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The following Bill which will be introduced in the National Assembly is published for general information.

F. A. Narain,
Clerk of the National Assembly.



GUYANA

BILL No. 11 of 1996

ELECTION LAWS (AMENDMENT) BILL 1996

ARRANGEMENT OF SECTIONS

SECTION

1. Short title and commencement.
2. Interpretation.
3. Preparation of official list of electors and non-resident electors' roll.
4. Registration of persons.
5. Preliminary list, claims and objections and official list of electors.
6. Non-resident electors' roll.

7. Revision of official list of electors and non-resident electors' roll in certain circumstances.
8. Scrutineers.
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10. Transfer of functions, conferred on the Minister, to the Elections Commission.
11. Special provisions regarding regional democratic councils.
12. Amendment of Representation of the People Act.
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19. Expenses of Elections Commission.
20. Removal of difficulties.
21. Over-riding effect of this Act.
22. Repeal.

A BILL

Intituled

AN ACT to make certain amendments in the laws relating to registration of persons and to elections to choose the President, the members of the National Assembly and the members of the regional democratic councils and for matters connected therewith.

A.D. 1996

Enacted by the Parliament of Guyana:—

Short title
and com-
mencement.

1. This Act may be cited as the Election Laws (Amendment) Act 1996 and shall be deemed to have come into operation on 26th January, 1996.

Interpre-
tation.

Cap. 1:03
Cap. 19:03
No. 12 of
1980.

2. Expressions used in this Act and not defined herein, but defined in the Representation of the People Act, the National Registration Act or the Local Democratic Organs Act 1980, shall have the meanings assigned to them in those Acts.

Prepara-
tion of offi-
cial list of
electors and
non-resident
electors'
roll.

3.(1) The Commissioner shall as expeditiously as possible on being instructed in writing by the Commission to do so, cause to be prepared an official list of electors for every polling division, and a non-resident electors' roll with reference to the qualifying date which shall be such date as the Commission shall by order specify.

(2) The official list of electors and the non-resident electors' roll shall be prepared in accordance with sections 4, 5, 6 and 7.

(3) An official list of electors for a polling division or a non-resident electors' roll, prepared under subsection (1) shall remain in force until the Commissioner on the instructions of the Commission prepares a new official list of electors for such polling division or a new non-resident electors' roll.

(4) For the purpose of preparing the official list of electors or a revised official list of electors under this section each people's co-operative unit shall be deemed to be a registration division and polling division and references to registration division and polling division in the Representation of the People Act and the National Registration Act shall be construed accordingly.

Cap. 1:03

Cap. 19:08

(5) The official list of electors for any polling division prepared under subsection (1), 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-resident electors' roll prepared under subsection (1), before the date of such election shall be the non-resident electors' roll for that election, and references in the Representation of the People Act to official list of electors and non-resident electors' roll shall be construed accordingly.

Cap. 1:03

(6) If the Elections Commission so directs by order, notwithstanding anything contained in any other written law, the list of electors to choose the members of any local democratic organ (other than a regional democratic council) or other local Government authority shall consist of names extracted from the official list of electors prepared under this section and resident in the area of that local democratic organ or local government authority.

4.(1) Every divisional registrar shall, either by himself or officers appointed under the section 6(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 on the appointed date of the age of fourteen years or above for the purpose of ascertaining every person 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.

Registration
of persons.
Cap. 19:08

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

(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.

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(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 persons 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 persons under this section.

5.(1) Within such time, after the date for the end of the registration of persons, 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 person registered under section 4 who is qualified to be an elector.

list, claims and objections and official list of electors.

Cap. 19:05

(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 as revised and other matters provided for in the aforesaid sections 14 (2) and 15, as if references therein to the 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)—

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(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 4 (3), prior to compliance with section 34 (2)

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Cap. 1:03

(a) (iv) of the Representation of the People Act in respect of the said official list, and for the purpose of changing the registered address of any elector's residence within Guyana or the registered name or occupation of any electors;

(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 4 (3); and

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(d) with such modifications as may be necessary pursuant to any revision under section 7.

(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.

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6. The non-resident electors' 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 7 and section 45 of the Representation of the People Act shall *mutatis mutandis* apply in relation to the display of the non-resident electors' roll so prepared.

Non-resident electors' roll. Cap. 1:03 Cap. 19:08

7.(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-resident electors' roll is prepared under section 3 (1) and the day appointed for the next election after that date, the Commissioner shall cause the official list of electors and non-resident electors' roll to be revised, in accordance with procedure established by the Elections Commission by regulations —

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

(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-resident electors' 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.

8.(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 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 5.

(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 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 of persons and registration cards; or

(ii) copies of notices issued to applicants for registration disallowing the applications for registration;

- (b) a scrutineer 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 a person the particulars given by the person;
- (c) may submit to the registrar, having jurisdiction over the registration division for which he is appointed, claims for listing any person who is entitled to be so listed, and is resident in that registration division, or objection to the listing of 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 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 in the performance of his functions.

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(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 subsections (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,

9. Persons whose names are included in the official list of electors for a polling division, or in the non-resident electors' 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 identification cards.

Cap. 19:08

issue of such identification cards as if that person has been registered under the aforesaid Act.

Transfer of functions conferred on the Minister, to the Elections Commission, Cap. 1:03
Cap. 19:08

10.(1) The functions conferred on the Minister by the sections of the Representation of the People Act and the National Registration Act specified in subsection (2) shall, with effect from the commencement of this Act be performed by the Elections Commission, and accordingly references in the said sections to the Minister shall be construed as references to the Elections Commission.

(2) The sections referred to in subsection (1) are sections 5, 6, 9, 29, 34 (3), 65H, 65J (2), 65 N (1) and 150 of the Representation of the People Act and sections 14 and 15 of the National Registration Act.

Special provisions regarding regional democratic councils Cap. 1:03
Cap. 19:08

11.(1) The Elections Commission shall have in regard to elections to choose the members of regional democratic councils the same functions as that Commission has in relation to elections to choose members of the National Assembly, under articles 62 and 162 of the Constitution, this Act, the Representation of the People Act and the National Registration Act.

(2) The modifications made in the Representation of the People Act by sections 10 and 12 shall have effect also in relation to elections to choose the members of regional democratic councils.

Amendment of Representation of the People Act, Cap. 1:03

12. The Representation of the People Act is hereby amended —

(a) by the substitution for sections 59 (1) (b), 86 (1) (b) and 91 (1) (b) of the following—
(b) members of the Commission;”

(b) by the substitution for section 79 (1) (b) (i) of the following—“ (i) members of the Commission;”.

Amendment of the National Registration Act, Cap. 19:08

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

(a) in section 3,

(i) in subsection (3) (a), for the word “responsible” substitute the words “responsible to the Elections Commission;

(ii) in subsection 3 (b), for the words “may issue to persons employed under the Commissioner directions” of the words “may, on the authority of the Elections Commission, issue to persons employed by the Elections Commission directions”;

- (iii) in subsection (3) (c), for the words "shall" substitute the words "shall in accordance with the directions of the Elections Commission";
- (b) in section 5 (2), for "Commissioner", substitute "Commissioner, with the approval of the Elections Commission";
- (c) in section 6 (1), for "Minister" substitute "Minister, on the advice of the Elections Commission",
- (d) in section 9, by the substitution for the words "prescribed" wherever it occurs of the words "prescribed by the Minister, on the advice of the Elections Commission, and in section 9 (2) by the substitution for the words "register" of the words "registrar";
- (e) in section 19 (1) in the opening portion, by the insertion after the words "Minister may" of the words " on the advice of the Elections Commission";
- (f) in section 19 (2), 20 (1) and (2), 21, 22 23 (1) and (2), 25 (3) and (4) and 27, by the substitution of the words "five thousand dollars" for the words "two hundred and fifty dollars";
- (g) in section 24, by the substitution of the words "two thousand dollars" for the words "one hundred dollars";
- (h) 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".

14.(1) All directions or instructions of the Elections Commission, in exercise of the functions conferred on it by article 162 of the Constitution, this Act, the Representation of the People Act or the National Registration Act, shall be issued orally or in writing through the Chairman of that Commission or any person authorised by him in writing in that behalf.

Mode of
exercise of
functions of
Elections
Commis-
sion.
Cap. 1:03
Cap. 19:08

(2) All communications or instruments from or made by the Elections Commission shall be issued or made under the signature of the Chairman of that Commission or any person authorised by him in writing and all communications to that Commission shall be addressed to the Chairman thereof.

Employees of Elections Commission.

15.(1) There shall be such employees of the Elections Commission as are considered by the Commission to be necessary for the purpose of the exercise and discharge of the functions conferred on it by the Constitution, this Act or any other written law —

- (a) designated by the Commission on such terms and conditions as it deems fit with the consent of the appropriate authority, from among persons hold- in appointments in the public service; or
- (b) appointed from among persons who had held appointments in the public service and had retired or resigned therefrom,

and such designation or appointment shall be only for such duration as is necessary for such purpose.

(2) In subsection (1) "appropriate authority"; in relation to any person holding an appointment in the public service, means the authority vested by law with power to appoint him in the public service.

Chief Election Officer and Commissioner of Registration subject to direction and control of Elections Commission.

16. The Chief Election Officer and the Commissioner of Registration shall notwithstanding anything in any written law be subject to the direction and control of the Elections Commission.

Supervision of employment of certain officers.

17. For the removal of doubts it is hereby declared that the power of the Elections Commission to supervise the functioning of any election officer and the Commissioner or Deputy Commissioner shall include the power to issue directions to any such officer or the Commissioner or Deputy Commissioner in respect of the employment of any person by him in relation to the registration of electors or the conduct of elections.

Local Observers.

18. The Elections Commission may approve of local organisations observing the democratic process involving in any election providing such organisations fulfill such conditions as may be stipulated by the Elections Commission.

19. The expenses incurred by the Commission, or with its approval, for or in connection with the exercise and discharge of the functions conferred on the Elections Commission by articles 62 and 162 of the Constitution, this Act, the Representation of the People Act and the National Registration Act (including the payment of emoluments of persons designated or appointed under section 15), shall be paid out of funds provided by Parliament.

Expenses of Elections Commission,

Cap. 1:03
Cap. 19:08

20. (1) If any difficulty arises in connection with the application of this Act, the Representation of the People Act or the National Registration Act, the Minister shall on the advice of the Elections Commission, by order, make any provision that appears to the Commission to be necessary or expedient for removing the difficulty; and any such order may modify any of the said Acts in respect of any particular matter or occasion so far as may appear to the Elections Commission to be necessary or expedient for removing the difficulty.

Removal of difficulties

Cap. 1:03
Cap. 19:08

(2) Any order under subsection (1) shall be subject to negative resolution of the National Assembly and shall not be made after the expiry of three years from the commencement of this Act.

21. (1) The Representation of the People Act and the National Registration Act shall, to the extent to which any provision thereof is inconsistent with any provision of this Act, be construed as amended and modified by this Act.

Over-riding effect of this Act.

Cap, 19:08

(2) Subject to subsection (1) and the preceding provisions of this Act, the provisions of the National Registration Act, 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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Cap. 19:08

22. The Election Laws (Amendment) Act 1990 and the Election Laws (Amendment) (No. 2) Act 1990 are hereby repealed.

Repeal No. 25 of 1990 No. 29 of 1990

EXPLANATORY MEMORANDUM

This Bill seeks to lay the legislative machinery for the 1997 general election.

Bernard C. De Santos,
Attorney General and Minister of Legal Affairs.