

BILL No: 10 of 1994**Thursday, 2nd June, 1994.**

**PARLIAMENT OFFICE,
Public Buildings,
Georgetown,
Guyana.**

1st June, 1994.

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

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



GUYANA

BILL No. 10 OF 1994

LOCAL AUTHORITIES (ELECTIONS) (AMENDMENT) BILL 1994

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Amendment of section 2 of the Principal Act.
3. Insertion of new section 24A in the Principal Act.
4. Insertion of new sections 74A to 74 I in the Principal Act.
5. Amendment of section 98 of the Principal Act.

A BILL

Intituled

AN ACT to amend the Local Authorities (Elections) Act.

A.D. 1994

Enacted by the Parliament of Guyana: —

Short title.

Cap. 28:03

1. This Act, which amends the Local Authorities (Elections) Act, may be cited as the Local Authorities (Elections) (Amendment) Act 1994.

Amendment
of section
2 of the
Principal
Act:

2. Section 2 of the Principal Act is hereby amended by the insertion of the following definitions in their appropriate alphabetical order —

“disciplined force” has the same meaning as in article 154 of the Constitution, and for the removal of doubts, it is hereby declared, that expression includes the Guyana National Service;

“Guyana National Service” means the organisation known as the Guyana National Service and established by the Government;

“member”, in relation to a disciplined force, has the same meaning as in article 154 of the Constitution, and, for the removal of doubts, it is hereby declared that, in relation to the Guyana National Service, that expression includes every person who is an officer or other employee of that Service and every person who is enlisted therein.’

Insertion
of new
section 24A
in the
Principal
Act.

3. The Principal Act is hereby amended by the insertion immediately after section 24 of the following section as section 24A —

“Correction
of register
of voters by
Elections
Commission.

24A. If at any time whether before or after the register of voters for a council area or a local authority area has come into force the Elections Commission is satisfied from evidence brought to its attention that any person who is eligible to be listed as a voter, and has satisfied the conditions therefor, has been omitted from the register of voters or any person who is not eligible to be registered as a voter has been included therein and that the said register of voters could not be corrected by the normal procedure,

set out in this Part, the Elections Commission shall cause the register of voters to be corrected in such manner as it considers appropriate or direct the Chief Election Officer or any other person regarding the extent to, and the manner in, which the register of voters shall be corrected.”.

4. The Principal Act is hereby amended by the insertion immediately after section 74 of the following sections as sections 74A to 74I —

Insertion
of new
sections
74A to 74
I in the
Principal
Act:

“Procedure for voting by specified Disciplined Forces.

Definitions. 74A. (1) In this part —

- (a) “ballot attendant” means a person appointed as such under section 74C;
- (b) “balloting place” means a place appointed as a balloting place under section 74C;
- (c) “ballot officer” means a person appointed as such under section 74C;
- (d) “specified disciplined force” means a disciplined force specified for the purposes of this part by order under section 74B.

(2) For the purposes of this part the Guyana National Service shall be deemed to be a disciplined force and not part of any other disciplined force.

(3) In this section and sections 74B to 74I, inclusive the expression “this part” means this section and sections 74B to 74I, inclusive.

Applica-
tion of part:

74B. In order to allow members of any disciplined force or disciplined forces to exercise their right to vote at an elec-

tion without affecting the performance by them of their duties on the election day, the Elections Commission may by order direct that the provisions of this part shall apply to the exercise of that right, by any member of such disciplined force or disciplined forces as may be specified in the order, in an election and if the Elections Commission makes such an order the provisions of this Part shall apply to voting by any member of a specified disciplined force or specified disciplined force or specified disciplined forces at any election held after the date of the order.

Appoint-
ment of
ballot offi-
cers, ballot
attendants
and balloting
places for
the pur-
poses of
this part.

74C. (1) The Elections Commission shall appoint by notification in the *Gazette* —

- (a) one ballot officer for each of the specified disciplined forces;
- (b) such number of ballot attendants, as it thinks fit, so that there will be one ballot attendant for each balloting place; and
- (c) such place or places, as it thinks fit, in each council area or in each local authority area as balloting place or balloting places.

(2) Different ballot attendants and different balloting places may be appointed in relation to electors who are members of different specified disciplined forces.

(3) A ballot clerk may be appointed by the Elections Commission in relation to a balloting place:

Provided that it shall be lawful for the Elections Commission to appoint the same

person as ballot attendant and ballot clerk.

List of electors entitled to vote under this part.

74D. (1) Each ballot officer shall prepare a list of persons whose names are on the official list of electors and who are members of the specified disciplined force, in relation to which he has been appointed ballot officer.

(2) The list prepared by a ballot officer under subsection (1) shall be divided into parts according to the division, in the official list of electors for which the names of the persons mentioned in that part are included, and shall state the identity card of each such person, his serial number of registration in the official list of electors, to which division the official list of electors relates, the council area or local authority area in which that division is situated, and such other particulars as may be prescribed by the Elections Commission by regulations.

(3) Each of the ballot officers shall forward a copy of the list prepared by him under subsection (1) (but excluding therefrom the names of the persons referred to in the proviso to section 74 (6)) to the Chief Election Officer.

(4) The Chief Election Officer shall forward those parts of the copy of the list referred to in subsection (3) as are relevant in respect of the divisions in any council area or local authority area to the returning officer of the council area or local authority area and the returning officer shall cause to be displayed at each polling place in such areas the names and other particulars included in the copy of the list referred to in subsection (1), of those who are, under this part, entitled to vote at that polling place.

Balloting.

74E. (1) The Elections Commission shall by notification in the **Gazette** appoint a day on which, and the hours during which, persons entitled to vote under this part may ballot and different days and hours may be appointed in relation to different balloting places:

Provided that any day appointed under this subsection for balloting shall not be more than ten days earlier than the election day or later than five days before the election day.

(2) The Chief Election Officer shall forward to each ballot officer a sufficient number of ballot papers having regard to the names in the copy of the list forwarded by that ballot officer to the Chief Election Officer under section 74D (3) and each such ballot paper shall be stamped by the Chief Election Officer, with the words "DISCIPLINED FORCES".

(3) The ballot officer shall, before the hour appointed for the commencement of balloting under this part at a balloting place, cause to be displayed at the balloting place a list containing the names, and other particulars referred to in section 74D (2), of the persons entitled to ballot under this part at that balloting place, such names being of persons who are, under this part, entitled to vote at a polling place in the district where that balloting place is situate.

(4) The ballot officer shall cause to be supplied to the ballot attendant for a balloting place, the day before the day fixed for balloting at that balloting place, a sufficient number of ballot papers having regard to the names in the list, referred to in subsection (3) of persons entitled to ballot at that balloting place.

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(5) Any person whose name is in a list prepared by a ballot officer under section 74D (1) and who desires to vote at an election may exercise his right to ballot under this part at the balloting place where a list containing his name is displayed under subsection (3).

(6) Nothing in this part shall be deemed to prevent any person whose name is included in a list prepared under section 74D (1) from exercising his right to vote in accordance with any other provision of this Act and not in accordance with this part:

Provided that where any such person desires to vote in accordance with any other provision of this Act he shall intimate the ballot officer in relation to such list wherein his name is included, not later than fifteen days before the day appointed under subsection (1) for balloting at the balloting place where he is entitled to ballot under this part, of his desire so to do and thereupon the ballot officer shall make a note of it in that list and his name shall not be included in the list referred to in subsection (3) or in the copy of the list referred to in section 74D (3) and forwarded by the ballot officer to the Chief Election Officer.

(7) Subject to the provisions of this part, the provisions of this Act in relation to presiding officers and their functions, polling clerks and their functions, polling places, preparation for poll and polling shall *mutatis mutandis* apply respectively to, and in relation to, ballot attendants, ballot clerks, balloting places, preparation for ballot and balloting under this part.

Safe custody
of ballot
boxes until
handed over
to the
returning
officer
on elec-
tion day.

74F. (1) As soon as possible after the expiry of the hour appointed for the closing of balloting in relation to a balloting place, on the day of the balloting, the ballot attendant shall deliver personally the sealed ballot box and the sealed packets to the ballot officer.

(2) The ballot attendant shall be responsible for the safe custody of the ballot box and the aforesaid sealed packets until they are delivered to the ballot officer under subsection (1) and thereafter the ballot officer shall deliver them to the Elections Commission which shall be responsible for their safe custody until the election day.

(3) On the election day, during such hours as may be fixed for that purpose by the Elections Commission by notification in the *Gazette*, the Elections Commission shall at a place to be determined by the Elections Commission count, as provided in subsection (4), the votes from the sealed ballot boxes referred to in subsection (1), received by the Elections Commission from each ballot officer and the persons who balloted in accordance with the preceding provisions of this part shall be deemed for all the purposes of this Act to have cast their votes at the election in the council area or local authority area in which the balloting places were situated.

(4) the votes deemed under subsection (3) to have been cast, at the election, in each council area or local authority area shall be counted separately by the Elections Commission, and the provisions of sections, 84, 94 and 95 shall apply *mutatis mutandis* in relation to the counting of votes under this section, the expression "presiding officer" in section 94 being substituted by the expression "Elections Commission".

(5) The Elections Commission shall, after counting the votes but before the close of poll, on election day, communicate the valid votes cast for each list of candidates to each returning officer for the council area or local authority area in respect of which the votes were cast.

Application
of certain
provisions
relating to
penalties
to balloting
under this
part.

74G. (1) The provisions of sections 118, 121 (1) (a), 125 (a) in so far as it relates to voting on his own behalf, 125 (d) (i) and (ii), 126 (a) and (b), 128, 129, 130 (a), (b), (c), (d), (h) and (i), 130 (e) and (f) in so far as they relate to the vote of any elector at any election, 131 in so far as it relates to voting in person and 136 shall apply in relation to balloting under this part subject to the modification that references therein to —

- (a) poll and voting shall be construed as references to balloting under this part; and
- (b) a poll clerk and presiding siding officer shall be construed as references to a ballot clerk and ballot attendant, respectively.

(2) Subsection (1) shall not be deemed to modify the law relating to any other offences under this Act.

Modifica-
tion, etc. of
provisions
of Act.

74H. (1) In order to give effect to the right of an elector, who is a member of any of the disciplined forces, to exercise his right to ballot in accordance with the provisions of this part, and consistently with the interests of defence, public safety and public order, the Elections Commission may by order direct that the provisions of this Act, other than the provisions of this part, shall apply to, and in relation to, the exercise by members of the disciplined forces of any right they have to vote at an elec-

tion, with such adaptations, modifications, exceptions or qualifications as may be specified in the order.

(2) An order made under subsection (1) shall be subject to negative resolution of the National Assembly.

Over-
riding
effect
of this
part;

74I. The provisions of this part shall have effect notwithstanding anything contained in any other part of this Act.”.

Amendment
of section
98 of the
Principal
Act.

5. Section 98 of the Principal Act is hereby amended by the insertion immediately after the words “section 96” of the words “and taking into account the votes submitted under section 74F”.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Local Authorities (Elections) Act, Cap. 28:03, to provide (as is so provided in the Representation of the People Act, Cap. 1:03, for general elections) for members of the disciplined forces to vote before election day for local government elections, so that they would be free to perform their duties on election day. However, a member of the disciplined forces has the option whether or not to avail himself of this provision. It also empowers the Election Commission to amend the register of voters in certain circumstances.

Samuel Hinds,
Prime Minister.