

BILL No. 26 of 1997

Friday, 12th September, 1997

PARLIAMENT OFFICE.
Public Buildings.
Georgetown.
Guyana.

12th September, 1997

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. 26 of 1997

ELECTION LAWS (AMENDMENT) BILL 1997

ARRANGEMENT OF SECTIONS

SECTION

PART I
PRELIMINARY

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 6. Insertion of new 74A in the Representation of the People Act.
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 8. Application of laws to voter identification cards.
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 11. Power of Commission to amend list.

SCHEDULE

A BILL

Intituled

AN ACT to amend the Representation of the People Act, the National Registration Act and the Election Laws (Amendment) Act 1996.

A.D. 1997

Enacted by the Parliament of Guyana:-

Short title and commencement.

Cap. 1:03
Cap. 19:08
Act No. 12 of 1996.

1. This Act, which amends the Representation of the People Act, the National Registration Act and the Election Laws (Amendment) Act 1996, may be cited as the Election Laws (Amendment) Act 1997 and shall be deemed to have come into operation on 1st September, 1997.

Amendment of section 11 of the Representation of the People Act.
Cap. 1:03

2.(1) Section 11(1) of the Representation of the People Act is hereby amended by the substitution for the words "not less than two hundred and not more than two hundred and twenty persons" of the words "not less than three hundred and not more than three hundred and thirty persons".

(2) In an election to elect members of a regional democratic council under section 18 of the Local Democratic Organs Act 1980, a list of candidates may be submitted by not less than one hundred and fifty and not more than one hundred and seventy-five persons.

3. Section 43 of the Representation of the People Act is hereby amended in the following respects -

Amendment of section 43 of the Representation of the People Act.

- (a) in paragraph (b) by the substitution for the words "such card" of the words "such voter identification card".
- (b) in the paragraphs (a) and (b) of the proviso by the substitution for the words "such identification card", wherever they occur, of the words "such voter identification card".
- (c) in the ending part of the proviso by the substitution "for the words "identification card" of the words "voter identification card".

4. Section 71 of the Representation of the People Act is hereby amended in subsection(1) by the substitution for paragraph (e) of the following paragraph -

Amendment of section 71 of the Representation of the People Act.

- "(e) retain in accordance with section 74A the elector's voter identification card or if he has been appointed to vote as a proxy on behalf of another elector, retain the voter identification card of that elector;"

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 Amendment of
 section 73 of the
 Representation
 of the People
 Act.

5. Section 73 (2) of the Representation of the People Act is hereby amended in the following respects -

- (a) by the substitution for the words "Form 22 and is accompanied by a friend" of the words "Form 21 and is accompanied by a friend, who has taken the oath in Form 22,";
- (b) by the substitution in the marginal note, for the words "Form 22" of the words "Form 21,";
- (c) by the insertion in the marginal note below the substituted words "Form 21," of the words "Form 22".

Insertion of new
 74A in the
 Representation
 of the People
 Act.

6. The Representation of the People Act is hereby amended by the insertion immediately after section 74 of the following section -

74A. The presiding officer shall retain and place in a sealed box every voter identification card whether or not he issues a ballot paper to an elector.

(2) The voter identification card retained by the presiding officer shall be perforated at the time when an elector votes at an election to evidence the fact that the elector has voted and shall be securely kept in such manner as shall be determined by the Commission.

(3) A voter identification card being the property of the Elections Commission, a person to whom a card is issued who does not vote at an election shall within thirty days of the date of the election be bound to surrender the card to the

Elections Commission whereupon he shall be issued a receipt therefor; and it shall not be lawful for any person to use a voter identification card for any purpose other than voting at an election.

7. Section 126 of the Representation of the People Act is hereby

Amendment of section 126 of the Representation of the People Act.

amended as follows -

- (a) by the substitution for the comma at the end of paragraph (d) of a semicolon;
- (b) by the insertion of the following paragraphs immediately after paragraph (d) -

- " (e) for the purpose of affecting the return of a list of candidates causes any person to cast an invalid vote;
- (f) conspires with persons known or unknown to deprive a qualified person of the right to be registered or to cause a person not qualified to register as a voter;
- (g) except as otherwise provided in section 29, with intent to vote enters, or who votes in, a polling division other than the polling division where he is registered,".

8. The provisions of the Representation of the People Act. the

Application of laws to voter identification cards.

National Registration Act and the regulations made thereunder, the Election Laws (Amendment) Act 1996 and any other written law shall apply in relation to a voter identification card as they apply in relation to an identity paper, by whatever name

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called, and for that purpose shall be construed with any necessary modifications, adaptations, qualifications and exceptions and, without prejudice to the generality of the foregoing, subject, in particular for the purpose of such application, to the following amendments -

(a) in the Representation of the People Act -

(i) in section 2 in the definition of "identity paper" and in sections 65J(2), 69, 70, 71, 74(a), 126(d) and 137(1)(a) by the substitution for the words "identity paper", wherever they appear, of the words "voter identification card";

(ii) in sections 11(2) and 50 (2) by the substitution for the words "registration card" of the words "voter identification card";

(iii) in section 32(3) by the substitution for the words "registration cards" of the words "voter identification cards";

(iv) by the repeal of sections 70(2)(e), 71(i)(e) and 75;

(b) in the Election Laws (Amendment) Act 1996-

(i) in section 9, by the substitution for the words "identification cards" of the words "voter identification cards";

(ii) in section 8 by the insertion immediately after subsection (8) of the following subsection -

"(8A) Notwithstanding anything in the foregoing provisions of this section, a person appointed as a scrutineer whose appointment stands

terminated shall be deemed to be re-appointed for the sole purpose of observing and monitoring the distribution of the voter identification cards."

9. (1) Without prejudice to, or any derogation from, the opening portion of section 7, the provisions of the National Registration Act and the regulations made thereunder shall only for the purpose of the preparation of the voter identification cards and not otherwise be amended as follows -

Voter
identification
card.
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(a) the National Registration Act, in section 12 for the words "identification cards" substitute the words "voter identification cards";

(b) the National Registration (Residents) Regulations,

(i) in regulation 2, in the definition of "identity number" substitute for the words "identification card" the words "voter identification cards";

(ii) in regulation 20(2), for the words "identification card" wherever they appear substitute the words "voter identification card";

(iii) in regulation 41, for the words "identification card" and "replacement identification card" wherever they appear substitute the words "voter identification card" and "replacement voter identification card", respectively.

(2) For the removal of doubt it is hereby declared that the amendments referred to in subsection (1) are for the purpose of producing the voter identification cards and the National Registration Act and regulations remain as

they are, unamended, for the preparation of a registration card or an identification card and for all other purposes.

(3) The particulars obtained in the registration process for the preparation of the registration card and the identity card shall for the General Election next following the enactment of this Act and for any other General Election or local government election where it is considered expedient, be extracted and utilised in such manner as the Commission may determine in the preparation of the voter identification cards; in particular a facsimile of the signature of the person registered as it appears on his registration paper shall be utilised as the signature on his voter identification card (which card shall be in the form in the Schedule) and this shall be effected by the most appropriate means to be determined by the Commission, on expert advice, without the need of his actually signing the voter identification card.

Schedule

Insertion of new section 139A, 139B and 139C in the Representation of the People Act.

10. The Representation of the People Act is hereby amended by the insertion immediately after section 139 of the following sections -

" Terror intimidation causing withdrawal of candidate.

139A. Any person who through intimidation, terror or force causes any other person to withdraw from being a candidate at any election shall be guilty of an offence and shall be liable on summary conviction to a fine of forty thousand dollars together with imprisonment for one year.

139B. Save as otherwise provided in this Act, every person who aids, abets, counsels, causes, or procures, the commission of any offence under this Act shall be liable to be proceeded against and convicted for that offence, either together with the principal offender or before or after his conviction,

Abetment of offence under this Act.

and shall be liable on summary conviction to the same punishment as that to which the principal offender is liable by law.

139C. Every person who attempts to commit, or incites any other person to commit any offence under this Act shall be liable to one-half of the punishment prescribed for that offence."

Attempt and incitement to commit offence under this Act.

11. (1) In the registration of persons who are qualified to vote at an election pursuant to Article 60(2) of the Constitution following the coming into operation of this section the Elections Commission shall have the power specified in subsection (2), notwithstanding the certification of the lists.

Power of Commission to amend list.
Cap. 1:01

(2) The Commission shall have the power to amend the certified list to include therein a person whose registration is incomplete because he is not officially photographed, if such person within a period of not more than thirty days from the publication of this Act in the Gazette make application to complete his registration as an elector.

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(3) The Commission shall determine the manner in which application for registration shall be made by a person mentioned in subsection (2) and shall issue instructions to the Chief Election Officer regarding the amendment of the list under this section.

SCHEDULE

**GUYANA ELECTIONS COMMISSION
VOTER IDENTIFICATION CARD**

PRINTED FACIAL IMAGE	Surname		
	Given Name(s)		
	Date of Birth	Gender	
	MRC No. :		
SIGNATURE OR FPRINT	District	Division	Sub

Reverse of Card:

STANDARD PRE-PRINTED TEXT
PRE-PRINTED SIGNATURE OF CHAIRMAN

EXPLANATORY MEMORANDUM

This Bill makes a few amendments to the existing electoral laws generally to ensure transparency and fairness.

Clause 2 increases the number of persons required to submit a list of candidates for general and regional elections.

Clauses 3, 8 and 9 generally substitute in the electoral laws a voter identification card for an identification card.

Clause 6 stipulates that the voter identification card being the property of the Elections Commission, it shall be unlawful to use that card for any purpose other than for voting.

Clause 7 widens the nature of infractions that amount to illegal practices. These include, for example, where a person with intent to vote enters a polling division other than the polling division where he is registered.

Clause 8 provides that scrutineers shall observe and monitor the distribution of voter identification cards and by its repealing of section 75 of the Representation of the People Act, the voter identification card shall be the only form of identification to be utilised for general and regional elections.

Clause 9 sets out the manner in which the voter identification card may be prepared.

Clause 10 creates three new offences and clause 11 vests the Commission with the power to amend the certified lists to include a person who was only partially registered at the time of the certification of the lists.

Reepu Daman Persaud,
Vice President and Minister of Agriculture.