with its face upwards to ascertain that there are no other marks on the front of it except the numbers indicating the preferences of the voter. After the completion of the said process, the ballot papers shall then be placed with their face upwards in an appropriate tray marked with the polling booth number and locality name. A copy of the Ballot Paper Account together with the ballot papers and their trays shall be stored in such area that shall at all times be visible to candidates and their agents:

Provided that if a counter decides that there is a possibility that, for any reason according to the General Elections Act, a ballot paper may be invalid or if any candidate or agent for the same reason so claims, the counter shall inform the supervisor of such ballot paper and the supervisor shall stamp such ballot paper as "Dubious" and place such ballot papers on the top of the parcel:

Provided that no reconciliation of the ballots in each tray and those stated in the Ballot Paper Account shall be done at this stage but shall be done following the scanning phase according to regulation 8(2).

Processing of
ballot papers.

7. (1) The ballot papers are to be processed, in an orderly manner, through the Electronic Counting System which shall create and store a digital image of each ballot paper and shall proceed to convert the ballot paper into an Electronic Ballot. As part of this process the ballot paper shall be marked with a unique identifier matching that given to the Electronic Ballot in order to allow the Commission, should the need arise, to identify and match the processed ballots with the ballot papers and in order to ascertain that a ballot paper is only processed and counted once.

(2) Persons supervising this process shall confirm that the number of ballots found in each box reconciles with that stated in the Ballot Paper Account as indicated by the Assistant Electoral Commissioners. When the number of votes found does not tally the Commission must be notified immediately in order to carry out the necessary investigation and give all necessary instructions.

Cap. 363

(3) When converting the ballot papers into a machine readable format the Electronic Counting System is to identify and bring to the notice of the Commission all dubious ballot papers, that is all such ballot papers which give rise to any difficulty in interpreting the preferences or which may, for any reason according to the Local Councils Act, be found to be invalid or non-transferable.

Dubious Votes.

8. (1) The Commission shall investigate all the dubious Electronic Ballots. In doing so the Commission may consult the ballot paper marked with the matching unique identifier as the Electronic Ballot:

Provided that ballot papers shall only be temporarily removed from the original tray on the order of and by an Electoral Commissioner or other persons specifically delegated by the Commission.

(2) The Electronic Counting System will bring the dubious ballots to the notice of the Commission once all the ballot papers in a particular tray are scanned and verified.

(3) Upon investigation, a dubious ballot may be determined to be:

(i) invalid and consequently the Electronic Ballot shall be put aside and ignored in all counts;

(ii) non-transferable and consequently the non-transferable portion of the Electronic Ballot shall be set aside and ignored, whilst the valid preferences shall be recorded and included in the first and subsequent counts as the case may be; or

(iii) valid and consequently the numerical sequence on the Electronic Ballot shall be set to correctly and faithfully reflect the valid ballot paper:

Provided that in all such cases any amendment or manual operation that may have been performed on an Electronic Ballot shall be logged in the Electronic Counting System, as well as the reason where a vote is found to be invalid:

Provided further that nothing in these regulations shall prevent the Commission from examining all other Electronic Ballots.

Adjudicating
Process – first tier.

(4) The Commission may appoint such persons as it deems fit to review and examine dubious ballots and to perform the relevant action required in terms of the preceding sub-regulation. A party delegate from each Party or a substitute shall be entitled to make observations and may raise objections, in which case the dubious ballot shall be referred to the Commission for its final decision in terms of the following sub-regulations.

Adjudicating
Process –
Second tier.

(5) The Commission, or any number of members thereof not being less than two, shall investigate any Electronic Ballot to determine whether it is valid, transferable or non-transferable or invalid and shall, after hearing the representations of the party delegates, or their substitutes, decide in respect of each Electronic Ballot, whether it is valid, transferable or non-transferable or invalid, or shall make any amendment to the interpretation of the vote to correctly reflect the preferences stated in the ballot paper.

(6) The decision of the Commission, or any number of members thereof not being less than two, in this regard shall be final and not subject to appeal.

(7) Once all the dubious Electronic Ballots in a tray have been investigated and declared valid, transferable or non-transferable or invalid, the number of valid and invalid Electronic Ballots in that box is to be displayed on a monitor or such other method for the information of the candidates and their agents. Any ballot papers that may have been removed as directed by a Commissioner for further investigation shall be returned to their correct sequence in the ballot tray.

(8) Once all the boxes of a locality have been processed the total number of valid and invalid votes for that division is to be displayed on a monitor or announced in such other method as the Commission may deem fit.

Other preparatory
work.

9. (1) Prior to initiating the electronic counting, the Commission may carry out such audit, verifications or other tests it may deem fit in order to ensure the correctness and completeness of the Electronic Counting System. The Commission shall produce reports showing the number of valid votes in respect of each box together with a separate report indicating that all candidates are starting with nought (0) votes.

(2) For the purposes of enabling the counting to be conducted using the Electronic Counting System the Commission may carry out any functions or perform any procedures to be undertaken in connection with the counting by electronic means as is deemed necessary or consequential to the same.

(3) The Commission shall issue an order to commence the counting of votes only after it is satisfied that all procedures and requisites established by the Law and the Commission have been satisfied.

Part III Counting

Counting of votes. 10. Once the input data is verified the Electronic Counting System shall determine the quota as established in regulation 78 of the Third Schedule.

Commencement of the Electronic Counting System. 11. (1) The Electronic Counting System shall commence the first count with a set of Electronic Ballots ordered in ascending order by ballot paper number and ballot box number in a locality by assigning all valid Electronic Ballots to parcels according to the preferred candidate indicated in each Electronic Ballot and each candidate shall be credited with a number of votes equal to the number of Electronic Ballots recording a first preference for such candidate.

(2) In subsequent counts, the transferable Electronic Ballots shall be transferred and assigned to the parcel of that candidate in accordance with the same rules of the Third Schedule.

(3) The System will proceed to calculate the first count and all subsequent counts without pause, save where instructions are required from the Commission in terms of these regulations, including where a candidate has to be selected for exclusion by lot in terms of sub-regulation 81(3) of the Third Schedule.

Draft report showing the number of votes. 12. The Electronic Counting System will produce a draft report showing the number of votes obtained by each candidate at each count. The draft report will not, at this stage, be considered an official result.

Draft result. 13. The Commission shall forward a copy of the Draft Result to party delegates in order for them to view the result in terms of regulation 12 above:

Provided that the Commission shall accord the party delegates or their substitutes, in writing, an adequate, equal and reasonable period of time from the production of the draft result to view the result, which period of time may be extended by the Commission on receiving a request by a party delegate stating the reasons to justify the request. The decision of the Commission shall be final.

Access to images
of each Electronic
Ballot.

14. (1) During the period of time reserved for viewing, the party delegates shall have the right to access the images of each Electronic Ballot together with its interpretation, and to access a complete data set containing the preferences of voters as shown in the Electronic Ballots and this solely and exclusively for the purposes of verifying that the ballot papers were correctly interpreted by the System and that the preferences stated in the ballots were correctly allocated to candidates:

Provided that the party delegates shall not retain the said information and shall ensure the complete deletion and destruction of the information received and any copies that may have been made following the verification of the ballot papers and their allocation, and this immediately upon the expiry of the period of time reserved for viewing:

Provided further that any person who having been granted access to the image of each Electronic Ballot together with its interpretation, and/or the complete or partial data set containing the preferences of voters as shown in the Electronic Ballots uses the data for purposes other than those allowed in terms of this sub-regulation or retains the said information beyond the period of time required to conduct these purposes or fails to delete or destroy the information following the conclusion of the verification shall be guilty of an offence, and shall, on conviction, be liable to a fine (*multa*) not exceeding ten thousand euro (€10,000) or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

(2) When providing the Parties and party delegates with the information specified in the preceding sub-regulation, the Commission shall ensure that the recipients are aware of their obligations in terms of these regulations and shall be empowered to impose such non-disclosure and other obligations, including penalty clauses by which the Parties, party delegates and their substitutes shall confirm and bind themselves not to copy, retain, publish or otherwise use the data set other than for verification purposes within the time-frame allocated to them and to ensure that upon the expiry of the said time-frame they shall delete and/or return the data to the Commission.

(3) The Commission shall investigate as it deems fit any reasoned objection or complaint that a party delegate, or a contesting Party may bring forward with regards to the correctness of the result.

(4) Following the publication of the result, the Commission shall not provide access to the images of each Electronic Ballot or to their interpretation or to the complete data set containing the preferences of voters as shown in the Electronic Ballots and shall ensure that it does not provide any information that may remove the secrecy of the vote.

Announcement of
results.

15. (1) Following the declaration by the Parties that they are satisfied with the result or the expiry of the time allowed for verification as indicated in Regulation 13 of this Schedule, the Commission shall declare and publish the final and definite results of the first count.

(2) The Commission shall display on one or more monitors for the information of the candidates and their agents the results for the first count, the Commission shall allow a short period of time and then publish the final and definite result of the second and subsequent counts. The length of period of time between each count shall be determined by the Commission at its sole discretion.

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Recount.

(3) Any candidate or agent may, before the next count is shown, request the Commission to re-examine all or any of the Papers dealt with during that count, in which case the Commission shall suspend the display of the individual counts and instead shall display on a monitor or monitors all the Electronic Ballots that were processed in that count sequentially.

(4) When examining the votes in this manner any suspected error is to be brought immediately to the attention of the Commission which shall investigate the matter and decide on how to proceed. The decision of the Commission is final and not subject to appeal.

(5) Following the display of all the counts on the monitor the result will be final and definite:

Cap. 363.

Provided that all Parties shall have the same rights at law to contest the result as emanating from the Law and from the Local Councils Act and its Schedules.

Devices and software to be used.

16. (1) The Electronic Counting System and all devices or software intended to work together with the System shall be tested adequately before being approved by the Electoral Commission to carry out the process of Electronic Counting and Sorting. The Commission shall ensure that the Counting Engine and any subsequent revision shall be accredited and confirmed to operate in a correct manner in conformity with the Third Schedule and this Schedule by an accreditation authority as may be deemed appropriate by the Commission.

Security and Integrity.

(2) At least three (3) identical sets of the final and approved version of the software for the Counting Engine and the Interpretation and Transcription into machine readable language for voting preferences shall be stored in digital format on a suitable medium for the long term storage of the same data in packets; which packets shall be sealed by the Commission and the party delegates and stored by the Commission in a secure location. Party delegates shall have the right to a set of the software installed on a secure server provided by the Commission at the Counting Complex, on polling day, and prior to the commencement of the electronic sorting and counting or at any other time as may be decided by the Commission.

(3) The Commission shall verify and ensure in the presence of the party delegates that the software made available to the party delegates as provided in sub-regulation (2) above is identical to the software that will be used in the Electronic Counting System.

Auditing of the
Electronic
Counting System.

17. The Commission is to ensure that the Electronic Counting System is operated independently from other systems and free from any form of electronic interference.

Further procedures
established by the
Commission.

18. The Commission may define and establish such further procedures that may be required to better operate the System.

Fall Back clause.

19. The Commission may, should it deem it so necessary in the circumstances, order the suspension of the use of the Electronic Counting System for counting and sorting votes and instead revert to the rules of the Third Schedule of the Local Councils Act or such other regulations issued in terms of the Local Councils Act as may be in force from time to time:

Cap. 363.

Provided that in such circumstances the Commission shall, for all intents and purposes of law, be deemed to have decided to not use an Electronic Counting System for the counting and sorting of votes.

Casual Vacancies.

20. In the event of a seat becoming vacant Part XI of the Third Schedule shall be applied so however that the examination of the ballot papers shall be done by the Electronic Counting System using the final resulting parcel of the Candidate as produced by the System.

EXAMPLE OF THE METHOD OF COUNTING THE BALLOT PAPERS AT AN ELECTION CONDUCTED ON THE PROPORTIONAL REPRESENTATION SYSTEM OF THE SINGLE TRANSFERABLE VOTE USING AN ELECTRONIC VOTE COUNTING SOLUTION

Let it be assumed that there are six members to be elected and that there are eleven candidates A, B, C, D, E, F, G, H, I, K, L.

THE QUOTA

Once all ballot papers are scanned, verified and adjudicated, an ordered (by vote number, ballot box number) set of valid Electronic Ballots is formed. The total number of valid Electronic Ballots submitted to the count engine is 348. This total is divided by seven (i.e. the number which exceeds by one the number of vacancies to be filled), and 50 (i.e. the quotient 49 increased by 1, neglecting the fraction) is the "quota", or the number of votes sufficient to elect a member.

FIRST COUNT

The ordered set of Electronic Ballots is treated as the initial parcel within the count engine. This initial parcel is analysed and all Electronic Ballots are assigned into separate sub-parcels under the name of the candidate for which a first preference has been recorded.

The results of the count may be supposed to be as follows:

Candidate	Votes
A	7
B	140
C	25
D	10
E	4
F	62
G	14
H	50
I	12
K	0
L	24
Non-Transferable	0
Total	348

The votes obtained by B, F and H exceed or equal the quota, and they are thereupon elected.

SECOND COUNT

B has 90 surplus votes (i.e. B's total 140, less the quota 50), and it is necessary to transfer this surplus first as being the largest.

All B's 140 Electronic Ballots are analysed and assigned into separate sub-parcels according to the next available preferences indicated therein.

In general, the next available preference will be the second preference. But any Electronic Ballot on which the second preference is given to either F or H, both already elected, passes to the next available preference after such candidates. An Electronic Ballot marked with 1 for B, 2 for H, 3 for F, 4 for I, is placed in the sub-parcel for I.

A separate sub-parcel is also formed of those Electronic Ballots on which no further available preference, i.e. no further preference for any continuing candidate is shown, and which are therefore not transferable.

The result is found to be as follows:

A next available preference is shown for D on	80 ballots
A next available preference is shown for E on	2 ballots
A next available preference is shown for I on	25 ballots
A next available preference is shown for K on	29 ballots
Total of <i>transferable</i> ballots	136 ballots
Total of <i>non-transferable</i> ballots	4 ballots
Total of B's ballots	140 ballots

Since the total number of transferable ballots (136) exceeds the surplus (90), only a portion of each sub-parcel can be transferred, and the number of ballots to be transferred from each sub-parcel must bear the same proportion to the total number of ballots in the sub-parcels as that which the surplus bears to the total number of transferable ballots.

In other words, the number of Electronic Ballots to be transferred from each sub-parcel is ascertained by multiplying the number of ballots in the sub-parcel by 90 (the surplus) and dividing the result by 136 (the total number of transferable ballots) giving 0.6617647.

The calculation is as follows:

Candidate	Sub-Parcel		Whole	Fraction		Actually Transferred
D	80	x 0.6617647	52	.9412	+1	53
E	2	x 0.6617647	1	.3235		1
I	25	x 0.6617647	16	.5441	+1	17
K	29	x 0.6617647	19	.1912		19
Total			88	2		90

The numbers of Electronic Ballots to be transferred as determined by the preceding process contain decimal parts, and since only whole ballots can be transferred, so many of the largest of these decimal parts, taken in order of their magnitude as will make the total number of Electronic Ballots to be transferred equal to the surplus, are reckoned as of the value of unity.

Thus as the whole numbers determined above amount to only 88 viz. (52+1+16+19), or two short of the surplus, 90, the two largest decimal parts .9412 and .5441 are reckoned as unity, and the number of Electronic Ballots actually transferred are as follows:

To D	53 ballots
To E	1 ballot
To I	17 ballots
To K	19 ballots
Total, being B's surplus	90 ballots

The particular Electronic Ballots to be transferred to D, E, I and K are those last filed in their respective sub-parcels, and therefore at the bottom of the sub-parcels.

These Electronic Ballots are added in separate sub-parcels to the parcels of D, E, I and K. (Note: K had no parcel of original ballots).

The totals of the votes credited to these candidates then become:

To D.....	10 + 53 = 63	2 parcels
To E	4 + 1 = 5	2 parcels
To I	12 + 17 = 29	2 parcels
To K	0 + 19 = 19	1 parcel

The remainder of the Electronic Ballots in the sub-parcel of the elected candidate B, i.e. those ballots not transferred together with the ballots on which no further available preferences were marked now form the parcel, representing B's quota of votes (50). This parcel retains the order of B's original parcel.

The parcel is made up as follows:

The remainder of D's sub-parcel $80 - 53 = 27$
 The remainder of E's sub-parcel $2 - 1 = 1$
 The remainder of I's sub-parcel $25 - 17 = 8$
 The remainder of K's sub-parcel $29 - 19 = 10$
 Total of *non-transferable* ballots 4
 Total, being B's quota 50

The state of the poll on the conclusion of the second count is as follows:

Candidate	Votes
A	7
B	50 (elected)
C	25
D	63 (elected)
E	5
F	62 (elected)
G	14
H	50 (elected)
I	29
K	19
L	24
Non-Transferable	0
Total	348

D now has 63 votes, a number which is more than the quota. He is accordingly elected.

THIRD COUNT

There are now two surpluses, that of F (12) and that of D (13). F's surplus, though the smaller, is first dealt with as it arose on a prior count. F's surplus is distributed proportionately among the next available preferences on F's original 62 ballots in exactly the same manner as in the case of B, with the result that 9 ballots are transferred to L, 2 to C and 1 to A.

The totals of the votes credited to these candidates then become:

To L	$24 + 9 = 33$	2 parcels
To C	$25 + 2 = 27$	2 parcels
To A	$7 + 1 = 8$	2 parcels

The remainder of the Electronic Ballots in the sub-parcel of the elected candidate F, i.e. those ballots not transferred together with the ballots on which no further available preferences were marked, now form the parcel representing F's quota of votes (50). This parcel retains the order of F's original parcel.

The Electronic Ballots in the sub-parcel of the elected candidate H (who obtained an exact quota at the first count) retain the order of the original parcel and form the parcel representing H's quota of votes (50).

FOURTH COUNT

D's surplus (13) must now be distributed. For this purpose only the sub-parcel last transferred, containing 53 ballots, is considered. These are analysed and assigned into sub-parcels, according to the next available preferences, with the following result:

A next available preference is shown for I on	42 ballots
A next available preference is shown for K on	10 ballots
Total of <i>transferable</i> ballots	52 ballots
Total of <i>non-transferable</i> ballots	1 ballot
Total	53 ballots

The number of ballots to be transferred from each sub-parcel is ascertained by multiplying the number of ballots in the sub-parcel by 13 (the surplus) and dividing the result by 52 (the total number of transferable ballots); therefore

I's share of the surplus $42 \times 0.25 = 10.5$

K's share of the surplus $10 \times 0.25 = 2.5$

As the decimal parts above are equal, that which arises from the larger sub-parcel is deemed to be the larger. I's share of D's surplus is, accordingly, 11 votes, and K's share is 2 votes.

The totals of the votes credited to these candidates then become:

To I..... $12 + 17 + 11 = 40$ 3 parcels

To K $19 + 2 = 21$ 2 parcels

The remainder of the Electronic Ballots in the sub-parcel of the elected candidate D, i.e. those ballots not transferred (39) together with the ballots on which no further available preferences were marked (1) and the 10 ballots received on the first count, making 50 ballots altogether, now form the parcel representing D's quota of votes.

The state of the poll on the conclusion of the fourth count is as follows:

Candidate	Votes
A	8
B	50 (elected)
C	27
D	50 (elected)
E	5
F	50 (elected)
G	14
H	50 (elected)
I	40
K	21
L	33
Non-Transferable	0
Total	348

There being now no surplus required to be dealt with, the Electoral Commissioner proceeds to transfer the votes of the candidate with the smallest total of votes. The candidate lowest on the poll is E, with 5 votes. The ballots in the sub-parcel of candidate E are analysed and assigned into sub-parcels, according to the next available preferences, with the result that 4 ballots are transferred to I, and 1 non-transferable ballot is set aside as a separate parcel, whilst respecting the original order of ballots for candidate E.

To I $12 + 17 + 11 + 4 = 44$ 4 parcels

The state of the poll on the conclusion of the fifth count is as follows:

Candidate	Votes
A	8
B	50 (elected)
C	27
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	14
H	50 (elected)
I	44
K	21
L	33
Non-Transferable	1
Total	348

SIXTH COUNT

The Electoral Commissioner proceeds to transfer the votes of candidate A, who is the candidate with the smallest total of votes on the poll with 8. The ballots in the sub-parcel of candidate A are analysed and assigned into sub-parcels, according to the next available preferences, with the result that 1 ballot is transferred to C, and 7 ballots are transferred to G.

The totals of the votes credited to these candidates then become:

To C..... $25 + 2 + 1 = 28$ 3 parcels

To G $14 + 7 = 21$ 2 parcels

The state of the poll on the conclusion of the sixth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	28
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	44
K	21
L	33
Non-Transferable	1
Total	348

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SEVENTH COUNT

No candidate is elected as the result of the sixth count and the next operation has to be determined upon. Candidates G and K have each the same number of votes (21) and are lowest on the poll. K's ballots are analysed and assigned, as he obtained fewer votes than G in the first count. From the distribution of K's ballots (21), 3 ballots are transferred to C, 15 to I, 1 to L and 2 are non-transferable. I thereby reaches a total of 59 votes, and is elected.

The totals of the votes credited to these candidates then become:

To C.....	$25 + 2 + 1 + 3 = 31$	4 parcels
To I	$12 + 17 + 11 + 4 + 15 = 59$	5 parcels
To L	$24 + 9 + 1 = 34$	3 parcels
Non-Transferable	$1 + 2 = 3$	2 parcels

The final state of the poll on the conclusion of the seventh count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	31
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	59 (elected)
K	0 (eliminated)
L	34
Non-Transferable	3
Total	348

EIGHTH COUNT

I's surplus (9) must now be distributed. For this purpose only the sub-parcel of ballots last transferred to I (15 ballots) is taken into account. These are analysed and assigned into sub-parcels for the continuing candidates, with the following result:

A next available preference is shown for C on	4 ballots
A next available preference is shown for L on	3 ballots
Total of <i>transferable</i> ballots	7 ballots
Total of <i>non-transferable</i> ballots	8 ballots
Total	15 ballots

In this case the total number of transferable ballots (7) is less than the surplus (9), therefore the Electoral Commissioner transfers the whole sub-parcels of transferable ballots to the continuing candidates indicated thereon as next available preference. This accounts for 7 votes out of the surplus 9. There is a difference of 2 ballots. The sub-parcel of non-transferable ballots is therefore divided into two portions, one containing 2 ballots (which form part of the surplus) the other containing 6 ballots (which are required for I's quota). The portion of 2 ballots is set aside as a separate parcel with the other parcels of non-transferable ballots, and the portion of 6 ballots is retained to make up I's quota ($6+44=50$).

The totals of the votes credited to these candidates then become:

To C.....	$25 + 2 + 1 + 3 + 4 = 35$	5 parcels
To L	$24 + 9 + 1 + 3 = 37$	4 parcels
Non-Transferable	$1 + 2 + 2 = 5$	3 parcels

A 376

The state of the poll on the conclusion of the eighth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	35
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	21
H	50 (elected)
I	50 (elected)
K	0 (eliminated)
L	37
Non-Transferable	5
Total	348

NINTH COUNT

There being now no surplus, the votes of G, the candidate lowest on the poll, are analysed and assigned. G's parcel of 21 ballots is found to contain 7 ballots on which C is the next preference, and 12 on which L is the next preference, and 2 ballots which are non-transferable. Therefore 7 ballots are transferred to C, and 12 to L, and 2 are filed as a separate parcel with the other parcels of non-transferable ballots.

The totals of the votes credited to these candidates then become:

To C	$25 + 2 + 1 + 3 + 4 + 7 = 42$	6 parcels
To L	$24 + 9 + 1 + 3 + 12 = 49$	5 parcels
Non-Transferable	$1 + 2 + 2 + 2 = 7$	4 parcels

The state of the poll on the conclusion of the ninth count is as follows:

Candidate	Votes
A	0 (eliminated)
B	50 (elected)
C	42
D	50 (elected)
E	0 (eliminated)
F	50 (elected)
G	0 (eliminated)
H	50 (elected)
I	50 (elected)
K	0 (eliminated)
L	49
Non-Transferable	7
Total	348

There being now no surplus, C, the candidate lowest on the poll, is excluded from the poll. But, as there remains only one vacancy to be filled, and only one continuing candidate, namely L, L is elected without any further transfer of votes.

The final result is that B, F, H, D, I and L are elected.";

- (k) the Eight Schedule shall be substituted by the following:

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"EIGHTH SCHEDULE (Regulation 20)

POLZA TAL-VOT — BALLOT PAPER

Għedd ta' Kunsilliera li għandhom jiġu eletti Number of Councillors to be elected		Kunsill Council	
Baġġa tal-Kandidat Badge of Candidate	Isimijiet tal-Kandidati Names of Candidates	Fotografija tal-Kandidat Photo of Candidate	Immatrikolarità Nomenklatura Nomenklatura Nomenklatura

PARTIT A

AZZOPARDI ALBERT, Ta' Gawdenz, ta' 140, Triq il-Kapuccini, San Gilijan, Perit	
LIA PATRICK, ta' 44, 'Daffodil', Triq il-Kavallieri ta' Malta, l-Isola, Avukat	

PARTIT B

ABDILLA FRANCIS SAVIOUR (Frankie), ta' 21, 'La Paloma Blanca', Triq San Piju XIV, San Pawl il-Baħar, Impjegat il-Bank	
BALDACCHINO MARK ANTHONY, ta' 'April Love', Triq il-Konvoj ta' Santa Marija, Marsaskala, Avukat	
VELLA DEGIORGIO JAMES, ta' 240, 'Old Trafford', Triq l-Izbark tal-Franciżi, San Pawl il-Baħar, Nutar	
ZAMMIT HENRY ALFRED, ta' 18, Fl 3, Triq il-Vittmi tal-Gwerra, Bormla, Pensjonant	

PARTIT Ċ

ABELA CHRISTOPHER (Chris), ta' 107, 'San Siro', Triq Santa Marija, L-Ingarr, Tabib/Konsulent fis-Saħħa Pubblika	
BORG MALLIA NOREEN, ta' 6, Misrah Diċembru Tlettax, San Pawl il-Baħar, Procurement Officer	
GALEA GWENITH (Gwen), ta' 35, 'Shalom', Triq Nikola Briffa, Is-Sigglewi, Konsulent Finanzjarju	
SANT BRIAN (Abraham), Ta' Bramu, ta' 21, 'Blanco Nero', Triq il-Gran Mastru Wignacourt, Fleur-De-Lys, Birkirkara, Negożjant	
UNGARO TRACY, Dr, ta' 'Villa Genesis', Triq il-Bajja s-Sabiha, Il-Mellieħa, Tabiba	

KANDIDATI INDIPENDENTI

BUSUTTIL MATTHEW, il-Kitarrikt, ta' 21, 'Villa Madama', Triq Valletta, Mosta, Direttur Artistiku	
TANTI PHILIP, ta' 89, Flat 6, Marigold Flats, Triq il-Vopa, Marsaskala, Pensjonant	

"; and

(1) immediately after the Eighth Schedule there shall be added the following new Schedule:

"SCHEDULE 8A
(Regulation 20)

Rear of Ballot Paper

TÄRGI TAL-KUMMISSJONI	TÄRGI TAL-PARTITI POLITICI
VIITIMINAK TART OIN H-LINJA	

"

Passed by the House of Representatives at Sitting No. 215 of the
3rd April, 2019

•

ANGLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

