

BILL No. 5 of 1994 **THURSDAY 24TH FEBRUARY; 1994**

PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.

24th February, 1994

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. 5 of 1994

LOCAL GOVERNMENT (ELECTIONS) (AMENDMENT) BILL 1994

ARRANGEMENT OF SECTIONS**SECTION**

1. Short title.
2. Amendment of the Local Authorities (Elections) Act.
3. Amendment of section 4 of the Local Democratic Organs Act 1980.
4. Insertion of new section 5A in the Local Democratic Organs Act 1980.
5. Amendment of section 4 of the Local Authorities (Elections) Amendment Act 1990.
6. Application of sections 2, 4, 5 and 6 of the Local Authorities (Elections) (Amendment) Act 1990 to elections to neighbourhood democratic councils.

7. Application of General Elections (Observers) Act 1990.
8. Application of section 3E of the Election Laws (Amendment) Act 1990 to local government elections.
9. Repeal of the Local Democratic Organs (Elections) Act 1990.

SCHEDULE

A BILL

Intituled

AN ACT to amend the Local Authorities (Elections) Act, the Local Democratic Organs Act 1980 and the Local Authorities (Elections) (Amendment) Act 1990 and to repeal the Local Democratic Organs (Elections) Act 1990.

A:D. 1994 Enacted by the Parliament of Guyana:—

Short title. 1. This Act may be cited as the Local Government (Elections) (Amendment) Act 1994.

Amendment of the Local Authorities (Elections) Act. Cap. 28:03 2. The provisions of the Local Authorities (Elections) Act mentioned in the first column of the Schedule are hereby amended in the manner specified in the corresponding entries in the second column of the Schedule.

Amendment of section 4 of the Local Democratic Organs Act 1980: No. 12 of 1980 3. Section 4 (1) of the Local Democratic Organs Act 1980 is hereby amended by the deletion of the words "districts, a district into communities, a community into".

Insertion of new section 5A in the Local Democratic Organs Act 1980: No. 12 of 1980

4. The Local Democratic Organs Act is hereby amended by the insertion after section 5 of the following section as section 5A —

"Neighbourhood democratic council to be local authority under local authorities (Elections) Act.

5A. A neighbourhood democratic council established under this Act shall be a local authority to which the Local Authorities (Elections) Act applies with all the powers conferred on a village council by the Local Government Act."

5. Section 4(6) of the Local Authorities (Elections) Act 1990 is hereby amended by the substitution for the words "sections 198 and 205" of the words "sections 38(2), 198 and 205".

Cap. 28:02
Amendment
of section
4 of the
Local
Authorities
(Elections)
Act 1990.
No: 10 of
1990

6. The provisions of sections 2, 4, 5 and 6 of the Local Authorities (Elections) (Amendment) Act 1990 shall *mutatis mutandis* apply to elections to the neighbourhood democratic councils.

Application
of sections
2, 4, 5 and 6
of the
Local
Authorities
(Elections)
(Amend-
ment) Act
1990 to
elections to
neighbour-
hood demo-
cratic
councils.
No: 10 of
1990

7. The General Elections (Observers) Act 1990 shall *mutatis mutandis* apply to any election held pursuant to the provisions of any written law relating to local government.

Application
of General
Elections
(Observers)
Act 1990 to
local
government
elections:
No: 17 of
1990

8. (1) The provision of section 3E of the Election Laws (Amendment) Act 1990 (regarding the appointment and duties of scrutineers) as amended by subsection (2) shall *mutatis mutandis* apply to any elections held pursuant to the provisions of any written law relating to local government.

Application
of section
3E of the
Elections
Laws
(Amend-
ment) Act
1990 to
Local
government
elections:
No: 25 of
1990

(2) Section 3E of the Election Laws (Amendment) Act 1990 is hereby amended as follows —

(a) in subsection (1) —

- (i) for the words "official list of electors under section 3 (1)" substitute the words "register of voters under Part II of the Local Authorities (Elections) Act";
- (ii) for the words "Election Laws (Amendment) (No. 2) Act 1990" substitute the words "Local Government (Amendment) Act 1994";
- (iii) for the words "preliminary list as revised is published under section 3B (2)" substitute the words "register of voters for every local

Cap. 28:03

authority has come into force under section 23 (4) of the Local Authorities (Elections) Act”;

- (b) by the deletion of subsection 5 (b);
- (c) in subsection (8), by the substitution for the words “any person referred to in section 4 of the National Registration Act” of the words “any registration officer referred to in section 2 of the Local Authorities (Elections) Act”.

9. The Local Democratic Organs (Elections) Act 1990 is hereby repealed.

Repeal of
Local Democratic
Organs
(Elections)
Act 1990.
No. 22 of
1990

SCHEDULE

s. 2

Amendments to the Local Authorities (Elections) Act

(Cap 28:03)

Provision	How amended
Sections 6, 12(3), 23, 39, 41, 48, 49 (2), 66 (2), 70 Section 9A	For “Chief Election Officer” substitute “Elections Commission”
	Insert after section 9 the following section as section 9A —
Section 11 (1)	<p data-bbox="629 1106 748 1199">“Registra- tion division and polling division:</p> <p data-bbox="786 1106 1099 1365">9A. In the compilation of the register of voters each people’s co-operative unit shall be deemed to be a registration division and the register of voters prepared separately in respect of each people’s co-operative unit.”.</p> <p data-bbox="629 1397 1099 1533">In respect of the next following local government elections held after the commencement of the Local Government (Elections) (Amendment) Act 1994 section 11 (1) shall have effect as if —</p>

Provision

How amended

No. 25 of
1990

(a) for "central register" there were substituted "official list of electors prepared under the Election Laws (Amendment) Act 1990 for the general regional elections held in 1992";

(b) for "such register" there were substituted "such official list of electors".

Section 12 (2)

Delete.

Sections 18 (1) (b),
86 (1) (b)

(a) For subparagraph (i) substitute —

"(i) the Chairman and other members of the Elections Commission";

(b) Insert the following as subparagraph (iva) —

"(iva) local observers approved by the Elections Commission;"

Section 24

(a) For "Chief Election Officer" substitute "Elections Commission".

(b) For "the Chief Election Officer shall" substitute "the Elections Commission shall instruct the Chief Election Officer to";

Section 34

Substitute a colon for the full stop at the end and insert the following proviso —

"Provided that the expenses referred to in this section in respect of the first elections to a local authority shall

Provision	How amended
Section 89 (1)	<p>be paid out of the funds provided by Parliament.”.</p> <p>(a) Delete “until the day following”.</p> <p>(b) After “Chief Election Officer” insert “who shall inform the Chairman of the Elections Commission and the poll at the polling place shall be held the earliest date possible as determined by the Elections Commission”.</p>
Section 89 (2)	<p>For “day following” substitute “day determined by the Elections Commission under that subsection”.</p>
Section 90	<p>(a) In the opening part, for “section 85 (1) (b)” substitute “section 86 (1) b”.</p> <p>(b) In paragraph (b) at the end, for the semicolon substitute a full stop.</p> <p>(c) Delete paragraph (c)</p>
Section 91	<p>Delete this section and substitute the following section —</p> <p>“Presiding officer to count votes. 91. The votes cast at the polling places shall be counted by the presiding officer in accordance with the provisions of sections 92 to 97 (inclusive).</p>
Section 93 (1)	<p>(a) For subparagraph (a) substitute — “(a) the Chairman and other members of the Elections Commission;”</p> <p>(b) Insert the following as subparagraph (ga) —</p>

Provision	How amended
	“(ga) local observers approved by the Elections Commission;”
Section 93 (2)	For “returning officer” substitute “presiding officer”.
Section 94	For “returning officer” wherever those words occur substitute “presiding officer”.
Section 94 (1)	For “receipt of all the ballot boxes and packets delivered to him in pursuance of section 90 (c)” substitute “close of poll”.
Section 95	For “returning officer” substitute “presiding officer”.
Section 96	<p>(a) In subsection (1), in the opening part, for “returning officer” substitute “presiding officer”.</p> <p>(b) In subsection (1) (a), after the words “ballot papers” insert the words, “place them in the ballot box, and secure and seal with his seal and with the seals of such of the duly appointed candidates and polling agents as desire to affix their seals, the ballot box in such manner that it cannot be opened and nothing can be inserted therein or taken therefrom without breaking the seals”.</p> <p>(c) In subsection (1) (b), for the opening part substitute the following— “(b) prepare and verify the ballot papers account by comparing it with”.</p> <p>(d) In subsection (1) (d), for “verification” substitute “preparation and verification”.</p>

Provision	How amended
Section 98	<p>(a) After subsection (1) insert the following as subsection (1) (A) —</p> <p>“(1) (A) The presiding officer shall deliver to the returning officer upon the conclusion of the counting of the votes the ballot box, the packets referred to in section 90 (b) and the statements referred to in subsection (1) (d) and (e)”.</p> <p>(f) In subsection (2), by the insertion after the words “used ballot papers” of the words “delivered to him by the presiding officer”.</p>
Section 105	<p>For “after compliance with the provisions of section 96” substitute “on receipt of all the ballot boxes, the relevant statements and other packets in pursuance of the provisions of section 96”.</p> <p>For “paragraphs (c) of section 90” substitute “section 96”.</p>

EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the holding of local government elections.

Clause 2 of the Bill amends the Local Authorities (Elections) Act, Cap. 28:03, to provide that each people's co-operative unit shall be deemed to be a registration division and a polling division; that the registrar shall compile the preliminary list of voters from the official list of electors prepared for the last general elections; that there shall be local observers to the elections; that a number of important functions vested in the Chief Election Officer shall be transferred to the Elections Commission; that there shall be counting of the votes at the place of poll.

Clauses 3 and 4 amend the Local Democratic Organs Act 1980 (No. 12 of 1980) to provide for a four tier, instead of a six tier system of local government, making the neighbourhood democratic council the primary local govern-

ment authority with powers conferred on a village council by the Local Government Act, Cap. 28:02..

Clause 6 applies the provisions of the Local Authorities (Elections) Act 1990 (No. 10 of 1990) to elections to neighbourhood democratic councils.

Clause 7 provides for external observers by applying the provisions of the Observers Act 1990 (No. 17 of 1990) to local government elections.

Clause 8 provides for scrutineers by applying the provisions of section 3E of the Election Laws (Amendment) Act 1990 (No. 25 of 1990) to local government elections).

Clause 9 repeals the Local Democratic Organs (Elections) Act 1990 (No. 22 of 1990).

Samuel Hinds,
Prime Minister,
Minister of Public Works, Communications
and Regional Development.