

BILL No. 26 of 1990 *Tuesday, 18th September, 1990*

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**PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.
1990-09-18**

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 1990**

ELECTION LAWS (AMENDMENT) BILL 1990

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Preparation of official list of electors and non-residents' roll.
4. Transfer of functions, conferred on the Minister, to the Elections Commission.

5. Special provisions regarding regional democratic councils.
6. Amendment of Representation of the People Act.
7. Amendment of National Registration Act.
8. Mode of exercise of functions of Elections Commission.
9. Employees of Elections Commission.
10. Supervision of employment of certain officers.
11. Expenses of Elections Commission.
12. Removal of difficulties.
13. Over-riding effect of this Act.
14. Validation and saving.

A BILL

Intituled

AN ACT to make certain amendments in the laws relating 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. 1990

Enacted by the Parliament of Guyana:—

1. This Act may be cited as the Election Laws (Amendment) Act 1990.

Interpretation.
Cap. 1:03
Cap. 19:08
No. 12 of 1990.

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.

Preparation of
official list of
electors and non-
residents' roll.

3.(1) The Commissioner shall, within one month from the commencement of this Act, cause to be prepared, an official list of the electors for every polling division and a non-residents' roll, in accordance with sections 2(3) and 44(2) of the Representation of the People Act and the provisions of the National Registration Act referred to therein:

Cap. 1:03
Cap. 19:08.

Provided that the aforesaid period of one month may be extended by the National Assembly by resolution.

(2) For the purposes of subsection (1), the date with reference to which the preliminary list shall be prepared, under section 14 of the National Registration Act, shall be 30th November, 1990.

(3) The Commissioner shall, with effect from the year 1991, cause the official list of electors to be revised every year (hereinafter referred to as the "annual revision") on the basis of the qualification for registration as elector and other particulars with reference to 1st September of the year of annual revision.

(4) The preliminary list in respect of any annual revision shall be published in accordance with section 15 of the National Registration Act on or before 1st September of the relevant year and the official list of electors for each polling division pursuant to an annual revision shall be published in the polling division in such manner as may be specified by the Elections Commission on or before the 31st December of the relevant year:

Provided that, in relation to any annual revision, the Elections Commission may direct the Commissioner to publish the preliminary list and the official list of electors under this subsection

on dates other than those specified in this subsection and in any such case the preliminary list and the official list of electors shall be published on or before the dates specified by the Elections Commission.

(5) The non-residents' roll shall be revised by the Commissioner, at such intervals as may be directed by the Elections Commission, on the basis of the qualification for registration as elector and other particulars with reference to 1st September of the year of revision, and such revised non-residents' roll shall be displayed in the manner prescribed by section 45 of the Representation of the People Act for the display of a non-residents' roll on or before the date specified by the Elections Commission by notification in the Gazette.

(6) The annual revision of the official list of electors under subsection (3) and the revision of the non-residents' roll under subsection (5) shall be made in accordance with regulations made by the Elections Commission, and subject to such regulations, in accordance with the provisions applicable to the preparation of the official list of electors and the non-residents' roll under subsection (1).

(7) An official list of electors for a polling division or a non-residents' roll, prepared under subsection (1), and a revised official list of electors for a polling division published under subsection (4) or a revised non-residents' roll displayed under subsection (5), shall remain in force until the revised official list of electors prepared for the polling division consequent on the next annual revision, under subsection (4), is published under that subsection or, as the case may be, the revised non-residents' roll prepared next under subsection (5) is displayed under that subsection.

(8) For the purpose of preparing the official list of electors or the 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.

(9) The official list of electors prepared under subsection (1), or last revised under subsection (3), before the date of an election shall be the official list of electors for elections to choose the President, the members of the National Assembly and the members of the regional democratic councils.

(10) 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 or last revised thereunder and resident in the area of that local democratic organ or local Government authority.

4.(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.

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

(2) The sections referred to in subsection (1) are sections 5, 6, 9, 29, 34(3), 65H, 65J(2), 65N(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

5.(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 4 and 6 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

6. 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 National Registration Act.
Cap. 19:08

7. The opening portion of section 19(1) of the National Registration Act is hereby amended by the insertion, after the words “Minister may” of the words “,on the advice of the Elections Commission,”.

Mode of exercise of functions of Elections Commission.
Cap. 1:03
Cap. 19:08

8.(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.

(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.

9.(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 holding 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.

10. 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.

Supervision of
employment of
certain officers.

11. The expenses incurred by the Chairman, or with his 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 9), shall be paid out of funds provided by Parliament.

Expenses of
Elections
Commission.

Cap. 1:03
Cap. 19:08

12.(1) If any difficulty arises in connection with the application of this Act or 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 that 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.

13. 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. 1:03
Cap. 19:08

14.(1) The registration of persons done pursuant to the National Registration (Residents) Order 1990 shall be deemed to be, and always to have been, validly done.

Validation
and saving.

(2) Nothing in this Act shall be deemed to affect the validity of the registration of persons pursuant to the National Registration (Residents) Order 1990.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the laws relating to elections. It deals with the role of the Elections Commission in respect of the registration of electors and the conduct of elections.

K. S. Massiah
Attorney General and Minister of Legal Affairs.