

OPEN AGENDA

Copy No:

No: 37/2021

Memorandum for Executive Council

SUBJECT

Elections (Amendment) Bill, 2021

Memorandum by the Chairman of the Social and Community
Development Committee

ADVICE SOUGHT

1. **Executive Council is asked to advise whether the Elections (Amendment) Bill, 2021, Annex A, should be printed and published and tabled as Government business at the formal meeting of the Legislative Council scheduled for 18 June 2021.**

**BACKGROUND &
CONSIDERATIONS**

2. Part II of the Elections Ordinance, 2009 (“the Ordinance”) provides for the eligibility for individuals to enable them to have their names included in the Register of Electors, as follows:

“4. (1) A person is entitled to be registered as an elector if, and is not entitled to be so registered unless, the person —
(a) has St Helenian status, as defined in the Immigration Ordinance, 2011;
(b) has attained the age of 17 years; and
(c) is, on the date on which the person applies to be registered, both present in St Helena and ordinarily resident in the constituency for which the person applies to be registered.”

3. Part II of the Ordinance further provides that:

4. “(2) For the purposes of subsection (1)(c), a person who is not in fact present in St Helena must be treated as being both present and ordinarily resident in St Helena if the person makes a declaration in the prescribed form to the effect that he or she—
(a) has St Helenian status; and
(b) is ordinarily resident in St Helena but is absent from St Helena in connection with employment, education, or training (of himself or herself or his or her spouse or life partner) or for the purposes of medical treatment (of himself or herself or his or her spouse or life partner or a dependant)

(2A) Subsection (2) does not apply to a person who has

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.

OPEN AGENDA

been absent from St Helena for a continuous period of 30 months or for periods exceeding in aggregate 625 days in the preceding 30 months.”

4. Recently, an anomaly was highlighted with regard to persons that fall into section 4 as above as it was open to interpretation, in that it could be interpreted that a person MUST be present in St Helena at the time of making an application to amend the register of Electors by having their name included in it. This could contradict the requirement for a person to declare that they are ordinarily resident on St Helena when making an application but are temporarily absent at the time of making an application.
5. The Elections (Amendment) Bill, 2021 seeks to remove the anomaly and clarify the law. If the Bill is approved by Executive Council, a Certificate of Urgency will be required in order for it to be presented as Government Business at the Legislative Council meeting scheduled for 18 June 2021.

FINANCIAL IMPLICATIONS

6. There are no financial implications resulting from this Memorandum.

ECONOMIC IMPLICATIONS

7. There are no economic implications.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

8. Not applicable.

PUBLIC / SOCIAL IMPACT

9. No substantial Public or Social Impact as this is just a ‘tidying up’ exercise.

ENVIRONMENTAL IMPACT

10. No environmental impact.

PREVIOUS CONSULTATION/ COMMITTEE INPUT

11. The Bill was considered at a meeting of the Social and Community Development Committee held on 9 June 2021 when full support was given by Members.

PUBLIC REACTION

12. None anticipated.

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.

OPEN AGENDA

PUBLICITY

13. Executive Council's decision will be covered in the media briefing following the meeting. If approved, the Bill will be printed and published via the normal channels in advance of the formal Legislative Council meeting to be held on 18 June 2021.

SUPPORT TO STRATEGIC OBJECTIVES

14. This is not a strategic activity but supports good governance.

LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

15. Not applicable.

IMPLEMENTATION OF POLICY/ LEGISLATION

16. The Amendment to the Elections Ordinance is a 'tidying up' exercise which does not change any of the current procedures. If enacted by the Legislative Council, it will be brought into force thereafter thus removing the current anomaly in the law.

AAG

OPEN/CLOSED AGENDA ITEM

17. Recommended for the Open Session

Central Support Service

9th June 2021

This document is the property of the St. Helena Government; it is protected by copyright laws and by the Official Secrets Acts.

The unauthorised possession or copying of the document may result in civil or criminal penalties.