

THE OFFICIAL GAZETTE — 1ST JUNE, 1973
LEGAL SUPPLEMENT — B

GUYANA

No. 6 of 1973

REGULATIONS

Made Under

**THE REPRESENTATION OF THE PEOPLE (ADAPTATION
AND MODIFICATION OF LAWS) ACT, 1968**

(No 16 of 1968)

UNDER SECTION 3 OF THE REPRESENTATION OF THE PEOPLE (ADAPTATION AND MODIFICATION OF LAWS) ACT, 1968, THE FOLLOWING REGULATIONS HAVE BEEN MADE:—

1. These Regulations which amend the Election Regulations, 1964* may be cited as the Election (Amendment) Regulations, 1973.

The provisions of the Principal Regulations as are specified in the first column of the Schedule are hereby amended to the extent set out in the second column thereof.

SCHEDULE

Provisions of Principal Regulations

Amendments

2

(a) Add immediately after the word "Act," appearing in paragraph 4 (a), the words "to give effect to claims and objections finally determined before the said election day."

(b) Add the following paragraph —

"(5) In paragraph (4) 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 Act for the purpose of showing the aforementioned modifications."

9

Substitute for the ordinal "39th" the ordinal "32nd".

*No. 24 of 1964

- 11 (1) Substitute for the words “registered as electors under the Act” the words “whose names appear at the time of submission on the preliminary list mentioned in regulation 2(4), whether or not that list has at that date been modified as required by that regulation.”
- 15 Substitute for the ordinal “37th,” wherever it appears, the ordinal “30th”.
- 16 Substitute for the ordinal “36th” the ordinal “29th”.
- 17 Substitute for the ordinal “38th” the ordinal “32nd”.
- 18 Substitute for the ordinal “35th,” wherever it appears, the ordinal “28th”.
- 19 Substitute for the ordinal “33rd” the ordinal “26th”.
- 20 Substitute for the ordinal “30th” the ordinal “23rd”.
- 22 Substitute for the ordinal “38th” the ordinal “31st”.
- 23 Substitute for the ordinals “32nd” and “30th” the ordinals “25th” and “23rd”, respectively.
- 24 Substitute for the ordinal “39th” the ordinal “32nd”.
- 29 Renumber the regulation as paragraph (1) of regulation 29 and add the following paragraph immediately thereafter —
- “(2) Nothing in the foregoing provisions of this Part shall prejudice the entitlement of any person to vote in accordance with the provisions of Part IVA

if an application by such person to be treated as a postal voter has been allowed in accordance with regulation 34C.”

31

- (a) Delete sub-paragraphs (f) and (h) of paragraph (1) and re-letter sub-paragraph (g) thereof as (f).
- (b) Substitute the word “two” for the word “three” appearing in sub-paragraph (b) of paragraph (3).

The Principal Regulations

Insert immediately after regulation 34 the following PART and regulations —

“PART IVA

Postal Voting

34A. (1) An elector is eligible to be treated as a postal voter if it is likely to be impracticable or seriously inconvenient by reason of the general nature of his occupation, service or employment, or for other good cause, for him to go in person to the polling place at which he is entitled to vote.

(2) An elector referred to in paragraph (1) may vote in accordance with the provisions of this Part —

- (a) if he applies after the date of the Proclamation appointing election day to be treated as a postal voter for the election, the subject matter of the Proclamation, and furnishes an address in Guyana to which a ballot paper is to be sent for the purpose; and
- (b) if his application is allowed under regulation 34C.

34B. At an election for which a person's application to be treated as a postal voter is allowed, he is not

entitled to vote in person or by proxy and may, notwithstanding anything to the contrary elsewhere in these regulations, vote only in accordance with the provisions of this Part and the poll of such voters shall notwithstanding anything to the contrary in these regulations, be subject only to the provisions of this Part.

34C. (1) An application to be treated as a postal voter shall be made on the prescribed form addressed to the Chief Election Officer and only such application as shall be received by Chief Election Officer or by a returning officer for transmission to the Chief Election Officer, not later than the 12th day before election day may be allowed if the Chief Election Officer is satisfied that the applicant is eligible to be treated as a postal voter.

(2) The Chief Election Officer on disallowing a person's application to be so treated shall immediately notify the applicant of the fact.

34D. (1) The Chief Election Officer shall keep a record and a list of postal voters and of the addresses furnished by them as the addresses to which their ballot papers are to be sent.

(2) The person to be entered in the record and list of postal voters are those electors whose applications are allowed under regulation 34C.

(3) Subject to the provisions of this regulation, the record and list of postal voters shall be in such form as appear to the Chief Election Officer to be convenient.

(4) The names in the list of postal voters shall be numbered consecutively.

(5) The Chief Election Officer shall complete the preparation of the list of postal voters not later than the eighth day before election day.

(6) Not later than two days after the list of postal voters has been prepared the Chief Election Officer shall publish it by making a copy thereof available for inspection at his office and shall cause an extract thereof to be delivered to each returning officer of such names of the said postal voters as appear as electors in his district.

(7) The returning officer shall make a copy of the extract available for inspection at his office and to each presiding officer in his district.

(8) A presiding officer on receiving the extract of postal voters under paragraph (7) shall make an indication against the names of any such elector as appears on the said list in the relevant lists of electors who are entitled to vote in person or by proxy of the fact of the said such elector being a postal voter.

34E. As soon as practicable, the Chief Election Officer shall fix the time and place for the issue of postal ballot papers, which shall be on a day not later than the 7th day before election day and shall give at least two days notice in writing thereof to each election agent.

34F. No person other than —

- (a) the Chief Election Officer and such staff appointed under paragraph (d) of regulation 6;
- (b) the Minister and members of the Commission;

(c) election agents; and

(d) a candidate for each list may be present at the proceedings on the issue of postal ballot papers.

34G. (1) Every person other than those mentioned in regulation 34F(a) attending the proceedings on the issue of postal ballot papers shall not, except for a purpose authorised by law, communicate to any person before the poll is closed any information as to the number on any ballot paper or envelope issued or attempt to ascertain at the proceedings any information as to that number and shall, before the commencement of any such proceedings, take the oath of secrecy as prescribed.

(2) Any person who acts in contravention of this regulation shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for six months.

34H. When issuing the ballot paper mentioned in regulation 43I the Chief Election Officer shall call the name and number in the list of the voter to whom such ballot paper is issued, which shall be stamped with the official mark and not more than one ballot paper shall be issued of the same voter.

34I (1) All envelopes addressed to postal voters shall be counted and forthwith delivered by the Chief Election Officer to the nearest post office and the Postmaster General shall cause to be stamped with the post office date stamp a form of receipt to be presented by the Chief Election Officer stating the number of envelopes so delivered, and shall immediately forward such envelopes for delivery to the persons to whom they are addressed.

(2) Any material supplied under this Part to an elector for the purpose of being returned by him through the post or otherwise shall be stamped pre-paid post.

34J. Where after the 4th day before election day a person, to whom an envelope mentioned in regulation 34I has been addressed, has not received such, satisfies as to his identity the returning officer of the district wherein delivery of the envelope was to be made, the Chief Election Officer shall cause to be issued by the returning officer, not later than two days before election day, to that person an envelope containing enclosures as that addressed to him and the provisions of this Part shall *mutatis mutandis* apply to that person and the envelope issued hereunder subject to the following modifications—

- (a) the addressed envelope mentioned in regulation 43J shall be delivered personally by the person to the returning officer;
- (b) the addressed envelope returned in accordance with paragraph (a) shall be parcelled together by the returning officer separately from the other enclosures in his packet being forwarded by him in accordance with regulation 430(1)(a).

34K. Subject to the foregoing provisions of this Part, the provisions of regulations 43E, 43I, 43J, 43L, 43M, 43N, 43O, 43Q to 43W (inclusive) and of Part VIIA shall with such modifications, adaptations, qualifications and exceptions as may be necessary apply

to postal voters, their voting and the counting of such votes as such regulations apply to and in respect of non-residents and in particular for the purpose of such application, subject to the following modifications —

- (a) references to non-residents, non-residents' roll, or to a form of a declaration shall be construed and have effect as references to postal voters, the list of postal voters or to the form of identity prescribed for postal voters, respectively;
- (b) the substitution in regulation 43I for all the words appearing before paragraph (i) of the words "At the time and place fixed under regulation 34E there shall be issued by the Chief Election Officer to every postal voter a sealed stamped addressed envelope addressed to that voter at the address furnished by him for the purpose containing —";
- (c) in regulation 43L —
 - (i) substitute for all the words appearing before the words "may—" in paragraph (b) thereof of the words "Every postal voter in receipt of the addressed and ballot envelopes, form of identity and ballot paper issued under regulation 43I,";
 - (ii) substitute a colon for the full stop and add the following proviso—

“Provided that if the postal voter is incapacitated by blindness or other physical cause from personally complying with the foregoing provisions of this regulation, a person at the request of the postal voter may assist the postal voter in effecting such compliance.”.

- (d) the substitution in regulation 43M for all the words appearing after the words “43T,” of the words “every postal voter having complied with the provisions of 43L, shall seal the addressed envelopes containing its enclosures under that regulation and forward it by post at the nearest post office or otherwise so as to be received by the Chief Election Officer or by any returning officer not later than the second day before election day and on delivery to a postal clerk, returning officer or Chief Election Officer, as the case may be, the prescribed receipt therefor should be obtained.”
- (e) the substitution in regulation 43N for all the words appearing in paragraph (1) before the words “regulation 43L” of the words “(1) Every returning officer or the Chief Election Officer, as the case may be, to whom the addressed envelope issued in pursuance of regulation 43I is returned as a sealed envelope presumably with enclosures under” and refer-

ences in regulation 43N to regulations 43I and 43M shall be construed subject to the modifications effected by paragraph (b) and paragraph (d), respectively.

- (f) the reference in regulation 430 to a ballot officer shall be construed as a reference to a returning officer;
- (g) in regulation 43R —
 - (i) the reference in paragraph (a) to the requirement of opening a ballot box shall be construed as a requirement to open a ballot box for each polling district and to the labelling of such box as “a postal ballot box” and references in regulations 43T and 43U to a ballot box shall be construed as references to the postal ballot box for the polling district indicated outside of the ballot envelope;
 - (ii) substitute in paragraph (d) for all the words appearing after the word “until” the words “it is to be dealt with in accordance with regulation 67B.”
- (h) the substitution in paragraph (b) of regulation 43T for the words “paragraph (6) of regulation 43P” of the words “regulation 34J.”
- (i) the substitution for regulation 67B of the following regulation —

“67B. The Chief Election Officer shall, as soon as practicable after the discharge of his functions assigned by such provisions of Part VB, as are applied by regulation 34K, deliver the sealed ballot box to the returning officer of the district to which the box relates with a statement of a postal ballot papers account which shall be prepared by him in such form from the recordings made by him under regulations 43T and 43U; and the provisions of regulation 64 shall, as they apply in relation to the counting of votes by a returning officer, apply mutatis mutandis to the counting of votes cast by postal voters.”; and

- (j) delete from regulation 67C the words “sub-paragraph (e) of paragraph (1) of”.
- (a) Add the following paragraph —
- “(3) Nothing in paragraph (2) shall be construed as precluding the returning officer from annexing to the copy of the official list of voters affixed under that paragraph copies of such supplementary lists as are mentioned in regulation 2(v).”
- (b) Substitute in paragraph (3) for the words “The hours” the words “Save as is otherwise provided for postal voting, the hours”.

43B

- (a) Substitute for the definition of "ballot officer" the following definition —
- “ballot officer” means
- (a) an ambassador or High Commissioner resident in any country and representing Guyana therein;
- (b) any person appointed to be a ballot officer in any other country in which—
- (i) no ambassador or High Commissioner is accredited to represent Guyana;
- (ii) an ambassador or High Commissioner is so accredited but is not resident therein.”
- (b) Add immediately after the word “Act”, appearing in paragraph 2(a), the words “to give effect to claims and objections finally determined before the said election day”.
- (c) Add the following paragraph —
- “(3) In paragraph (2) 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 Act for the purpose of showing the aforementioned modifications.”

43I

Substitute for the ordinal “25th” the ordinal “14th”.

43P

(a) Substitute for the ordinal "25th" wherever it appears the ordinal "14th".

(b) Substitute for ordinal "15th" the ordinal "10th".

69

Insert immediately after the word "cast" the words "in accordance with these regulations".

100 (3)

Substitute for the word "three" the word "two".

Made this 1st day of June, 1973.

A. Chung,
President.