



GUYANA

ACT No. 29 of 1990

ELECTION LAWS (AMENDMENT) (No. 2) ACT 1990

I assent,

H. D. HOYTE,
President.

1990—12—29.

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of short title of the Principal Act.
3. Amendment of section 3 of the Principal Act.
4. Insertion of new sections 3A, 3B, 3C, 3D, 3E and 3F in the Principal Act.
5. Amendment of section 13 of the Principal Act.
6. Amendment of the National Registration Act.
7. Annulment of preliminary list.

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AN ACT to amend the Election Laws (Amendment) Act 1990.

A.D. 1990

Enacted by the Parliament of Guyana:—

Short title

No. 25 of
1990

Amend-
ment of
short title
of the
Principal
Act.

Amend-
ment of
section 3
of the
Principal
Act.

1. This Act, which amends the Election Laws (Amendment) Act 1990, may be cited as the Election Laws (Amendment) (No. 2) Act 1990.

2. The short title of the Principal Act as given before the arrangement of sections and in section 1 is hereby amended by the substitution, for the words “Laws (Amendment)”, of the words “Law (Reform)”.

3. Section 3 of the Principal Act is hereby amended in the following respects —

- (a) by the deletion of subsections (1) and (2) and the substitution therefor of the following subsections —

“(1) The Commissioner shall, as expeditiously as possible after the commencement of this Act, cause to be prepared an official list of electors for every polling division, and a non-residents’ roll, with reference to the qualifying date which shall be 30th June, 1991.

(2) The official list of electors and the non-residents’ roll shall be prepared in accordance with sections 3A, 3B, 3C and 3D.”;

- (b) in subsection (3), by the substitution, for the words “the year 1991”, of the words “the year 1992”;

- (c) by the deletion of subsection (9) and the substitution therefor of the following subsection —

“(9) The official list of electors for any polling division prepared under subsection (1), or last revised under subsection (3), before the date of any election to choose the President, the members of the National Assembly or the members of a regional democratic council shall be the official list of electors for the polling division for such election; and the non-residents’ roll prepared under sub-

section (1), or last revised under subsection (5), before the date of such election shall be the non-residents' roll for that election, and references in the Representation of the People Act to official list of electors and non-residents' roll shall be construed accordingly."

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4. The Principal Act is hereby amended by the insertion, after section 3, of the following sections as sections 3A, 3B, 3C, 3D, 3E and 3F —

Insertion of
new sections
3A, 3B, 3C,
3D, 3E and
3F in the
Principal
Act.

Registration
of electors.

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3A. (1) Every divisional registrar shall, either by himself or officers appointed under section 4 of the National Registration Act (hereinafter referred to as "enumerators"), by house to house visits within the registration division assigned to him, obtain as far as practicable the application for registration of every person, who is qualified for registration as an elector for election to the National Assembly and is resident in that division, to have his name included in the official list of electors for the registration division.

(2) Registration of persons under subsection (1) shall begin and end on such dates as may be specified by the Elections Commission.

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(3) Sections 6 (6) and (7), 8, 10, 11, and 13 of the National Registration Act shall *mutatis mutandis* apply to, and in relation to, registration of electors under the preceding subsections.

(4) The Commissioner shall establish a central register which shall consist of the originals of the registration cards of all electors registered under this section or such copies thereof prepared in conformity with section 7(1) of the National Registration Act as made applicable by subsection (3) to registration of electors under this section.

(5) Every registrar shall establish for each registration division in his registration district a divisional register which shall consist of the duplicate registration cards of all electors registered under this section as resident in that registration division or such other copies thereof prepared in conformity with section 7 (1) of the National Registration Act as made applicable by

subsection (3) to registration of electors under this section.

Preliminary list, claims and objections and official list of electors,

3B. (1) Within such time, after the date for the end of the registration of electors, as may be specified by the Elections Commission, the Commissioner shall prepare a preliminary list in which he shall enter the full name, the address, the occupation and the serial number of the registration card of every elector registered under section 3A.

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(2) Sections 14 (2) and 15 of the National Registration Act and the regulations made under that Act shall *mutatis mutandis* apply to, and in relation to, the preliminary list referred to in subsection (1), claims and objections in respect of such preliminary list, certification and correction of the preliminary list as revised and other matters provided for in the aforesaid section 14 (2) and 15, as if references therein to preliminary list were references to the preliminary list prepared under subsection (1).

(3) The official list of electors for any polling division shall be the preliminary list of electors for the registration division, corresponding to the polling division, prepared under subsection (1) —

(a) as altered under section 15 (6) of the National Registration Act, as made applicable by subsection (2), to give effect to claims and objections finally determined before the election day;

(b) with such modifications as may be necessary pursuant to any alteration thereto under section 8 of the National Registration Act, as made applicable by section 3A (3), prior to compliance with section 34 (2) (a) (iv) of the Representation of the people Act in respect of the said official list, for the purpose of changing the registered address of any elector's residence within Guyana or the registered name or occupation of any elector;

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- (c) with such modifications as may be necessary pursuant to the cancellation of any elector's registration therein effected in contravention of section 11 (1), or relating to an elector who is dead, under section 8, of the National Registration Act as made applicable by section 3A (3); and
- (d) with such modifications as may be necessary pursuant to any revision under section 3D.

(4) In subsection (3) reference to a preliminary list is a reference to such list read in conjunction with any supplementary list prepared for a revision of that preliminary list pursuant to regulations made under the National Registration Act for the purpose of showing the alterations and modifications referred to in that subsection.

Non-residents' roll.

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3C. The non-residents' roll shall be prepared by the Commissioner in accordance with section 44 (2) of the Representation of the People Act and the provisions of the National Registration Act referred to therein, with such modifications as may be necessary pursuant to any revision under section 3D and section 45 of the Representation of the People Act shall *mutatis mutandis* apply in relation to the display of the non-residents' roll so prepared.

Revision of official list of electors and non-residents' roll in certain circumstances.

3D. (1) Where there is an interval of more than three months after the qualifying date with reference to which the official list of electors or the non-residents' roll is prepared under section 3 (1) or is revised under section 3 (3) or (5), as the case may be, and the day appointed for the next election after that date, the Commissioner shall cause the official list of electors and non-residents' roll to be revised, in accordance with procedure established by the Elections Commission by regulations, —

- (a) by adding thereto the names of persons who have or may become qualified for registration as electors after the said qualifying date and

before the day appointed for the election;
and

- (b) by deleting therefrom the names of persons who are registered as electors, but have ceased to be qualified to be so registered after the said qualifying date and before such date, being a date prior to the date appointed for the election, as may be specified by the Elections Commission by notification in the *Gazette*.

(2) The revision of the official list of electors and the non-residents' roll, under subsection (1), shall be by way of the annexation thereto of supplementary lists, in such form as may be determined by the Commissioner, containing the changes determined under subsection (1).

Scrutineers.

3E. (1) In connection with the preparation of the official list of electors under section 3 (1), every organisation or group of persons, proposing to submit a list of candidates at the first election after the commencement of the Election Laws (Amendment) (No. 2) Act 1990, may, by writing under the hand of such person as may be duly authorised by that organisation or group of persons (hereinafter referred to as the "authorised person"), appoint a chief scrutineer for the whole of Guyana, an assistant chief scrutineer for each registration district and one scrutineer for each registration division, and the appointment shall terminate on the date on which the preliminary list as revised is published under section 3B (2).

(2) The Commissioner shall be given notice in writing of the appointment of a person as scrutineer, by the authorised person appointing him, and the Commissioner shall issue to him an identification card, which shall be promptly surrendered by the scrutineer to the Commissioner on the termination of his appointment; and references in the following subsections to a scrutineer shall, unless the context otherwise requires, be deemed to be references to a person appointed as a scrutineer under subsection (1) and to whom an identification card has been issued by the Commissioner.

(3) The authorised person that appointed a scrutineer may revoke the appointment, and intimate to the Commissioner and the scrutineer of such revocation and on the receipt of the intimation of such revocation the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(4) Where a scrutineer is, in the opinion of the Commissioner, guilty of misconduct, the Commissioner shall direct the scrutineer to surrender the identification card issued to him, whereupon the scrutineer shall promptly surrender to the Commissioner the identification card issued to him under subsection (2).

(5) A scrutineer for any registration division —

- (a) may inspect any of the following documents, whether completed or not, in the possession of the divisional registrar of the registration division for which he is appointed, and may make copies or take extracts thereof —
 - (i) applications for registration as electors and registration cards; or
 - (ii) copies of notices issued to applicants for registration as electors, disallowing the applications for registration;
- (b) shall have no right, by virtue of his appointment as a scrutineer, to visit any house or the premises thereof, but subject to the above may accompany an enumerator, while the enumerator is performing his duties under this Act, in the registration division for which the scrutineer is appointed and shall be entitled to receive from the enumerator as soon as may be after he has obtained any application for the registration of an elector the particulars given by the elector;
- (c) may submit to the registrar, having jurisdiction over the registration division for which he is appointed, claims for listing any elector who is entitled to be so listed, and is resident in that registration division, or objections to the listing of any person as resident in that registration division.

(6) Where a claim is submitted by a scrutineer to have the name of any person included in the official list of electors, the scrutineer and such person shall both be deemed to be parties to the claim and where a scrutineer submits an objection, he shall be deemed to be a party to the objection.

(7) A chief scrutineer shall in respect of the whole of Guyana, and an assistant chief scrutineer shall in respect of the registration district for which he is appointed, be entitled to perform all the functions, and shall have all the rights, of a scrutineer and, subject to the above, references in this Act to a scrutineer shall be deemed to include references to the chief scrutineer and every assistant Chief scrutineer.

(8) A scrutineer shall not interfere with the performance, by any person referred to in section 4 of the National Registration Act, of his functions or obstruct any such person from the performance of his functions.

(9) Where a scrutineer, having become liable to surrender to the Commissioner the identification card issued to him under subsection (2), without reasonable cause refuses or fails to surrender the same in accordance with subsection (2), (3) or (4), or represents that he is a scrutineer or performs or attempts or purports to perform any of the functions of a scrutineer or contravenes subsection (8), he shall be liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for six months.

issue of
identifica-
tion cards,

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3F. Persons, whose names are included in the official list of electors for a polling division, or in the non-residents' roll shall be issued identification cards by the Commissioner and section 12 of the National Registration Act shall apply in respect of the issue of such identification cards as if that person has been registered under the aforesaid Act."

Amend-
ment of
section 13
of the
Principal
Act.

5. Section 13 of the Principal Act is hereby amended by the re-numbering of it as subsection (1) thereof and by the insertion, after subsection (1) as so re-numbered, of the following subsection as subsection (2) —

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"(2) Subject to subsection (1) and the preceding provisions of this Act, the provisions of the National Registration Act, other than the provisions thereof referred

to in sections 3A (3) and 3B (2), shall *mutatis mutandis* apply to, and in relation to, the registration of electors, preparation of preliminary lists, claims and objections, appeals from decisions in respect of claims and objections and all other matters dealt with in the preceding sections of this Act or connected therewith, and offences and penalties relating to any such matter, in the same manner as they apply to, and in relation to, the registration of persons and the preparation of a central register under the National Registration Act.”.

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6. The National Registration Act is hereby amended in the following respects —

- (a) in sections 19 (2), 20 (1) and (2), 21, 22, 23 (1) and (2), 25 (3) and (4), and 27, by the substitution of words “five thousand dollars” for the words “two hundred and fifty dollars”;
- (b) in section 24, by the substitution of the words “two thousand dollars” for the words “one hundred dollars”;
- (c) in section 26, —
 - (i) by the insertion of the words “; or appointed as a scrutineer,” after the words “section 3 or 4”;
 - (ii) by the substitution of the words “five thousand dollars” for the words “two hundred and fifty dollars”.

Amendment
of the
National
Registration
Act,
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7. The preliminary list prepared and affixed by the Commissioner under sections 14 and 15 of the National Registration Act, pursuant to the direction given by the Elections Commission on 2nd October, 1990, is hereby annulled.

Annulment
of
preliminary
list.

Passed by the National Assembly on 28th December, 1990.

M. B. Henry,
Acting Clerk of the National Assembly.

BILL No. 34/1990